Bill No.: HB-7197
Title: AN ACT CONCERNING LABELING AND RESTRICTING THE USE OF FLAME RETARDANTS.
Vote Date: 3/22/2019
Vote Action: Joint Favorable Substitute
PH Date: 3/13/2019

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SPONSORS OF BILL:
Public Health Committee

REASONS FOR BILL:
To require manufacturers to include a clearly visible label on consumer products intended for sale that indicates whether the product does or does not contain flame retardant chemicals. The label must also indicate that these chemicals are known or suspected of adversely impacting human health, and that the State of Connecticut has determined that fire safety requirements for this product can be met without their use.

Additionally, HB 7197 prohibits businesses and manufacturers of children’s products from knowingly selling or distributing products that contain added flame retardants. These provisions require that the commissioner of the Department of Consumer Protection implement regulations for violations and penalties, and means of enforcement.

RESPONSE FROM ADMINISTRATION/AGENCY:
Michelle Seagull, Commissioner, Connecticut Department of Consumer Protection (DCP):
DCP supports the intent of the bill but cannot implement the requirements within existing resources. For many years, DCP has worked with the Department of Public health and the Department of Energy and Environmental Protection (DEEP) to address flame retardants. With the help of Trinity College environmental students and Clean Water Action, DCP issued information to consumers about flame retardant dangers. DCP is happy to discuss and explore alternative ways to address this issue that would not incur a fiscal impact for the Department.
**Connecticut Department of Public Health (DPH):**

DPH supports only the concept of the bill since it recognizes the fiscal impact implementation would have on DCP. Evidence shows that organohalogen flame retardants, the most toxic of the flame retardant chemicals, are carcinogenic, cause endocrine disruption and have many other toxic effects on children. DPH has worked to eliminate the use of polybrominated diphenyl ethers (PBDEs) and has highlighted multiple other chemicals known to be of great concern to children's health. In their capacity, DPH and DCP have worked together to expand public knowledge concerning flame retardants and have a joint website dedicated to this issue. The Department suggests that limiting the concentration of these chemicals to no more than 100 parts per million (ppm) will make these products significantly less flammable. DPH welcomes the opportunity to work with DCP and other proponents to address the continuous concerns regarding flame retardants.

**NATURE AND SOURCES OF SUPPORT:**

**Louis Burch, Citizens Campaign for the Environment (CCE):**

CCE supports HB 7197. They present testimony with multiple sources of scientific evidence that prove flame retardant chemicals are highly toxic and adversely affect human health. Specifically, the use of organohalogen flame retardants was found to be of such concern to public health that the Consumer Products Safety Commission recommended that manufacturers discontinue its use. Flame retardant chemicals are currently added to household furniture and consumer products, which the Center for Disease Control and Prevention has estimated to contribute to a staggering 97% of people living in the United States to have measurable quantities of these chemicals in their bodies.

The use of additive flame retardants on household furniture and other products has caused household fires to rise in toxicity. The National Institute for Occupational Safety and Health (NIOSH) and the University of Cincinnati conducted cancer studies comprised of 30,000 and 100,000 firefighters, respectively. These studies showed that compared to the general population, career firefighters had higher rates of several types of cancers, including multiple myeloma, Hodgkin's lymphoma, and prostate cancer.

Organohalogen flame retardants contain the most toxic chemicals. The use of these retardants has been associated with reproductive impairments, neurological impacts, endocrine disruption, genotoxicity, immune disorders and even cancer. They are also indicated as highly concerning for the disproportionate effects they have on fetuses, infants, and young children.

CCE believes it is critical that Connecticut acts swiftly in removing toxic flame retardants from children and consumer products. The State will not be the first to propose and enact such legislation. Our neighboring state of Rhode Island, among others, has passed a flame retardant chemical ban on household furniture and children's products. Should Connecticut follow suit, it would protect future generations and drive manufacturing industries towards safer practices.
Anne Hulick, Connecticut Director, Clean Water Action (CWA), Coordinator, Coalition for a Safe and Healthy Connecticut (CSHC):

Ms. Hulick, CWA and CSHC strongly support the bill. Flame retardants are used as fire deterrents however, they have been found ineffective in retarding flames. There are hundreds of studies and reports that discredit any notion of benefit from their usage, and hundreds that provide overwhelming evidence of their harmful effects. Ms. Hulick refers to the NIOSH cancer study, also referenced in the CCE testimony, which found that career firefighters had higher rates of several types of cancer due to toxic smoke caused by added flame retardants.

Since 1975, California has required flame retardant chemicals to be added to products that contain polyurethane however, in 2013 this law was overturned due to public demand. As a result, manufacturers in California add labels to all their products so as not to risk a violation in its very large market. Connecticut would not face such a labeling burden.

The general consensus of physicians and researchers continues to be to reduce neurodevelopmental disorders in children. To achieve any impact, we must first reduce their exposure to toxic chemicals. Restrictions on flame retardants would significantly assist in reaching this goal.

NATURE AND SOURCES OF OPPOSITION:

Eric Brown, Vice President, Connecticut Business and Industry Association (CBIA):

Mr. Brown and CBIA oppose the bill. While well intentioned, the bill is unnecessary and poses many concerns. HB 7197 would ban flame retardant products that have been determined by safety regulators not to pose unreasonable health risks. Additionally, because this is an uncommon law, it poses enormous logistical challenges and costs for manufacturers to alter their products for Connecticut. CBIA believes that Connecticut should continue working on educating consumers with the most recent health information concerning flame retardants.

Judah Pero, American Chemistry Council (ACC), North American Flame Retardant Alliance (NAFRA):

ACC and NAFRA oppose HB 7197. Part of their objection lies with the broad characterization the bill presents flame retardants, rather than naming specific products that may be harmful. Flame retardants are very versatile and this approach is unscientific. Banning such products poses a risk to innovation, and preemptively concludes that something will be dangerous even if that product has not been invented. Current products in the market containing flame retardants are regularly reviewed by safety regulators around the world who have determined that they do not present a health risk. It is unknown how Connecticut came to the conclusion that the products may be harmful.

ACC and NAFRA are also concerned that by banning the use of flame retardants, Connecticut will place its citizens and first responders at risk of fire hazards. Additionally, the bill will place high costs on manufacturers and the State of Connecticut. The Council and the Alliance support a transparent and science based system of regulations which would provide the needed protections and chemical safety.
Dan Moyer, Senior Manager, Environmental Law and Policy Initiatives, Consumer Technology Association (CTA):

CTA opposes many aspects of the bill, although they appreciate the exclusion of consumer electronics from the definition of children’s products. While HB 7197 recognizes that electronics must often use flame retardants in order to comply with safety regulations, it fails to recognize that many children products contain hidden electronics. An example of this would be motorized baby swings which require printed circuit boards and wiring, and must utilize flame retardants. Taking this into consideration, CTA respectfully requests that electronic components also be exempted from the definition.

Another concern of CTA is the fiscal impact the labeling requirement would impose on manufacturers while providing limited information to consumers. Additionally, the required statement on the label indicating that Connecticut has determined flame retardants are not necessary to meet fire safety requirements for the product would be incorrect. The Association does not believe that the State has performed the necessary analysis to reach this conclusive statement. Reiterating a prior point, CTA believes that should the Public Health Committee consider the bill further, they must exempt electronic components from the definition of children’s products.

Additional sources of opposition include:

Tim Phelan, President, Connecticut Retail Merchants Association
American Apparel and Footwear Association

Reported by: Valentina Mehmeti Date: 3/26/19