



Testimony of

Juvenile Products Manufacturers Association

Before the  
Maryland Health and Government Operations Committee  
February 12, 2020

Expressing Concerns with House Bill 424  
"Public Health - Products Containing a Flame-Retardant Chemical - Prohibition on Import or Sale"

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Delegate Pendergrass, Delegate Pena-Melnyk, and member of the Health and Government Operations Committee, the Juvenile Products Manufacturers Association (JPMA) appreciates this opportunity to comment on House Bill 424 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 House Bill 424, 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 House Bill 424. 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 House Bill 424**

JPMA's members support avoidance of flame-retardants, where feasible, but in a few applications, it is not and JPMA appreciates that House Bill 424 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 House Bill 424 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 House Bill 424 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.