

**HOUSE . . . . . No. 2119**

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prohibit the distribution in commerce of children's products and upholstered furniture containing certain flame retardants, and for other purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>

*Chris Walsh*  
*Paul R. Heroux*

*6th Middlesex*  
*2nd Bristol*

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**HOUSE . . . . . No. 2119**

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2119) of Marjorie C. Decker and others for the establishment of a chronic hazard advisory panel to study and make recommendations relative to children’s products and upholstered furniture containing certain flame retardants. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act to prohibit the distribution in commerce of children's products and upholstered furniture containing certain flame retardants, and for other purposes.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. SHORT TITLE. This Act may be cited as the "Children and Firefighters  
2 Protection Act of 2014."

3 SEC. 2. PROHIBITION ON SALE OF CERTAIN PRODUCTS CONTAINING  
4 SPECIFIED FLAME RETARDANTS.

5 (a) DEFINITIONS.—In this section, the terms “chil- dren’s product”, “consumer  
6 product”, “distribute in com- merce”, “distributor”, “import”, “manufacturer”, “re- tailer”,  
7 and “United States” have the meanings given such terms in section 3(a) of the Consumer

8 Product Safe- ty Act (15 U.S.C. 2052(a)). (b) PROHIBITION.—It shall be unlawful for any  
9 man- ufacturer, distributor, or retailer to sell, offer for sale, manufacture for sale, distribute in  
10 commerce, or import into the United States any children’s product or uphol- stered furniture that  
11 contains a flame retardant specified in subsection (c) that exceeds 1,000 parts per million total

12 chemical content by weight for any part of the product or furniture. (c) SPECIFIED FLAME  
13 RETARDANTS.—The flame retardants specified in this subsection are the following: (1)  
14 Tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (chemical abstracts service number 13674–87–  
15 8). (2) Tris(2-chloroethyl)phosphate (TCEP) (chemical abstracts service number 115–1496–8).  
16 (3) Tetrabromobisphenol A (TBBPA) (chemical abstracts service number 79–94–7). (4)  
17 Decabromodiphenyl ether (chemical ab- stracts service number 1163–19–5). (5) Antimony  
18 trioxide (chemical abstracts serv- ice number 1309–64–4). (6) Hexabromocyclododecane  
19 (HBCD) (chem- ical abstracts service number 25637–99–4). (7) Bis(2-Ethylhexyl)-3,4,5,6-  
20 tetrabromophthalate (TBPH) (chemical abstract service number 26040–51–7). (8) 2-Ethylhexyl-  
21 2,3,4,5-tetrabromobenzoate (TBB) (chemical abstract service number 183658– 27–7). (9)  
22 Chlorinated paraffins (chemical abstract services number 85535–84–8). (10) Tris (1-chloro-2-  
23 propyl) phosphate (TCPP) (chemical abstract service number 13674–84–5). (11) Such other  
24 chemical flame retardants as the Commission may specify by rule under sub- section (d)(5). (d)  
25 CHRONIC HAZARD ADVISORY PANEL. (1) APPOINTMENT.—Not later than 180 days  
26 after the date of the enactment of this Act, the Commission shall appoint a chronic hazard  
27 advisory panel pursuant to the procedures of section 28 of the Consumer Product Safety Act (15  
28 U.S.C. 2077) to study the effects on human health of all chemical flame retardants as used in  
29 children’s products or upholstered furniture. (2) EXAMINATION. (A) IN GENERAL.—The  
30 panel shall, not later than 540 days after the date on which the panel is appointed under  
31 paragraph (1), com- plete an examination of the potential hazards and exposures for the full  
32 range of chemical flame retardants that may be used in children’s products or upholstered  
33 furniture to meet appli- cable fire safety standards and shall— (i) examine potential health  
34 effects of the chemical flame retardants, including age, (I) developmental toxicity; (II)

35 carcinogenicity, genetic dam- or reproductive toxicity; (III) endocrine disruption; (IV) toxicity  
36 related to the nervous system, immune system, or organs or cause other systemic toxicity; (V)  
37 whether they are (aa) persistent, bio accumulative, and toxic; or (bb) very persistent and very bio  
38 accumulative; (ii) consider the potential health effects of such chemical flame retardants, both in  
39 isolation and in combination with other flame retardants; (iii) examine bio monitoring studies  
40 that document existing levels and likely future levels of chemical flame retardants in children,  
41 pregnant women, firefighters (including combustion by-products of chemical flame retardants),  
42 and others; (iv) examine data and analysis regard- ing the chemical flame retardants in house-  
43 hold dust, indoor air, or elsewhere in the home environment; (v) consider the cumulative effects  
44 of total exposure to flame retardants, both from children’s products, upholstered furniture, and  
45 from other sources, such as food, commercial furniture, building insulation, and electronics; (vi)  
46 review all relevant data, including the most recent, best-available, peer-reviewed, scientific  
47 studies of these chemical flame retardants that employ objective data collection practices or  
48 employ other objective methods; (vii) consider the amounts of chemical flame retardants used in  
49 consumer products and the total volumes manufactured for use; and (viii) consider possible  
50 similar health effects of chemical flame retardants used in children’s products or upholstered  
51 furniture. (3) DO NOVO.—The panel’s examinations pursuant to this subsection shall be  
52 conducted de novo. The findings and conclusions of any previous chronic hazard advisory panel  
53 on chemical flame retardants and other studies conducted by the Commission shall be reviewed  
54 by the panel but shall not be considered determinative. (4) REPORT.—Not later than 180 days  
55 after completing its examination, the panel appointed under paragraph (1) shall submit to the  
56 Commission a report on the results of the examination conducted under this section and shall  
57 make recommendations to the Commission regarding any chemical flame retardants (or

58 combinations of chemical flame retardants) in addition to those identified in paragraphs (1)  
59 through (10) of subsection (c) that the panel determines should be prohibited under subsection  
60 (b). (5) SPECIFICATION OF ADDITIONAL CHEMICAL FLAME RETARDANTS.—Not  
61 later than 180 days after receiving the report of the panel under paragraph (4), the Commission  
62 shall (A) evaluate the findings of the chronic hazard advisory panel regarding the examination  
63 carried out under paragraph (2); (B) evaluate the recommendations submitted by the chronic  
64 hazard advisory panel under paragraph (4); and (C) promulgate a final rule, based on the  
65 evaluations carried out under subparagraphs (A) and (B) of this paragraph, that specifies such  
66 chemical flame retardants that are not listed in paragraphs (1) through (10) of subsection (c) as  
67 the Commission determines that the presence of such chemical flame retardant in any part of a  
68 children’s product or upholstered furniture may cause substantial personal injury or substantial  
69 illness, including (i) developmental or learning disabilities; (ii) cancer; (iii) endocrine disruption;  
70 (iv) reproductive harm; or (v) damage to the nervous system, immune system, or organs or cause  
71 other systemic toxicity. (e) TREATMENT OF VIOLATION.—A violation of subsection (b)  
72 shall be treated as a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C.  
73 2068(a)(1)). (f) PRODUCT CERTIFICATION AND LABELING.—A product subject to  
74 subsection (b) of this section shall not be subject to section 14(a)(2) of the Consumer Product  
75 Safety Act (15 U.S.C. 2063(a)(2)) with respect to testing for compliance with the requirements  
76 of this section. (g) RULE-MAKING. (1) IN GENERAL.—The Consumer Product Safety  
77 Commission shall promulgate rules to carry out this section in accordance with section 553 of  
78 title 5, United States Code. (2) EXEMPTION FROM CERTAIN REQUIREMENTS.—The  
79 requirements of sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058)  
80 shall not apply to a rule-making under this section. (h) RELATION TO STATE LAW.—This

81 section shall not annul, alter, or affect a provision of law of a State relating to the presence of a  
82 chemical flame retardant in a children’s product or upholstered furniture except to the extent that  
83 such provision of law is inconsistent with a provision of this section, and then only to the extent  
84 of the inconsistency. For purposes of this section, a provision of law of a State is not inconsistent  
85 with the provisions of this section if the protection such provision of law affords any person is  
86 greater than the protection provided under this section. (i) EFFECTIVE DATE. (1) IN  
87 GENERAL This Act shall take effect on the date of the enactment of this Act, except subsection  
88 (b) shall take effect on the date that is 1 year after the date of the enactment of this Act. (2)  
89 APPLICABILITY.—Subsection (b) shall apply with respect to children’s products and  
90 upholstered furniture manufactured after the date that is 1 year after the date of the enactment of  
91 this Act.