

# The Washington Post

[Back to previous page](#)

## Wal-Mart bypasses federal regulators to ban controversial flame retardant

By Lyndsey Layton, Friday, February 25, 10:46 AM

Wal-Mart is banning a controversial flame retardant found in hundreds of consumer goods, from couches to cameras to child car seats, telling its suppliers to come up with safer alternatives.

In perhaps the boldest example yet of “retail regulation,” Wal-Mart is stepping ahead of federal regulators and using its muscle as the world’s largest retailer to move away from a class of chemicals researchers say endanger human health and the environment.

“This really shows the market being able to move more decisively than the government,” said Andy Igrejas, national campaign director of [Safer Chemicals, Healthy Families](#), a coalition of environmental and public health groups pushing for tougher federal chemical laws.

Increasingly, retailers are barring specific chemicals from products in their stores in response to concerns from consumers and advocacy groups. In 2006, for example, Whole Foods became the first national retailer to ban bisphenol A, or BPA, from baby bottles and children’s cups. Health advocates had raised questions about the safety of BPA, a widely used component in plastic that has been linked to reproductive problems, cancer and other health disorders in laboratory animals.

Two years later, [Toys R Us, Wal-Mart and other chains followed suit](#), despite the fact that federal regulators permit the use of BPA and that the chemical industry attests to its safety.

In 2007, the parent company of Sears and Kmart announced plans [to phase out polyvinyl chloride, or PVC](#), from products and packaging out of concern that a chemical it contains could disrupt the endocrine system in humans and cause other health effects.

Now, Wal-Mart has turned its sights on polybrominated diphenyl ethers, or PBDEs, a class of compounds used since 1976 as flame retardants in electronics, furniture, sporting goods, pet supplies, curtains and toys, among other things. In a recent notice to suppliers, the company said it would begin testing June 1 to make sure products do not contain PBDEs.

Studies have linked the chemicals to problems with the liver, thyroid and reproductive systems and brain development in laboratory animals.



## **Ban by handful of states**

A spokesman for Wal-Mart said the company quietly made the decision to ban PBDEs from some products “several years ago” but just recently reminded suppliers that it would begin verification testing in June. Spokesman Lorenzo Lopez said Wal-Mart was motivated to act after a handful of states began banning PBDEs.

Last year, the Environmental Protection Agency cited PBDEs as “chemicals of concern” and said it intended to try to limit any new use of them. But that proposal has been stuck in bureaucratic review.

The nation’s chemical laws, created 35 years ago, make it extremely difficult for the federal government to ban or restrict a chemical’s use. Regulators must prove a chemical poses a clear health risk, but the EPA has sufficient health and safety data for only about 200 of the 84,000 chemicals in commerce in the United States.

The hurdles are so high that the agency has been unable to ban asbestos, widely acknowledged as a likely carcinogen and barred in more than 30 countries.

“Wal-Mart has taken an important step toward protecting children and families from exposure to toxic chemicals,” said Steve Owens, assistant administrator of the EPA’s Office of Chemical Safety and Pollution Prevention. “EPA has long had concerns about PBDEs.”

Researchers say PBDEs easily leach out of household products, ending up in dust, air, food and, eventually, human bodies. Levels of the chemicals in the environment have dramatically increased over the past 20 years, as have levels in human blood and breast milk samples, according to federal researchers.

Federal studies have shown that nearly all Americans carry the chemicals in their bodies, and young children show higher levels. A 2010 study found that children born with higher concentrations of PBDEs scored lower on tests of mental and physical development between the ages of 1 and 6.

## **The ‘Pig Pen’ effect**

“Every time you sit on the couch there’s a little ‘Pig Pen’ effect, a little poof,” said Kathy Curtis of the Environmental Health Fund. “You adjust your computer screen and a little bit comes off, and you pick up the sandwich and take a bite and now it’s in your body. This stuff is everywhere.”

Some manufacturers have redesigned products to avoid the need for chemical flame retardants, Curtis said. For instance, some mattresses are encased in Kevlar, so that a flame would be extinguished before it reaches the flammable cotton of the mattress, she said. Others are choosing alternative chemicals, but those might also carry some health risks, Curtis said.

The only way a consumer can tell whether a product contains PBDEs is to ask the manufacturer, consumer advocates say.

About a dozen states have banned two of the three types of PBDEs used in consumer goods, known as “octa” and “penta.” Four states have also banned the third form, known as “deca,” which is the most prevalent.

The U.S. companies that make the chemicals have either stopped producing them or agreed to phase them out by next year, but there is no federal ban on their presence in consumer products, including the imported goods that are ubiquitous on store shelves.

The American Chemistry Council has been helping Wal-Mart design tests for the presence of PBDEs, said Kathryn St. John, a spokeswoman for the trade group.

“We recognize the challenges that Wal-Mart faces in managing a complex, global supply chain,” said Mike Walls, vice president of regulatory and technical affairs at the council, adding, “Industry is committed to producing flame retardants that save lives and meet fire-safety standards for evolving consumer products.”

The council has defended the safety of PBDEs in the past, saying in 2008 that the chemicals were safe to use in baby furniture.

In the absence of federal action, state legislatures have been enacting bans on controversial chemicals, creating a patchwork of restrictions and a regulatory challenge for companies.

Several members of Congress have been pushing to reform chemical laws to make it significantly easier for the EPA to restrict or ban chemicals that are known hazards.

But retail regulation may prove a faster route, observers say.

“This will have both direct and indirect ripple effects,” said Richard Denison, senior scientist at the Environmental Defense Fund. “The companies producing for Wal-Mart are not going to make a special line for them and another line with those chemicals for everyone else. And this is going to make it easier for other retailers to follow suit.”

**laytonl@washpost.com**

#### **Sponsored Links**

##### **Study: Skin Wrinkles Gone**

Local Mom Discovers \$5 Trick to Look 10 yrs Younger. See Her Results  
[www.vanityreports.com/wrinkle-free](http://www.vanityreports.com/wrinkle-free)

##### **Top Stock for 2011 - GTSO**

Desperate Search For Rare Earth Minerals Solved. Rare Opportunity  
[www.RareEarthExporters.com](http://www.RareEarthExporters.com)

##### **Mom Is 55, Looks 35...**

Her clever \$5 wrinkle therapy angers Botox Doctors. We reveal how...  
[consumer2news.com/no-wrinkle](http://consumer2news.com/no-wrinkle)

**[Buy a link here](#)**

© 2011 The Washington Post Company