

110TH CONGRESS
1ST SESSION

S. 2275

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2007

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

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 of 2007".

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

8 (a) FINDINGS.—Congress finds that—

1 (1) phthalates are a class of chemicals used in
2 polyvinyl chloride (PVC) plastic to improve flexibility
3 and in cosmetics to bind fragrance to the product
4 and are used in many products intended for use by
5 young children, including, teething rings, toys, and soft
6 plastic books; and

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

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

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

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

1 (A) use an alternative to phthalates that is
2 the least toxic; and

3 (B) not use any of the prohibited alter-
4 natives to phthalates described in paragraph
5 (2).

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

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

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

17 (i) Known to be human carcinogens.

18 (ii) Likely to be human carcinogens.

19 (iii) Suggestive of being human car-
20 cinogens.

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

24 (i) Birth defects.

25 (ii) Reproductive harm.

1 (iii) Developmental harm.

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

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

6 (2) the term “child care article” means all
7 products designed or intended by the manufacturer
8 to facilitate sleep, relaxation, or the feeding of chil-
9 dren, or to help children with sucking or teething;
10 and

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

13 (A) a children’s product or a child care ar-
14 ticle any part of which contains any combina-
15 tion of di-(2-ethylhexyl) phthalate (DEHP),
16 dibutyl phthalate (DBP), or benzyl butyl
17 phthalate (BBP) in concentrations exceeding
18 0.1 percent; and

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

22 (i) can be placed in a child’s mouth;
23 and

24 (ii)(I) contains any combination of
25 diisononyl phthalate (DINP), diisodecyl

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

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