

110TH CONGRESS  
1ST SESSION

# H. R. 4030

To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2007

Ms. HOOLEY (for herself, Ms. SOLIS, and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates.

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 "Children's Chemical  
5 Risk Reduction Act".

6 **SEC. 2. BAN ON CERTAIN PRODUCTS CONTAINING**  
7 **PHTHALATES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) phthalates are a class of chemicals used in  
10 polyvinyl chloride (PVC) plastic to improve flexibility

1 and in cosmetics to bind fragrance to the product  
2 and are used in many products intended for use by  
3 young children, including teething rings, toys, and soft  
4 plastic books;

5 (2) there is extensive scientific literature report-  
6 ing the hormone-disrupting effects of phthalates and  
7 substantial evidence of phthalates found in humans  
8 at levels associated with adverse effects.

9 (b) BANNED HAZARDOUS SUBSTANCE.—Effective  
10 January 1, 2009, any children’s product or child care arti-  
11 cle that contains a phthalate shall be treated as a banned  
12 hazardous substance under the Federal Hazardous Sub-  
13 stances Act (15 U.S.C. 1261 et seq.) and the prohibitions  
14 contained in section 4 of such Act shall apply to such  
15 product article.

16 (c) PROHIBITION ON USE OF CERTAIN ALTER-  
17 NATIVES TO PHTHALATES IN CHILDREN’S TOYS AND  
18 CHILD-CARE PRODUCTS.—

19 (1) IN GENERAL.—If a manufacturer modifies a  
20 children’s product or child care article that contains  
21 a phthalate to comply with the ban under subsection  
22 (b), such manufacturer shall—

23 (A) use an alternative to phthalates that is  
24 the least toxic; and

1 (B) not use any of the prohibited alter-  
2 natives to phthalates described in paragraph  
3 (2).

4 (2) PROHIBITED ALTERNATIVES TO  
5 PHTHALATES.—The prohibited alternatives to  
6 phthalates described in this paragraph are the fol-  
7 lowing:

8 (A) Carcinogens rated by the Environ-  
9 mental Protection Agency as Group A, Group  
10 B, or Group C carcinogens.

11 (B) Substances described in the List of  
12 Chemicals Evaluated for Carcinogenic Potential  
13 of the Environmental Protection Agency as fol-  
14 lows:

- 15 (i) Known to be human carcinogens.  
16 (ii) Likely to be human carcinogens.  
17 (iii) Suggestive of being human car-  
18 cinogens.

19 (C) Reproductive toxicants identified by  
20 the Environmental Protection Agency that  
21 cause any of the following:

- 22 (i) Birth defects.  
23 (ii) Reproductive harm.  
24 (iii) Developmental harm.

25 (d) DEFINITIONS.—As used in this Act—

1           (1) the term “children’s product” means a toy  
2 or any other product designed or intended by the  
3 manufacturer for use by a child;

4           (2) the term “child care article” means any  
5 product designed or intended by the manufacturer to  
6 facilitate sleep, relaxation, or the feeding of children,  
7 or to help children with sucking or teething; and

8           (3) the term “children’s product or child care  
9 article that contains a phthalate” means—

10           (A) a children’s product or a child care ar-  
11 ticle any part of which contains any combina-  
12 tion of di-(2-ethylhexyl) phthalate (DEHP),  
13 dibutyl phthalate (DBP), or benzyl butyl  
14 phthalate (BBP) in concentrations exceeding  
15 0.1 percent; and

16           (B) a children’s product or a child care ar-  
17 ticle intended for use by a child less than 3  
18 years of age that—

19                   (i) can be placed in a child’s mouth;

20                   and

21                   (ii)(I) contains any combination of  
22 diisononyl phthalate (DINP), diisodecyl  
23 phthalate (DIDP), or di-n-octyl phthalate  
24 (DnOP), in concentrations exceeding 0.1  
25 percent; or

1                   (II) contains any combination of di-  
2                   (2-ethylhexyl) phthalate (DEHP), dibutyl  
3                   phthalate (DBP), benzyl butyl phthalate  
4                   (BBP), diisononyl phthalate (DINP),  
5                   diisodecyl phthalate (DIDP), or di-n-octyl  
6                   phthalate (DnOP), in concentrations ex-  
7                   ceeding 0.1 percent.

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