

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-255

Title: AN ACT CONCERNING FLAME RETARDANTS.

Vote Date: 3/11/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/7/2022

File No.: 144

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SPONSORS OF BILL:

The Public Health Committee

REASONS FOR BILL:

Starting January 1, 2023, this bill requires consumer products, excluding mattresses and children's products used for personal or household purposes, to include a label that is clearly visible and indicates whether the product contains flame retardant chemicals. Also, the bill prohibits wholesale and retail businesses and manufacturers from knowingly selling, offering for sale, or distributing a children's product that contains added flame retardant chemicals. The bill also requires the commissioner of the Department of Consumer Protection (DCP) to adopt implementing regulations that must establish the minimum penalty for manufacturer violations as well as enforce the provisions of this bill.

RESPONSE FROM ADMINISTRATION/AGENCY:

Michelle Seagull, Commissioner, CT Department of Consumer Protection (DCP):

DCP appreciates the intent of this bill, but cannot support it in its present form. Currently, the staffing levels and fiscal constraints of the agency will make it impossible to implement the provisions of the bill within existing resources. Our agency has worked jointly with the Departments of Public Health (DPH) and the Department of Energy and Environmental Protection (DEEP) on this important issue for several years and will continue to work on this important issue.

NATURE AND SOURCES OF SUPPORT:

Nancy Alderman, President, Environment and Human Health, Inc:

Ms. Alderman supports the provisions in this bill that would ban chemical flame retardants in children's and infant products with an exception for car seats and requires manufacturers to

label consumer products which may contain chemical flame retardants. Both requirements are extremely important. Banning toxic chemical flame retardants in children and infant products is so important for the health of our children. Required labeling will give consumers the ability to choose which product they want to purchase.

Others in Support

Susan Eastwood, Ashford, CT
Stacy Prince, Westport CT

NATURE AND SOURCES OF OPPOSITION:

Ryan Trainer, President, International Sleep Products Association:

The labeling requirement for mattresses is federally preempted. The definition of flame retardant chemical should be narrowed because it would prohibit mattress manufacturers from selling mattresses in Connecticut that meet the Consumer Products Safety Commission (CPSC's) mattress flammability standards. S.B. 255 should exempt sewing thread for mattresses and S.B. 255 should apply at most to crib mattresses, and not to adult mattresses used by children.

Wayne Weikel Senior Director, State Affairs, Alliance for Automotive Innovation:

While automakers have already eliminated several PDBE flame retardants and are currently phasing out the use of deca-BDE, the use of flame retardants is still required. Based on the language of SB 255 as currently drafted, it is clear automobiles and automobile components are not subject to the provisions of the bill relating to a "children's product," as a clear exemption is provided for child seats. While presumably not the intended target of this legislation, a very strict reading of this text may be interpreted to include automobiles and automobile components. As such, we are asking for additional language, like the carve-out provided in the definition of a "children's product," to clarify the application of this legislation to automobiles and automobile components, as regulated by 49 CFR 571.

Dan Moyer, Sr. Manager, Environmental Law & Policy, Consumer Technology Association, (CTA):

CTA is opposed to the labeling requirements in Senate Bill No. 255 which require a label on any consumer product used for personal, family, or household purposes except children's products. Adding a label to all consumer products would be very costly to manufacturers while providing limited informational benefit to consumers. The proposed label requires, in part, a specific statement that, "The state of Connecticut has determined that the fire safety requirements for this product can be met without adding flame retardant chemicals." This statement would be incorrect for products with electronic components because these products do utilize flame retardants to both meet flammability standards and function safely. While we appreciate the exclusion of consumer electronics from the definition of "children's product" in Senate Bill No. 255, an exclusion should also be extended to include electronic components of children's products.

Reported by: David Rackliffe, Assistant Clerk

Date: March 17, 2022

