



**Testimony of
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**On Behalf of
Juvenile Products Manufacturers Association**

**Before the
Alaska House Resources Committee
April 3, 2019**

**Opposition to House Bill 27
Regulation of Flame Retardant Chemicals**

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Representatives Lincoln, Tarr and members of the House Resources Committee, the Juvenile Products Manufacturers Association (JPMA) appreciates this opportunity to comment on House Bill 27 to require labeling of children's products with flame retardant chemicals. JPMA highlights critical concerns with the overly broad nature of the legislation and potential negative impacts on internal and inaccessible electronic and electrical components and other regulated juvenile product categories that are already undergoing review for this exact issue at the federal level.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products. We have also previously supported efforts to **reduce required use of flame retardants** in polymeric upholstery materials in juvenile products where feasible. However, we must oppose duplicative and unnecessary blanket flame retardant bans, like House Bill 27 that lack a reasonable de minimis threshold or scientific basis of risk to human health.

Ongoing Work to Eliminate Flame Retardants

JPMA is committed to safety and has worked with the U.S. Consumer Product Safety Commission (CPSC), the State of California, and other states to achieve regulations that benefit consumers and ensure and advance product safety. For example, in the development and implementation of the revised California Technical Bulletin 117-2013, JPMA was actively engaged in the regulatory process and worked collaboratively with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI), consumer groups, and environmental advocates.

The result was an agreement that juvenile products would be exempted from California's strict flammability standard. These exemptions provided manufacturers with the relief necessary to reduce or eliminate the required use of certain restricted flame retardant chemicals in many juvenile products, while affording consumers a wider choice of products to aid in the protection and care of their children. Since the implementation of TB117-2013, our manufacturers have moved away from the use of certain flame retardants identified as potentially hazardous in California since they are no longer required by law to meet California's flammability standard.

Duplication with Federal Rulemaking

It also should be noted that potentially preemptive federal action is moving forward at the federal level, that JPMA is engaged in, and would specifically be duplicative of House Bill 27. In September 2017, the Consumer Product Safety Commission (CPSC) voted to grant a petition to prohibit the use of additive organohalogen flame retardants in: children's products; upholstered residential furniture; mattresses; and the external casings of electronics devices. The commission's action does not immediately ban these chemicals, but it directs the CPSC staff to begin drafting a regulation under the Federal Hazardous Substances Act (FHSA) and to convene a Chronic Hazard Advisory Panel (CHAP). This is a group of experts charged with sifting through scientific evidence to inform the process. The result of this process is likely to be a comprehensive preemptive federal safety regulation that addresses the same issues as considered in HB 27.

Unintended Consequences of Bans

While removal and avoidance of flame retardants is feasible in some circumstances - it is not in others and if House bill 27 is passed, there would be broad bans of life saving juvenile products that require flame retardants to meet safety and performance standards. Specifically, child restraining systems (CRS) or car seats are an example of a product where every component must meet stringent FMVSS 302, flammability standards administered by the U.S. National Highway Traffic Safety Administration.

Additionally, electronic components in nursery monitors that help check baby's movement and respiration – particularly for newborns and premature births – rely on electronic components that must meet stringent UL flammability requirements. Even if no flame retardant is used in any other parts of the product – and the component does not have any exposure to a child – these products would likely be banned under this legislation.

Finally, electrical components are often sourced from third-party suppliers specializing in the manufacture of such components, such as integrated circuit boards and sensors purchased contingent on the components meeting all applicable UL standards. Juvenile products manufacturers rely on technology producers to ensure that these components are safe for use in products that are manufactured specifically for infants, toddlers and their caregivers. While elimination of flame retardants in some cases can be achieved by the juvenile product maker, in this case, the manufacturer is prevented from doing so via the flame standard and does not manufacture the actual components in question.

Every state that has passed flame retardant restrictions impacting juvenile products have exempted electronic components and child-restraining systems (car seats), including: Minnesota, Washington, Maine and Vermont and even the city of San Francisco and Anchorage, Alaska.

Labeling is Unnecessary

It is important to note that JPMA members' products are already highly regulated under the Federal Hazardous Substances Act, as referenced above with pending action. The FHSA restricts acute and chronic hazardous exposure to children from children's products and creates a comprehensive approach to hazards that might be posed from juvenile product exposures. JPMA has long supported the concept that consumers should be able to choose products made with natural materials for the care of their children, but these types of labeling requirements create confusion in the marketplace.

Because of JPMA's efforts noted above, previous labeling requirements have been repealed in California. As a result, products exempt from the TB117- 2013 flammability standard no longer require an exempt flammability label (disclosure label indicating non-compliance with TB117-2013). Under the former standard, retailers would not sell a product in their stores if the product was labeled as noncompliant, regardless of whether an exemption is already in place. This exemption provides JPMA manufacturers and the retail companies we work with the peace of mind to know that all our products meet the highest safety standards required by law in California and labeling no longer causes confusion.

Finally, California considered nearly identical legislation to House Bill 27 in 2015 and rejected this exact labeling requirement, because the consensus was that current safety requirements are effective and labeling would not improve consumer safety. **No other state or jurisdiction in the world requires this type of labeling for juvenile products.**

Anchorage Alaska Approach

Finally it should be noted, that the City of Anchorage's Assembly has now passed AO-2019-15(S), on March 19, 2019. JPMA worked with the City and various Assembly members on this ordinance, and while not perfect, it is a reasonable approach. We appreciate that this ordinance does exempt CRS and electronic components and does not have a labeling provision for juvenile products.

If the Legislature is going to move forward with legislation, it must be amended to be consistent with Anchorage's approach.

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss House Bill 27 and our industry's role in ensuring safety for juvenile products. However, JPMA respectfully requests that the Committee consider the negative consequences and unnecessary nature of this legislation and not recommend its passage and consider necessary amendments if the bill is to move forward. Thank you for your consideration in this matter.