



**HB424: Public Health - Products Containing a Flame-Retardant Chemical -
Prohibition on Import or Sale
Healthy and Government Operations
February 12th, 2020
Emily Scarr, Maryland PIRG**

FAVORABLE

Maryland PIRG, Earth Forum Howard County, the Unitarian University Legislative Ministry of Maryland, and the Maryland Legislative Coalition request a favorable report on HB424.

*Maryland PIRG is a statewide, non-partisan, non-profit, citizen-funded public interest advocacy organization with grassroots members across the state. For forty years we've stood up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society. **This includes a long history of protecting Marylanders from exposure to toxic chemicals in consumer products.***

Flame retardant chemicals have been added to consumer products and furniture for decades with a goal of providing fire safety.¹ Unfortunately, they are not effective at reducing harm from fire and are putting our firefighters and families at risk from exposure. For these reasons, Maryland should join states and retailers that are restricting these chemicals in children's products, furniture and mattresses.

This Committee has been a national leader in protecting Marylanders from some of the most toxic flame retardant chemicals. For example, Maryland was the first state in the country to ban the toxic flame retardant DecaBDE in furniture, despite complaints from industry. Now, that chemical has been phased out nationwide. Unfortunately, while Maryland has been successful with single chemical bans, new toxic chemicals continue to take their place, leaving us in a relentless game of whack-a-mole.

It's time for Maryland to join the movement to eliminate flame retardant chemicals in children's products, furniture, and mattresses to protect our children, firefighters, and families.

They don't work, they aren't safe, and they need to go.

¹ "Flame Retardants." *National Institutes of Environmental Health Sciences (NIH)*.

NATIONAL MOVEMENT FOR REFORM

In 2017 the U.S. Consumer Product Safety Commission issued guidance that manufacturers of children's products, furniture, and mattresses refrain from adding an entire class of flame retardants to their products.⁴ Due to their inherent physical-chemical properties being “highly toxic” and that they can “widely migrate out of products, regardless of how the products are used, bioaccumulate and present a serious public health concern.”²

In 2018, California passed a law to ban the sale of furniture and children’s products containing chemical flame retardants, which went into effect last month. Other states, including New Hampshire and Maine have acted to phase out the use of Flame Retardants in newly upholstered furniture.³

In addition, many major retailers and manufacturers have already committed to phase out these chemicals or already have, including:

- Ashley Furniture, the nation’s largest furniture retailer, stopped manufacturing and selling furniture containing flame retardant chemicals in 2015.
- Other major brands including Ikea, Crate and Barrel, and Williams Sonoma no longer sell furniture with flame retardant chemicals.

Unfortunately, some manufacturers continue to expose people to these chemicals unnecessarily, hence the need for this bill.

NOT EFFECTIVE FOR FIRE SAFETY

Chemical flame retardants are marketed to manufactures as a way to prevent harm from fires by slowing the progress of a flame and allowing victims more time to escape. Unfortunately, **years of research has shown that these chemicals are not needed to meet fire safety standards** and in fact flame retardants make fires *more dangerous* due to the carcinogenic dioxins they produce when they burn.⁴

Most deaths from fires result from “inhaling carbon monoxide, irritant gases, and soot.” The addition of flame retardant chemicals “can increase the yield of these toxic by-products during combustion.” Additionally, flame retardant chemicals free cling to, and penetrate fire-fighter protective gear, leading to increased rates of exposure. More than half of all career firefighter line-of-duty deaths are from job-related cancers.⁵

There are effective and safer ways to provide fire safety. “Fire-safe cigarettes, fire-safe candles, child-resistant lighters, sprinklers, and smoke detectors can prevent fires without the

² “Guidance Document on Hazardous, Additive, Non-polymeric Organohalogen Flame Retardants in Certain Consumer Products.” Federal Register Vol. 82 No. 187. September 28th 2017. *Consumer Product Safety Commission*.

³ “Landmark Legislation Spotlight: Maine’s Flame Retardant Ban.” 2018. *National Caucus of Environmental Legislators*. <https://www.ncel.net/2018/02/14/landmark-legislation-maines-flame-retardant-ban/>

⁴ “Flame Retardants.” *National Institutes of Environmental Health Sciences (NIH)*.

⁵ “Flame Retardants.” *National Institutes of Environmental Health Sciences (NIH)*.

potential adverse effects of flame retardant chemicals.”⁶ Using naturally flame resistant materials, and wicking fabric to become less susceptible to flame are also effective substitutes.

Recognizing all of this, California updated its furniture flammability standard in 2013 to not require chemical flame retardants. None of the products included in this bill require flame retardant chemicals to meet flammability standards in Maryland or federally.

HIGHLY TOXIC TO HEALTH

When flame retardants escape from products they bind with dust and accumulate in our bodies. They have been linked to harmful health effects, including endocrine and thyroid disruption, immunotoxicity, reproductive toxicity, cancer, as well as lowered IQ and developmental problems in children.⁷

They release cancer-causing chemicals when they burn, endangering firefighter health.

Children are at high risks due to their size, frequent hand-to-mouth behaviors and increased contact with dust on floors, couches and other surfaces.

Because these chemicals have been so prevalent in our communities, the CDC has found flame retardant chemicals in upwards of 90% of Americans, and in higher levels in children than adults.⁸ Americans have higher levels of some of the chemicals in their bodies than other developed countries, at levels 10 times higher than those in Europe, 100 times higher than Japan, and 3 times higher than in Canada.⁹

Given the dangerous toxicological profiles of flame retardants, their failure to provide fire safety, and the abundance of effective alternatives for fire safety, there is no good reason to continue to use these chemicals in furniture and children’s products.

We respectfully request a favorable report on HB424.

⁶ “Halogenated flame retardants: do the fire safety benefits justify the risks?” *U.S. National Library of Medicine. National Institutes of Health*. Shaw SD1, Blum A, Weber R, Kannan K, Rich D, Lucas D, Koshland CP, Dobraca D, Hanson S, Birnbaum LS.

⁷ “Halogenated flame retardants: do the fire safety benefits justify the risks?” *U.S. National Library of Medicine. National Institutes of Health*. Shaw SD1, Blum A, Weber R, Kannan K, Rich D, Lucas D, Koshland CP, Dobraca D, Hanson S, Birnbaum LS.

⁸ “Eight Sickening Facts about Flame Retardants.” *Mercola*. Dec. 11th 2013/
<https://articles.mercola.com/sites/articles/archive/2013/12/11/8-flame-retardant-facts.aspx>

⁹ “Flame Retardants may Alter Hormones of Pregnant Women.” *Scientific American*. 2010. Marla Cone.
<https://www.scientificamerican.com/article/flame-retardants-may-alter-hormones-of-pregnant-women/>

The Business Case for Eliminating Toxic Flame Retardants from Consumer Products

Many businesses are making the choice to do what is right for long-term growth and for human health and the environment by eliminating the unnecessary use of toxic flame retardants (FRs) in consumer products. Increasingly, furniture makers and children's product manufacturers are removing FRs from their products, without compromising fire safety or product quality.

Flame retardant chemicals used in furniture, mattresses, and children's products are not needed to meet fire safety standards and migrate out of products into air and dust. Flame retardants have been associated with endocrine disruption, neurological damage, birth defects and cancer. Businesses that have adopted policies to phase out toxic flame retardants are complying with state policies banning certain FRs, while meeting internal sustainability goals and responding to consumer demand for FR-free products. Both regulation and business leadership are needed to support the elimination of FRs of concern from everyday consumer products. Government can provide clear signals and ensure that businesses and their customers have good information, so they may create and innovate products and product formulations that reflect the constraints and opportunities that the marketplace.



73% of small business owners support government regulation to ensure the products companies buy and sell are non-toxic.
<http://asbcouncil.org/toxic-chemicals-poll>.

Chemical Regulation and Ingredient Disclosure Support Responsible Businesses by:

- *Creating a level playing field* for businesses that choose to manufacture, distribute, and sell products that are free from harmful chemicals in competing with those businesses that are not choosing to factor human health and the environment into their business decisions.
- *Increasing ingredient disclosure* throughout the entire supply chain so that businesses have the information needed to choose which products to buy, use and sell to customers.
- *Supporting market expansion of responsible companies* that contribute to the growth of innovation of safer and greener products.



AMERICAN SUSTAINABLE
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New Regulations Reflect Increasing Concerns

Toxic flame retardants as used in residential furniture and children's products containing foam are not needed to meet fire safety standards, but are known to migrate out of products into indoor air and dust and ultimately end up in our bodies. FRs used in furniture and children's products have been detected in household dust and in the bodies of most Americans, with the highest levels found in children. Some FR chemicals have been associated with endocrine disruption and reproductive, neurologic, and immune impairment as well as cancer.

- Several individual FRs are banned in six states, including five in Washington and four in Minnesota and several are listed as chemicals of concern by government entities.

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- Maine bans all FRs in furniture effective January 2019.
- Rhode Island bans organohalogen FRs (those containing bromine or chlorine) in furniture and children's products effective July 2019.
- San Francisco goes even further in banning FRs in upholstered furniture and children's products effective January 2019 and requiring labeling products as FR-free.
- The Consumer Product Safety Commission is calling for consumer warnings on organohalogen FRs and recommending that retailers and manufacturers eliminate them in furniture, children's products, and electronics.
- In 2018 California passed AB 2998, the most comprehensive state regulation of FRs to date. It bans most FRs in upholstered and reupholstered furniture, children's mattresses and products and the foam of adult mattresses effective January 1, 2020.

Businesses Are Taking the Lead

Children's Product Leaders

- Leading large and small companies such as Baby Bjorn, Britax, Carter's, MamaDoo, Kolcraft and others have eliminated FRs from their products. Changing pads, crib mattresses, and nap mats are now largely FR-free.
- Leading baby retailers, such as Target and buy buy Baby are eliminating FRs in their products. Target plans to eliminate all FRs from textiles including furniture and children's apparel by 2022.
- Community Playthings makes quality, durable furniture and playthings for child care environments. In 2013 this company was the first to offer FR-free and PVC-free nap mats. They also eliminated FR in textiles, after specifying to their suppliers only FR-free textiles for their children's furniture.

Furniture Leaders

- 63 furniture companies, including Ashley Furniture, IKEA, Broyhill, Drexel Heritage, Lane, La-Z-Boy, Pottery Barn, Room & Board, Lee Industries and Crate and Barrel, have all committed to exclusively providing furniture without flame retardant chemicals.
- The nation's largest furniture retailers with billions of dollars in purchasing power announced they would eliminate FRs from upholstered furniture they sell, including Ashley Furniture, Target, Macy's, Pier One Imports, Rent-A-Center, Williams Sonoma, Walmart, and Costco.
- The mattress industry has adopted fire blocking technology to meet flammability standards. Adding flame retardants to polyurethane foam is not an effective method to meet fire the federal flammability standard (16 CFR 1633). As noted, the use of FRs in the foam of adult mattresses will be banned in California.
- Naturepedic makes mattresses using organic cotton that are free of flame retardants, formaldehyde and other harmful chemicals, earning numerous safe product certifications, including from Made Safe.



The "What's It Made Of?" Initiative

Find out why nearly 400 retailers, designers, and manufacturers have signed a Pledge to ASK about harmful chemicals in the products they make, use and sell.

<https://sustainablefurnishings.org/content/whats-it-made-initiative>

For More Information



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