

113TH CONGRESS
1ST SESSION

H. R. 2934

To amend the Consumer Product Safety Improvement Act of 2008 to ban flame retardant chemicals from use in resilient filling materials in children's products.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Ms. DELAURO (for herself, Ms. LEE of California, Ms. MOORE, Ms. SLAUGHTER, Mr. RANGEL, and Ms. MENG) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Consumer Product Safety Improvement Act of 2008 to ban flame retardant chemicals from use in resilient filling materials in children's products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Decrease Unsafe Tox-
5 ins Act".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Consumer Product Safety Improvement
9 Act of 2008 establishes safety requirements for chil-

1 dren’s products. The Act identifies lead and
2 phthalates as chemicals of concern to be reduced or
3 eliminated in children’s products due to their tox-
4 icity. Certain flame retardants used in children’s
5 products should also be considered banned haz-
6 ardous substances and eliminated from use in resil-
7 ient filling materials in certain cushioned children’s
8 products.

9 (2) Organohalogen and organophosphorous
10 flame retardants are used in some children’s cush-
11 ioned products to meet various flammability stand-
12 ards. In a 2011 study published in Environmental
13 Science and Technology, over 80 percent of the chil-
14 dren’s cushioned products tested were found to con-
15 tain at least one flame retardant chemical.

16 (3) Children in the United States have some of
17 the highest levels of polybrominated diphenyl ethers
18 (PBDEs) in their bodies globally. In fact, toddlers
19 have three times the blood levels of their mothers of
20 the toxic flame retardant pentaBDE.

21 (4) Research has shown that flame retardants
22 have been associated with cancer, immune, and en-
23 docrine disruption, developmental impairment, birth
24 defects, and reproductive dysfunction.
25 Organohalogen and organophosphorous flame

1 retardants are often toxic, and are associated with
2 reduced IQ (similar to lead poisoning), hyperactivity,
3 reduced fertility, birth defects, and hormonal
4 changes.

5 (5) According to the Federal Centers for Dis-
6 ease Control and Prevention, infants and children
7 are especially vulnerable to exposure to flame
8 retardants through ingestion of contaminated dust
9 via hand-to-mouth contact. Children crawl and play
10 on floors, put objects in their mouths, and are gen-
11 erally closer to the ground where dust settles.

12 (6) Flame retardant chemicals in children’s
13 cushioned products are unnecessary. Studies show
14 that there is no measurable fire safety benefit to
15 California’s Furniture Flammability Standard Tech-
16 nical Bulletin (TB117). Also, these products contain
17 small amounts of resilient filling material compared
18 to adult upholstered furniture, and thus do not
19 present a significant fire hazard as a fuel source.

20 (7) Strollers, infant carriers, and nursing pil-
21 lows have been exempt from California’s TB117
22 since 2010 and the proposed revision of California’s
23 Flammability Standard (TB117–2013) includes a
24 provision to exempt 17 more baby and infant prod-
25 ucts from the standard. This is due to the State

1 agency’s understanding that these products do not
2 present a significant fire hazard.

3 (8) Banning the use of flame retardant chemi-
4 cals in children’s products would help reduce unnec-
5 essary health risks to children associated with expo-
6 sure to chemicals that do not add a fire safety ben-
7 efit.

8 **SEC. 3. BAN ON FLAME RETARDANT CHEMICALS IN THE RE-**
9 **SILIENT FILLING MATERIALS IN CERTAIN**
10 **CHILDREN’S PRODUCTS.**

11 (a) IN GENERAL.—Title I of the Consumer Product
12 Safety Improvement Act of 2008 (Public Law 110–314)
13 is amended by adding at the end the following new section:

14 **“SEC. 109. BAN ON FLAME RETARDANT CHEMICALS IN THE**
15 **RESILIENT FILLING MATERIALS IN CHIL-**
16 **DREN’S PRODUCTS.**

17 “(a) IN GENERAL.—Any children’s cushioned prod-
18 uct that is manufactured on or after the date that is one
19 year after the date of the enactment of the Decrease Un-
20 safe Toxins Act that contains more than 1,000 parts per
21 million flame retardant chemical by weight in the filling
22 material used to make such product shall be treated as
23 a banned hazardous substance under the Federal Haz-
24 ardous Substances Act (15 U.S.C. 1261 et seq.).

25 “(b) DEFINITIONS.—

1 “(1) CHILDREN’S CUSHIONED PRODUCT.—In
2 this section, the term ‘children’s cushioned product’
3 means a children’s product (as defined in section
4 3(a)(2) of the Consumer Product Safety Act (15
5 U.S.C. 2052(a)(2))) that contains resilient filling
6 materials, such as high chairs, strollers, infant walk-
7 ers, booster seats, car seats, changing pads, floor
8 play mats, highchair pads, highchairs, infant swings,
9 bassinets, infant seats, infant bouncers, nursing
10 pads, playards, playpen side pads, infant mattresses,
11 infant mattress pads, and portable hook-on chairs.

12 “(2) FLAME RETARDANT CHEMICAL DE-
13 FINED.—In this section, the term ‘flame retardant
14 chemical’ means an organohalogen or
15 organophosphorous compound.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of the Consumer Product Safety Improvement Act of 2008
18 (Public Law 110–314) is amended by inserting after the
19 item relating to section 108 the following:

“Sec. 109. Ban on flame retardant chemicals in the resilient filling materials
in children’s products.”.

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