

Reducing Toxic Chemicals in Children's Products - Focus on Safer Alternatives

Proposed Legislation

Current law

Washington's Children's Safe Products Act, passed in 2008, gave Ecology the authority to identify and prioritize toxic chemicals in children's products. Ecology has identified a draft list of chemicals of high concern and has now filed draft rules to carry out the data collection portion of the law. When these rules take effect, manufacturers will report to Ecology on the amount of these chemicals contained in the children's products they make.

Additional steps needed

Identifying chemicals of concern and then disclosing use of these chemicals are the first steps towards making sure children's products are safe. However, these steps alone are not enough. To prevent avoidable harm to children we need to make sure that manufacturers look for and use safer alternatives to these chemicals where appropriate, and that in doing so, they don't switch to something that may be just as bad.

Ecology's proposal

Ecology is seeking additional legislative authority to require manufacturers of priority children's products to assess alternatives and determine if the product can be made more safely. The best way to reduce the potential for harm caused by use of toxic chemicals in children's products is not to use these chemicals in the first place. The key to achieving that goal is to be mindful of potential unintended consequences by requiring manufacturers to search for safer alternatives to these chemicals, and encouraging them to use these safer alternatives when they are found.

How it will work

The bill establishes a two-step process for identifying priority products that require alternatives assessment. In the first step, Ecology will use the information reported under the current law to develop a list of products to be considered for alternatives

Why it matters

Children in the U.S. are exposed to a variety of toxic chemicals at an early age.

New research on many widely used chemicals in products now shows that harm can occur at doses that only a few years ago were thought to be safe.

Almost no information is available on the combined effects of exposure to many different toxic chemicals. And we know very little about how chemicals affect the normal development of fetuses and infants.

Preventing the use of chemicals of concern by switching to safer alternatives will:

- Improve the safety of children's products.
- Reduce the potential for children to be exposed.
- Help avoid the use of a regrettable substitute that may be just as harmful as the chemical it replaced.

Special accommodations

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assessment. Ecology will select this list based on how toxic the chemicals in the products are, how widely children are exposed to those chemicals, and whether there are likely to be safer alternatives to those chemicals.

In the second step, the Department of Health will prioritize Ecology's list and identify those products with the highest potential to expose children to chemicals of concern. Ecology will seek public comment on this list and identify priority products. Manufacturers of priority products may be required to conduct an alternatives assessment to determine if safer alternatives to the chemicals of concern are available.

Ecology and the Department of Health would also be required to work with stakeholders to develop guidance for conducting alternatives assessments. The public will be invited to comment on both the guidance and on alternatives assessments that are submitted to Ecology. Ecology and the Department of Health will review the assessments and report their findings to the Legislature.

How it will benefit Washington

Existing federal standards are outdated and require government and taxpayers to bear the burden of understanding the effects of the tens of thousands of chemicals manufacturers use. With increasing evidence that environmental exposures to chemicals of concern are already affecting the health of our children it is important to err on the side of protecting them. Requiring manufacturers to reevaluate their use of chemicals of high concern to children is key.

Prioritizing products allows government to focus scarce resources on those products that pose the biggest risks to children. Requiring manufacturers to disclose their use of priority toxic chemicals and to actively search for safer alternatives will influence how products are made and help policy makers determine if additional steps are appropriate to protect children's health. Ultimately, when we avoid the use of toxic chemicals in products, we prevent exposures to those chemicals, help avoid the costs of health care, reduce the potential for these chemicals to be released into the environment and avoid possible future toxic cleanups.

More information

- Children's Safe Product Act (CSPA) proposed amendments
<http://www.ecy.wa.gov/programs/swfa/cspa/>
- Children's Safe Products Act rulemaking
<http://www.ecy.wa.gov/programs/swfa/rules/ruleChildSafe.html>

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CSPA Current Rulemaking

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