March 9, 2017

To: The Honorable Gerald Ortiz y Pino, Chair
Members, Senate Public Affairs Committee

From: Kelly Mariotti
Executive Director
Juvenile Product Manufacturers Association

Re: OPPOSITION – Senate Bill 453

The Juvenile Products Manufacturers Association (JPMA) is writing to respectfully oppose Senate Bill 453, which would prohibit the use of a variety of flame retardants that may be present in upholstered furniture or in specified “children’s products.”

JPMA has a long and proud history of ensuring that juvenile products are safe. JPMA shares the mutual objective of eliminating the use of accessible and hazardous chemical flame retardants from consumer products.

JPMA’s members’ products and the materials that they use in them are already highly regulated by federal law. These products must meet the requirements of the Federal Hazardous Substances Act (FHSA) and the Consumer Product Safety Act (CPSA). These statutes and ensuing regulations administered by the U.S. Consumer Product Safety Commission (CPSC) already ensure that any children's product that presents a mechanical, thermal, or electrical hazard or presents any acute or chronic chemical hazard to a child is to be considered a banned hazardous substance. This means that any children’s product that presents any hazardous exposure to a child cannot be sold in the United States. Given this federal regulatory framework we have several concerns with the bill as drafted, including:

- The bill fails to consider risk and exclude internal components, that would not come into contact with a consumer or a child through reasonable and foreseeable use and abuse;
- Senate Bill 453, erroneously presumes that the presence of any of these identified chemical flame retardants above 1000ppm automatically means the product is harmful to children;
- This legislation would be the most expansive restrictions of flame retardants in the country; and
- The bill ignores existing flame retardant risk assessment information that has been or is currently being conducted by the United States Environmental Protection Agency (USEPA) and others.

We share the sponsor’s objective of ensuring that consumers and caregivers buy the safest products for their children. At JPMA, safety has been, and always will be our top priority. Unfortunately in this case, this legislation would not in any way be advancing safety. Additionally, it would unnecessarily create confusion as to product safety, since it is already illegal under federal law to sell children’s products that are acutely or chronically hazardous. Therefore, we respectfully ask that the Committee oppose Senate Bill 453 – as currently drafted.

Thank you for your time and consideration and we apologize that we were unable to appear in person for the hearing, but appreciate your consideration of these concerns, before considering this far-reaching legislation. At JPMA, we strive to work collaboratively with both federal and state legislators and regulators to advance product safety. Further, we believe that regulations and legislation play an important and vital role in ensuring that only the safest products make it to market.