

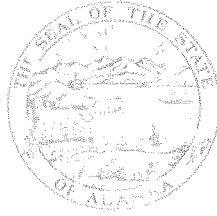
# ALASKA STATE LEGISLATURE

## Session

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Resources Committee

State Affairs Committee

Joint Armed Services Committee

Judiciary Committee

Senator.Bill.Wielechowski@akleg.gov

## SENATOR BILL WIELECHOWSKI

### MEMO

**To:** Senator Mia Costello

Chair – Senate Labor and Commerce Committee

**From:** Senator Bill Wielechowski

A handwritten signature in dark ink, appearing to read "Bill Wielechowski", is written over the "From:" line.

**Date:** 15 February 2016

**Subject:** Answers to questions during SB111 hearing

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Please find answers below to the committee's questions during the hearing on SB111 in the Senate Labor and Commerce Committee.

#### **Is the short title broader than the bill?**

The intent of the sponsor is to limit the bill's scope to upholstered furniture and children's items. The scope is reflected in a legal opinion which is attached that clarifies the definition for "children's items."

Flame retardants are most harmful when they are used in the amounts needed for couches, love seats, and other upholstered furniture or when they are included in items that are used primarily for or by a child.

The bill seeks to limit the amount of harmful flame retardants used in these two instances. For furniture, harmful effects come when pounds of material are used to increase the efficacy of the chemical against flames. For children's items, the concern arises from the propensity of children to put toys in their mouths, increasing their absorption of the chemical.

**How to differentiate between non-harmful and harmful chemicals being referred to in the bill?**

With California's recent ban of these most harmful flame retardants, many of the country's largest manufacturers have begun voluntarily phasing out PBDEs. Out of country manufacturers, though, remain a problem.

Labeling requirements under SB 111 would allow consumers to make the choice with the most available information.

Many companies, even many in Alaska, have voluntarily removed flame retardants from their products. This bill captures any remaining stragglers and asks furniture manufacturers to label products that do contain flame retardants.

### Product Comparisons—For SB 111

#### Product: Recliners\*

<u>Manufacturer</u>	<u>Labelling</u>	<u>Cost</u>
<u>Country where made</u>		
Burlington/Ashley U.S.	TB117-2013—does not contain flame retardants	349.99
Millikin/Ashley U.S.	TB117-2013—does not contain flame retardants	299.99
Nicholas China	No label (likely to contain flame retardants)	499.99
Emerald Home China	No label (likely to contain flame retardants)	299.99
Lawrence China	TB117-2013—does not contain flame retardants	449.99

Conclusion: recliners with and without flame retardants are of comparable cost. Some recliners with flame retardants cost more. Manufacturers can meet flammability standards without the use of chemical flame retardants. Since polyurethane foam in the U.S. for residential furniture is most commonly made without flame retardants, low-cost domestic and foreign manufacturers may not make the effort to seek that out unless required by law.

\* These products were all available at Fred Meyer.

#### Product: Sofas\*

<u>Manufacturer</u>	<u>Labelling</u>	<u>Cost</u>
<u>Country where made</u>		
Nicholas Lakeview China	TB117-2013—does not contain flame retardants	699.99
Ashley Signature U.S.	TB117-2013—does not contain flame retardants	549.99
Ashley San Juan U.S.	TB117-2013—does not contain flame retardants	549.99
Ashley Bailey U.S.	TB117-2013—does not contain flame retardants	449.99

Conclusion: Sofas sold at Fred Meyers are labelled as containing no flame retardants. Manufacturers can meet flammability standards without the use of chemical flame retardants. Since polyurethane

foam in the U.S. for residential furniture is most commonly made without flame retardants, low-cost domestic and foreign manufacturers may not make the effort to seek that out unless required by law.  
\* These products were all available at Fred Meyer.

### **How will this affect Alaska businesses?**

Many of the largest retailers in Alaska, and around the country, have voluntarily removed flame retardants from their products upon the passage of a flame retardant ban similar to SB 111 in California.

That said, manufacturers from China continue to use some of the more harmful chemicals referenced in the bill which would be limited. Those products that contain the limited amount of the chemical must be labeled.

### **Wouldn't this be better dealt with at the federal level? And has that been pursued?**

The Federal Environmental Protection Agency has been looking at flame retardants, along with other household chemicals that threaten human health, for more than 20 years. In 2005, following the EPA's strong recommendations, US industry began phasing out the most harmful of flame retardants, PBDEs.

Tris, the chemical under discussion in SB111, continues to be on the list of worrisome chemicals upon which the EPA has not taken action. Public comment periods are out for new regulations which would more strictly regulate these compounds under the Toxic Controlled Substances Act. The current version of the TCSA reauthorization contains provisions that allow for states to consider toxic chemicals and enact further regulations through a waiver process.