BIFMA_FAV_SB447
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Position: FAV

BUSINESS + INSTITUTIONAL FURNITURE MANUFACTURERS ASSOCIATION
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BIFMA

Toxic Flame Retardants Unnecessary in Upholstered Furniture

By Brad Miller - February 4, 2020

Maryland has good reasons for protecting the health of its residents and environment by banning toxic flame retardants that have historically been required in many products in the name of fire safety. We now know these requirements have led to growing health concerns for consumers and firefighters doing their job.

The legislation sponsored by Senator Guy Guzzone and Delegate Bonnie Cullison could save lives, protect workers, preserve the environment, and improve fire safety by prohibiting the sale of children's products, mattresses, and upholstered furniture that contain toxic flame retardants.

For decades, flame retardants have been used in everything from furniture to children's products, driven by regulations that haven't actually done much to protect consumers. These toxic chemicals have been linked to cancer, thyroid disruption, memory and learning problems, delayed mental and physical development, and reduced fertility. They migrate into household dust that gets ingested and inhaled by humans and pets. As a result, they are now ubiquitous in our households and workplaces and have steadily built up in the environment and in humans.

Infants and firefighters face especially high exposure risks. Children are particularly vulnerable because their brains and reproductive organs are still developing. They come into greater contact with household dust than adults from crawling on the floor and frequently putting their hands in their mouths. Firefighters also face especially high exposure to toxic flame retardants because they are used in many products that, when burned in fires, become even more toxic. Firefighters are rightfully concerned because they face higher levels of cancer compared to the general population.

Flame retardants are also ineffective in furniture. According to research by the Green Science Policy Institute and others, these chemicals provide no meaningful fire safety benefit. The furniture industry has been at the forefront of efforts to change the regulations and get hazardous flame retardants out of furniture, working with public health and consumer groups in California and elsewhere to ensure that flame retardants are no longer required in furniture. Our efforts are working as the vast majority of furniture in the United States today does not contain flame retardant chemicals. The remaining uses can and should be ended.

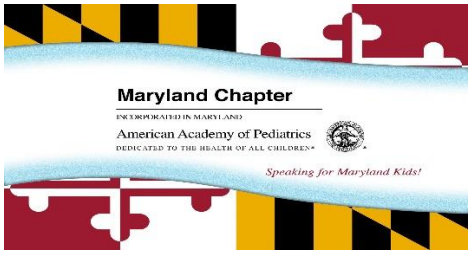
Maryland and other states have taken previous steps to ban individual flame retardants, but use has shifted to other chemicals. The legislation being considered would eliminate all forms of needless chemicals. It is estimated that more than 80 percent of upholstered furniture is already produced without toxic flame retardants and moving to 100 percent is well within reach. California has successfully banned these chemicals and we encourage your state to adopt that model. This legislation would make businesses, consumers and firefighters safer throughout Maryland and replicating the California requirements will make the transition for all manufacturers much easier and quicker. We urge the General Assembly and Governor Hogan to act without delay.

Brad Miller is the Director of Advocacy & Sustainability for BIFMA, the non-profit trade association for business and institutional furniture manufacturers. Phone: 616-591-9797 / email: bmiller@bifma.org

MDAAP_Pam Kasemeyer_FAV_SB0447

Uploaded by: Kasemeyer, Pam

Position: FAV



TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Guy Guzzone

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Richard A. Tabuteau

DATE: February 13, 2020

RE: **SUPPORT** – Senate Bill 447 – *Public Health – Products Containing a Flame-Retardant Chemical*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 447.

Senate Bill 447 would prohibit the sale and import of juvenile products, mattresses, upholstered furniture and reupholstered furniture containing flame-retardant chemicals. Juvenile products are those intended for use in the home by children under 12 years old. Flame retardants are a variety of organic chemicals, several of which are already prohibited under Maryland law, which are added to other products to decrease the spread of fire. However, these flame retardants have been linked to adverse effects which make their continued use an unacceptable health hazard.

Flame retardants are not chemically bound, but rather added to the products in which they are used. As such, these chemicals can be released into the air as microscopic particles and can leach out from treated products into the environment, where they have been found in house dust. They can be absorbed into the human body through inhalation, through oral ingestion and through absorption from the skin. Many of these compounds are very slow to degrade and breakdown, allowing them to persist in the environment. These chemicals have also been found in fish and animal sources of food; because they are fat-soluble, toxic flame retardants can get stored in these animals and become increasingly concentrated going up the food chain. This fat solubility also allows these chemicals to become concentrated in human breast milk.

Children are at particular risk from the toxic effects of these chemicals. They can inhale them when lying or sitting on treated products, which is why it is important to ban the chemicals not only in child and juvenile products such as cribs and youth mattresses but also in other household mattresses and furniture. Their frequent hand-to-mouth behaviors greatly increase their risk of ingestion, particularly from playing on floors with contaminated house dust or from chewing on products treated with flame retardants. Because they are smaller and their ingestion of contaminated dust is greater, children are

exposed to a much higher dose relative to their body weight when compared to an adult. From their time in utero through their years of growth and development, children are at increased risk of toxic effects from chemical substances that can interfere with these developmental processes.

In September 2017, after a petition from many health advocates including the American Academy of Pediatrics, the Consumer Product Safety Commission issued a guidance document that recognized the health hazards of organohalogen flame retardants. These adverse effects include reproductive impairment; endocrine disruption and impaired thyroid function; genotoxicity; cancer; and immune disorders. Adverse neurological impacts on children include decreased IQ, learning deficits, impaired memory, altered motor activity and hyperactivity. Animal studies on organophosphate flame retardants found that they induced kidney, bladder, liver and stomach tumors and leukemia in rats.

In Senate Bill 447, Maryland has the opportunity to reduce exposures to toxic flame retardants. MDAAP, on behalf of the children for whom we provide care, offers this testimony in support of this bill.

For more information call:
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IAFF_FAV_SB447
Uploaded by: Niemac, John
Position: FAV

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS ®
HAROLD A. SCHAITBERGER
General President
EDWARD A. KELLY
General Secretary-Treasurer

February 13, 2020

Senator Delores Kelley, Chair
Senate Finance Committee
3 East, Senate Miller Office Building
Annapolis, Maryland 21401

Testimony Concerning SB 447, Public Health - Products Containing a Flame-Retardant Chemical

Submitted to the Finance Committee

Position: Support

My name is John Niemiec and I am the Deputy Director for Occupational and Behavioral Health Services at the International Association of Fire Fighters (IAFF). The IAFF represents over 320,000 professional fire service employees in the United States and Canada. As an organization, we have been actively involved in improving the health and safety of fire fighters for more than 100 years.

We appreciate the opportunity to express our support for Senate Bill 447, prohibiting the sale of juvenile products, mattresses, and upholstered or reupholstered furniture that contain flame retardant chemicals. Passing this bill will protect Maryland residents, especially children, fire fighters and other vulnerable populations, from being needlessly exposed to intentionally added toxic chemicals that are ineffective and unnecessary in these product categories.

Flame retardants are abundant in modern household furnishings and appliances. Polybrominated diphenyl ethers (PBDEs) and its penta, octa, and deca congeners were the most commonly used flame retardants in the U.S. but there are several other classes of flame retardants used in consumer products today. These chemicals were originally added to slow or prevent the growth of fire. Unfortunately, they did not perform as expected and over time many have been identified as toxic. When foam containing flame retardants burns, it gives off higher levels of carbon monoxide, soot, and smoke compared to foam without flame retardants, creating a more hazardous fire. Such fires also release dense black smoke that reduces visibility and increases highly corrosive gases.

Unfortunately, these toxic conditions have become the normal working environments for fire fighters. Every time a fire fighter enters a fire, they are confronted with a haze of toxins and chemical compounds that are released under extreme heat conditions. When flame retardant chemicals burn, they convert into cancer causing chemicals such as dioxins and furans. Fire fighters are exposed to these carcinogens on the fireground during fire activities, including suppression and overhaul. They are also exposed at the station and at home from residue on their protective equipment and from contaminants they carry back to the station. Toxins are inhaled as well as absorbed by the fire fighter in these multiple environments, adding to an individual's toxic load. It is our position that this exposure contributes to the reason our members have a significantly higher incidence rate of certain types of cancer.

Research shows that Halogenated flame retardants are some of the deadliest flame retardants and are directly linked to cancer as well as endocrine disruption effecting neurodevelopment, reproductive systems and immune suppression.

The National Institute for Occupational Safety and Health (NIOSH) conducted a landmark study of cancer among U.S. fire fighters that included data from over 30,000 career fire fighters employed between 1950 and 2010. The research found that fire fighters had statistically significant increases in both diagnosis and death from cancers of the respiratory, digestive and urinary systems compared to the general population.

Additional studies also show that fire fighters have much higher levels of these cancer-causing chemicals in their blood than the general population. Research revealed these toxic flame retardant chemicals are associated with a range of serious health effects in fire fighters including cancer, endocrine and thyroid disruption, reproductive toxicity and immunotoxicity.

We believe that the health risks to fire fighters associated with the use of these chemicals is greater than the fire risk without using these chemicals, resulting in the manifestation of occupational cancer and other diseases.

We have seen many states shift away from these toxic flame retardants as they are not as effective as they claimed to be and ultimately make the fire fighter work environment more dangerous and toxic. The federal government is also taking steps to regulate such chemicals. In 2017, the Consumer Product Safety Commission voted to initiate a rulemaking under the Federal Hazardous Substances Act (FHSA) to study the effects Organohalogen Flame Retardants (OFRs) have on consumer health. They recommended that manufacturers of children's products, upholstered furniture sold for use in residences, mattresses and mattress pads, and plastic casings surrounding electronics refrain from intentionally adding nonpolymeric OFRs to products.

By essentially banning several broad categories of flame retardant chemicals in children's and household products, SB 447 and will significantly reduce fire fighters' exposure to these chemicals, thus reducing fire fighters' toxic load and reducing their risk for cancer.

SB 447 improves upon efforts made by Maryland to ban certain flame retardants. Maryland has already banned octa-, penta-, and deca- brominated flame retardants in a number of consumer products. However, the transition away from these legacy chemicals has led to the use of organophosphorus flame retardants. As a result, Maryland rightly banned two organophosphates, TCEP and TDCPP, from child care products, but other flame retardants in this group remain in use.

We continue to see specific flame retardants being banned and then replaced with a regrettable substitution. This cycle needs to stop. By banning full classes of flame retardants, SB 447 will prevent the importation or sale of children's products and household furniture containing alternative chemicals with the same or worse toxic properties, and thus better protect the health of children, families and fire fighters.

The risks faced by consumers and first responders has not gone away, and neither have the chemical companies' efforts to keep putting them in our products. For the safety of Maryland residents, and fire fighters, we need to get toxic flame retardants out of our homes once and for all.

For these reasons, I respectfully ask that you support SB 447. Thank you.

HEAU_FAV_SB0447
Uploaded by: O'Connor, Patricia
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OFFICE OF THE ATTORNEY GENERAL
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February 13, 2020

To: The Honorable Delores G. Kelley
Chair, Finance Committee

From: Patricia F. O'Connor, Health Education and Advocacy Unit (HEAU)

Re: Senate Bill 447 (Public Health - Products Containing a Flame-Retardant Chemical): SUPPORT

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) submits the following written testimony in support of Senate Bill 447. The bill aims to reduce the harm suffered by firefighters and children exposed to toxic chemicals used as flame retardants that are linked to cancer, endocrine disruption and neurological harms.

Current law prohibits the sale of child care products intended for use by children under the age of 3 if they contain more than a nominal concentration of the flame-retardant chemicals TCEP or TDCPP. This bill would additionally ban new toxic chemicals that have replaced the specific chemicals as flame retardants, and does so by banning an entire class of chemicals used in furniture and juvenile products, defined as products used by persons under 12 years old.

The HEAU supports the expansion of this important consumer protection. Research from the Federal Consumer Product Safety Commission has determined that chemical flame retardants do not provide fire safety and recommends that manufacturers of furniture and children's products stop using them. The chemicals accumulate in the body and are linked to infertility and heart disease in adults and reduced IQ and poor attention in children, among other problems. In addition, products containing chemical flame retardants produce highly toxic carcinogenic fumes when they burn that penetrate firefighters' protective gear. More than half of all career firefighter line-of-duty deaths are from job-related cancers. Over time, the physical harms associated with the toxic chemicals are proving to be greater than their utility, justifying increased restrictions on use of the chemicals.

For these reasons, we ask that the Committee return a favorable report on the bill.

cc: Members, Finance Committee

SUPPORT SB447
Uploaded by: roth, johnie
Position: FAV

MARYLAND STATE FIREMEN'S ASSOCIATION

Representing the Volunteer Fire, Rescue and Emergency Medical Services Personnel
www.msfa.org

Johnie F. Roth, Jr.
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Madam Chair Kelley

Vice Chairman Feldman

SUPPORT OF SB 447 – PUBLIC HEALTH – PRODUCTS CONTAINING A FLAME RETARDENT CHEMICAL

Good afternoon Madam Chair Kelley, Vice Chairman Feldman and members of the Senate Finance Committee.

My name is Johnie Roth, Jr. and I chair the Legislative Committee of the Maryland State Firemen's Association (MSFA), and I am writing in SUPPORT of Senate Bill 447 sponsored by Senator Guzzone and many others.

The MSFA is a statewide organization representing over 25,000 volunteer fire, rescue, emergency medical technicians, and paramedics and 363 member companies.

I think that you will agree that both volunteer and career firefighters and emergency medical service providers in the State of Maryland are the best in the United States and are emulated all over the world. These men and women are dedicated to providing the best services to those Marylanders that are having the absolute worst day of their lives.

These men and women are trained for any occurrence from a trouble breathing patient call, to an active shooter in a school, to a WMD incident, to a single family dwelling fire.

Today's firefighters enter into burning structures that are made of lightweight construction and burn hotter and quicker than in the past. Many homes are pre-fabricated in advance of their construction. Besides dealing the lightweight construction problems and structural stability today's firefighters face "great unknowns". Most fires today are plastic and synthetic and manmade materials, and because of that everything else in the room is ignited as well. In a recent article "Today, all manner of materials are treated with flame retardant chemicals, often required by law, including children's pajamas, upholstery for plush furniture and car seats".

Our firefighter heros are being exposed to flame retardants that have been linked to a number of multiple human health effects, including impacts on fertility, reproduction, brain development, immune system function, and cancer. When a firefighter enters a structure fire, a haze of cancer-causing toxins, including those contained in a chemical flame retardant, surrounds them. These materials seep into our protective clothing, penetrate our breathing apparatus, and even create secondary exposure once returning to the fire station.

Madam Chair, this is not the first time that we have sounded the alarm about Flame Retardant Chemicals in Maryland and we have an obligation to protect all Marylanders but also our Firefighters and Rescuers and it is for those that we are here today in Support of Senator Guzzone's SB 447 and respectfully request a FAVORABLE REPORT.

Thank you Madam Chair and I'd be glad to answer any question that you may have.

Johnie F. Roth, Jr.
MSFA Chairman
Legislative Committee

PIRG_FAV_SB447
Uploaded by: Scarr, Emily
Position: FAV

SB447: 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 **SB447**.

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.

Maryland has been a national leader in protecting families 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.

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[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

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[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 of 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 SB447.

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[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/

BUSINESS CASE

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 Business Council

Healthy Environments Inside and Out
sustainable FURNISHINGS COUNCIL
sustainablefurnishings.org

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.
- 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

American Sustainable Business Council

asbcouncil.org

Healthy Environments Inside and Out

sustainable FURNISHINGS COUNCIL

sustainablefurnishings.org

sustainablefurnishings.org

MITA_UNF_SB447
Uploaded by: Chason, Todd
Position: UNF

SB 447

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February 13, 2020

VIA HAND DELIVERY
The Honorable Delores G. Kelley
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 447

Dear Chairperson Kelley:

This letter is written on behalf of the Maryland Industrial Technology Alliance ("MITA"), a non-profit trade association representing more than 20 industrial, manufacturing and supporting businesses **opposing Senate Bill 447**, which would prohibit the sale of certain juvenile products, mattresses, and furniture containing flame retardant chemicals. MITA opposes this bill and requests an Unfavorable Report for the following reasons:

- **Harmful for businesses:** SB 447 would impose significant supply chain constraints on retailers. In addition, the State has insufficient resources to ensure compliance with the requirements outlined in the bill. This will have the end effect of imposing significant compliance obligations on Maryland's businesses with no consideration of the benefits of such requirements.

- **Fires are a real danger:** Fire departments in the United States between 2010 and 2014 responded to an average of 5,630 home structure fires per year, in which upholstered furniture was the first item ignited. Such fires caused an annual average of 440 civilian fire deaths, 700 civilian fire injuries, and $269 million in direct property damage. Fires starting with upholstered furniture caused approximately 17% of U.S. home fire deaths between 2009 and 2013. When mattresses and bedding are added, the percentage of deaths rises to 31%. Flame retardant chemicals enhance public safety by stopping or delaying the onset and spread of fires, providing additional time for families to escape and firefighters to respond, saving lives and promoting the public good.

- **Overly broad:** SB 447 as drafted includes hundreds of substances with no consideration of individual attributes. Rather than jumping to conclusions using a "one-size-fits-all" approach, the State should carefully consider the costs and benefits of each substance before deciding to regulate. Otherwise, the State runs the risk of unduly harming public safety by banning substances that mitigate the risk of dangerous fires on behalf of Maryland families.

For these reasons, MITA respectfully request that you give SB 447 an **Unfavorable Report**.

Very truly yours,

Todd R. Chason / DCB
Todd R. Chason

cc: Senate Finance Committee Members

ACC-NAFRA_UNF_SB447
Uploaded by: Gann, Benjamin
Position: UNF

ACC-NAFRA Testimony on SB 447
Before the Maryland Finance Committee
February 13, 2020

Chair Kelley and members of the Finance Committee. My name is Ben Gann, and I am a Director of Consumer Products and Technology at the American Chemistry Council, or ACC, and here today representing ACC's North American Flame Retardant Alliance (NAFRA).[1]

We appreciate the opportunity to testify today and look forward to additional opportunities to provide information to the Legislature on the issues of flame retardants, fire safety, and chemical safety.

Our member companies represent the cutting edge of fire-safety chemistry and technology, and are dedicated to improving fire safety performance in a wide-range of products. Our industry is also committed to strong chemical safety regulation, to protect users and those who may be exposed to our products, while also protecting that same population from the dangers of fire by promoting fire safety.

Today, I am respectfully speaking in opposition to SB 447. I would like to highlight NAFRA's primary objections to the bill:

First, this legislation prohibits the use of several classes of chemicals for use in flame retardants without any consideration of the actual safety or risk posed by any specific chemical or product. This is not supported by the state of the science. Flame retardants include a broad range of products with differing characteristics, formulations, and intended uses, so it is <u>not</u> appropriate to make broad conclusions or impose a one-size fits all regulatory approach for this wide range of substances.

Second, fire safety is a real issue and flame retardants are an important tool to help reduce fires, fire deaths, and property damage. This bill does acknowledge that to some degree. However, SB 447, in its current form, could undermine overall product safety and increase fire risk for Maryland's citizens, communities, and emergency responders.

Third, flame retardants are reviewed for their safety by regulators around the world. This legislation would not only ban substances that government regulators have already determined do not present a risk, but also new, innovative substances to be developed in the future that may be approved by regulators for use. A blanket ban that fails to acknowledge science-based regulatory processes and future developments is not good public policy.

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[1] NAFRA members include Albemarle Corporation, LANXESS Corporation, and ICL Industrial Products who manufacture flame retardants used in a wide variety of industrial and consumer applications.

Fourth, the regulated community needs predictability and transparency. Any changes require resources from businesses and government to ensure compliance. The costs and benefits of any changes must be analyzed and compared to safety regimes already in place, such as those under the jurisdiction of the Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC).

Fifth and finally, SB 447 should include an exemption for a flame retardant that is a polymeric material meeting the criteria under federal regulations, or is chemically reacted to form a polymeric material with the materials it is intended to protect.

First, all "flame retardant chemicals" are not the same.

- A variety of different chemicals, with different properties and structures, act as flame retardants. A variety of flame retardants are necessary because the materials that need to be made fire-resistant are very different in their physical nature and chemical composition, as are the end-use performance requirements of the final product.

- The hazard and risk profile of various flame retardant compounds are not all the same. It is scientifically incorrect to apply the same profile for all and this has been repeatedly recognized by government regulators.

Second, the harm caused by fires is real. Yet this bill makes broad, sweeping statements about fire safety, the basis for which is unknown.

- Fires have dropped significantly over the past 40 years. A major contributor to the decline in fires and fire deaths since the 1970s has been the development of a comprehensive set of fire-safety measures that include flame retardants.

- At the same time, fire still represents a very real danger in the United States and this is no less true for Maryland. From 2010-2014, 324 people died in residential fires in Maryland.[2] In addition, residential fires caused an estimated $11.6 billion in home property losses in 2014.[3]

- One area of particular relevance to this Committee is the fire safety risk to children. According to the U.S. Fire Administration's 2017 data on fire risk to children, 314 children age 14 and younger died as a result of fires and over 40 percent of all child fire deaths affected children age 4 or younger.[4]

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2 Office of the State Fire Marshall. (2014). Fire Deaths in Maryland January – December 2014. http://mdsp.maryland.gov/Document%20Downloads/Fire%20Deaths%20-%202014.pdf.

3 National Fire Protection Association (Ed.). (2015, September 1). Fire loss in the United States. Reports and Statistics: National Fire Protection Association Survey 2014. http://www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics.

4 U.S. Fire Administration Annual Fire Statistics - https://www.usfa.fema.gov/data/statistics/.

- The reality is that the changing nature of our homes and consumer products has increased the fire risk of many products. Our homes and offices have more synthetic materials than they did 30 years ago. On their own, many of these synthetic materials can be quite fast burning. This has changed the nature of fire risk by increasing the potential flammability of products. It is worth noting that in in recent years there have been upwards of 7,000 product recalls of consumer products due to fire hazards.

- Because of the danger of fire, NAFRA supports robust fire protection measures and multiple layers of protections to address the risk of fire, including flame retardants. Flame retardants have been proven effective in preventing fires. And in instances where fires do occur, slowing the fire's progression so individuals and families have extra time to escape from potentially dangerous fire situations.

Third, regulatory agencies with scientific expertise have reviewed and made pronouncements on the safety of some of the substances – and will continue to do so for new, improved, and innovative substances that have yet to be developed.

- SB 447 would restrict a broad range of substances, including substances that government authorities have determined do not present a significant risk to human health or the environment.

- SB 447 would also restrict all new flame retardant chemicals, including those not even developed yet. Our industry has invested millions of dollars to develop new technologies that improve fire protection and have an enhanced environmental, health and safety profile. Yet, these new products would also be banned. The approval process for new chemicals globally, including in the United States, is extremely rigorous. It is unclear why Maryland would want to prevent the development and use of new, innovative and sustainable products.

- SB 447 in its current form would impose a significant deterrent for manufacturers and product designers to use products in the R&D pipeline that have not yet come to market and could be essential to helping meet current and future fire safety and product safety standards. It is doubtful that Maryland really wants to remove forever and always the possibility of using new technologies that could help save lives and property from fire.

Fourth, the impact of any new regulation needs to be clear. There is already robust regulatory oversight of flame retardants. It is impossible for anyone to fully contemplate the practical requirements authorized by SB 447 – let alone the regulated community.

- SB 447 effectively bans flame retardants for no reason other than the substance is called a flame retardant, and would have unintended consequences that would not only hurt businesses, but also consumers.

- SB 447 will create significant supply chain issues for retailers and impose new, costly compliance obligations for Maryland's businesses, businesses that are already subject to numerous other safety laws and regulations.

- Furthermore, the state likely has insufficient resources to ensure compliance of covered products ordered on line and therefore this bill would unfairly burden Maryland's brick-and-mortar businesses.

Fifth and finally, SB 447 should include an exemption for flame retardants that are polymeric materials.

- Polymeric flame retardants are used in a wide variety of consumer products such as camping tents, child car seats, and televisions to meet fire safety standards.

- Currently, the broad class-based restrictions included in SB 447 would restrict the use of most flame retardants chemically built into polymeric materials.

- Federal agencies have consistently found that high molecular weight polymers have limited bioavailability and therefore are not expected to be readily absorbed, distributed, or metabolized in the body. And without absorption there cannot be systemic effects.

- The exemption criteria would exclude polymers that may substantially degrade, decompose, or depolymerize into smaller substances upon exposure to heat, light, microbial action, or other conditions.

In conclusion, ACC and NAFRA support a strong, transparent, and science-based regulatory system that provides both strong fire protection and chemical safety. We look forward to additional opportunities to provide information to the Legislature on the issues of fire safety, chemical safety, and flame retardants.

JPMA_UNF_SB447
Uploaded by: Hackman, Andrew
Position: UNF

Testimony of

Juvenile Products Manufacturers Association

Before the
Maryland Senate Finance Committee
February 13, 2020

Expressing Concerns with Senate Bill 447
"Public Health - Products Containing a Flame-Retardant Chemical - Prohibition on Import or Sale"

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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Senators Kelley and Senator Feldman, and members of the Senate Finance Committee, the Juvenile Products Manufacturers Association (JPMA) appreciates this opportunity to comment on Senate Bill 447 to ban the sale of childcare products made with added flame retardant chemical. JPMA highlights critical concerns with the overly broad definitions of flame-retardants and the confusion that these definitions will cause with other states and laws.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products. We have also previously supported efforts to ***reduce required use of flame-retardants*** in polymeric upholstery materials and in juvenile products where feasible.

Ongoing Work to Eliminate Flame Retardants

JPMA is committed to safety and has worked with the U.S. Consumer Product Safety Commission (CPSC), the State of California, and other states to achieve regulations that benefit consumers and ensure and advance product safety. For example, in the development and implementation of the revised California Technical Bulletin 117-2013, JPMA was actively engaged in the regulatory process and worked collaboratively with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI), consumer groups, and environmental advocates.

The result was an agreement that juvenile products would be exempted from California's strict flammability standard. These exemptions provided manufacturers with the relief necessary to reduce or eliminate the required use of certain restricted flame retardant chemicals in many juvenile products, while affording consumers a wider choice of products to aid in the protection and care of their children. Since the implementation of TB117-2013, our manufacturers have moved away from the use of certain flame-retardants identified as potentially hazardous in California since they are no longer required by law to meet the California's flammability standard.

Duplication with Federal Rulemaking

With regard to Senate Bill 447, it should be noted that potentially preemptive federal action is moving forward at the federal level, that JPMA is engaged in, and would specifically be duplicative of Senate Bill 447. In September 2017, the Consumer Product Safety Commission (CPSC) voted to grant a petition to prohibit the use of additive organohalogen flame-retardants in: children's products; upholstered residential furniture; mattresses; and the external casings of electronics devices. The commission's action does not immediately ban these chemicals, but it directs the CPSC staff to begin drafting a regulation under the Federal Hazardous Substances Act (FHSA) and to convene a Chronic Hazard Advisory Panel (CHAP). This is a group of experts charged with sifting through scientific evidence to inform the process. The result of this process is likely to be comprehensive preemptive federal safety regulation that addresses the same issues as considered in HB 424.

Definition of Flame Retardants is Not Consistent

JPMA is chiefly concerned with the bill's definition of what would fall under the classification of a prohibited flame retardant. Specifically, the way flame retardants are defined in this bill is inconsistent with the definition of flame retardants as adopted in other states, such as California and Washington.

The potential here is high for regulatory inconsistencies that would help to further create a patchwork system that would be burdensome for manufacturers.

Necessary Exemptions Included in Senate Bill 447

JPMA's members support avoidance of flame-retardants, where feasible, but in a few applications, it is not and JPMA appreciates that Senate Bill 447 provides necessary exemptions for life saving juvenile products that may require flame retardants to meet safety and performance standards. Specifically, JPMA appreciates exemptions for child restraint systems (CRS) given that every component must meet stringent FMVSS 302, flammability standards as administered by the U.S. National Highway Traffic Safety Administration.

JPMA appreciates that Senate Bill 447 includes exemptions for electronic components. Many juvenile products contain electronic components. These electronic components must meet stringent UL flammability requirements and the component does not present any exposure to a child. Additionally, juvenile products manufacturers rely on technology producers to ensure that these components are safe for use in products that are manufactured specifically for infants, toddlers and their caregivers.

Conclusion

Product safety is the top priority for JPMA and our members. We appreciate the opportunity to discuss Senate Bill 447 and our industry's role in ensuring safety for juvenile products. JPMA respectfully requests that the Committee consider and balance the need to ban these flame-retardants in light of necessary uses in some products and components. Thank you for your consideration in this matter.

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Uploaded by: Young, Josh
Position: UNF

February 13, 2020

The Honorable Delores Kelley
Chair, Senate Finance Committee
3 East Wing
Miller Senate Office Buildin
Annapolis, Maryland 21401

RE: Oppose SB 447

Dear Chairwoman Kelley:

The undersigned organizations, representing a cross section of consumer product companies, manufacturers, and retailers are respectfully opposed to SB 447, legislation that would restrict the sale of any "flame retardant chemical" used in juvenile products and upholstered furniture.

Safety is a top priority for our industries, and we believe consumers deserve to have confidence that the products they buy are safe for their intended uses. Our members invest significant resources in product and environmental stewardship and share a common commitment to advancing the safe and secure management of the products we produce and sell. Though this legislation may be well intentioned, we have the following concerns:

- A presumption that the presence of any substance meant to suppress ignition or the spread of a fire in these applications means the product is somehow harmful;

- The definition of "flame retardant chemical" is so broad that it would essentially restrict chemistries not even invented regardless of the compound's human health/environmental profile and its evaluation by competent regulatory authorities;

- The bill does not recognize the important role certain chemistries play in protecting consumers from a variety of hazards, including the risk from fire; and,

- The bill does not take into consideration the current flame retardant evaluation work underway by the U.S. Environmental Protection Agency (EPA) and the U.S. Consumer Product Safety Commission (CPSC).

The Importance of Science in Chemical Regulation --- Presence Does Not Equal Harm

The bill undercuts the integrated nature of hazard and exposure by presuming that the mere presence of a chemical in a product indicates that using the product will automatically result in a level of exposure sufficient to cause harm. The mere presence of a chemical in a product cannot be a surrogate for "exposure" without any notion of whether or to what extent there may be an actual exposure at a level sufficient to cause harm.

That a product contains a "flame retardant chemical" does not necessarily mean that the product is harmful to human health or the environment or that there is any violation of existing safety standards or laws. Risks associated with a chemical in a product are dependent upon the potency of the chemical and the magnitude, duration, and frequency of exposure to the chemical.

EPA, the Centers for Disease Control (CDC), and some states make it clear that the mere presence of a chemical in a product or in our bodies is insufficient information to determine whether that chemical or product poses a risk. For example, Washington State's Department of Ecology clearly states on its website:

> **"The presence of a chemical in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws."**[1]

Unsupported Assumption that Consumer Products Contain Harmful Substances

Bear in mind that more than a dozen federal laws are in place to regulate the safety of chemicals in commerce, including the Consumer Product Safety Improvement Act (CPSIA) and the Federal Hazardous Substances Act (FHSA).

The FHSA gives the CPSC authority to ban by regulation a hazardous substance if it determines that the product is so hazardous that the cautionary labeling required by the act is inadequate to protect the public. Any toy or other article that is intended for use by children and that contains a hazardous substance is also banned under the FHSA if a child can gain access to the substance. In addition, the act gives the Commission authority to ban by regulation any toy, or other article intended for use by children which presents a mechanical, electrical, or thermal hazard.

Flame Retardant Definition is Overly Broad

The chemicals subject to the proposed restriction are defined so broadly that virtually any chemical or chemical compound that exists now or one that may be invented in the future would be prohibited. Water arguably would be restricted if its functional use was to "resist or inhibit the spread of fire." Innovation among manufacturers and raw material suppliers is common practice as businesses seek to identify newer, environmentally friendlier, and more cost effective products. SB 447 stifles any attempt at innovation.

Flame Retardant Evaluation Work at EPA and CPSC

EPA is currently conducting rigorous scientifically based safety assessments of four flame retardant chemistries used in a variety of applications – textiles, furniture foams, paints, and electronics. At a minimum, any new policy regarding these chemistries should be informed by this review.[2]

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[1] Washington Administrative Code 173-334-010. https://apps.leg.wa.gov/WAC/default.aspx?cite=173-334-010

[2] https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-assessing-risks-flame-retardants#what

Additionally, the proponents of SB 447 may allege that the CPSC recently moved to restrict the use of these chemistries in various applications pursuant to a petition filed by some interest groups. That allegation is false. Please consider the following facts:

- The National Academy of Sciences, Engineering, and Medicine (NAS) Study Report that was commissioned by the CPSC and released in May 2019 concluded that additive, non-polymeric organohalogen flame retardants (OFRs) are so different that a single class approach is scientifically inappropriate, since the grouping of chemicals as OFRs glosses over differences in chemical structure, physicochemical properties, and predicted biological effects.[3]
- As part of its Fiscal Year 2020 Operating Plan, the CPSC is considering withdrawing the Guidance Document related to additive, non-polymeric organohalogen flame retardants in certain consumer products.
- The CPSC's own staff concluded that it is not appropriate to group all organohalogen flame retardants together and that the CPSC could not make the determination that all OFRs were "hazardous substances."

Fire Safety Should Not Be Overlooked

Great progress has been made over the years with respect to fire safety. However, fire remains a safety challenge. The National Fire Protection Association (NFPA) reports that fire fighters responded to nearly 1.32 million fires in 2018, which resulted in 3,655 civilian fire fatalities, 15,200 civilian fire injuries, and an estimated $12.4 billion in property loss.

Fire also affects some of our most vulnerable populations. Fires and burns are the third leading cause of unintentional death among children 14 and under.[4] According to the NFPA, children under five years old are 10% more likely to die in a home fire as the average person.[5] In 2015, adults age 65 or older represented 15 percent of the United States population but suffered 40 percent of all fire deaths.[6] Older adults were more vulnerable in a fire than the general

[3] "A Class Approach to Hazard Assessment of Organohalogen Flame Retardants," National Academies of Sciences, Engineering, and Medicine, May 2019.

[4] ESFI, Holiday Data and Statistics, available at http://www.esfi.org/resource/holiday-data-and-statistics-359#InjuryAndFatalityStatistics.

[5] NFPA. *Characteristics of Home Fire Victims*. March 2014. Available at https://www.nfpa.org/News-and-Research/Fire-statistics-and-reports/Fire-statistics/Demographics-and-victim-patterns/Characteristics-of-home-fire-victims.

[6] U.S. Fire Administration 2017. Fire safety outreach materials for older adults. Available at https://www.usfa.fema.gov/prevention/outreach/older_adults.html.

population due to a combination of factors including mental and physical frailties, greater use of medications, and elevated likelihood of living in a poverty situation.[7]

Flame retardants are an important fire safety tool that help save lives, reduce fires, and limit property damage. This point is reinforced by the fact that SB 447 exempts electrical components from the prohibition presumably because these products may pose a fire risk and that flame retardants can play a role in reducing that risk.

For the reasons stated above, we respectfully oppose SB 447. We look forward to additional opportunities to provide information to the Legislature on the issues of fire safety, chemical safety and product safety.

Concerns Shared by the Following Organizations:

American Chemistry Council

Juvenile Products Manufacturers Association

Maryland Retailers Association

Maryland Industrial Technology Alliance

Single Ply Roofing Industry

The Toy Association

[7] U.S. Fire Administration National Fire Data Center. Fire Risk to Older Adults in 2010. Topical Fire Report Series Vol. 14, no. 9. August 2013. Available at https://www.usfa.fema.gov/downloads/pdf/statistics/v14i9.pdf (accessed Jan. 17, 2018).