

California Bill Would Complicate Labeling Requirements for Children's Products

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California state law bill [SB 763](#) has stayed relatively under the radar since its introduction in February 2015. However, with recent traction in the state legislature – including passage in the Senate in June and passage in three Assembly Committees in July – this bill is definitely worth a second look.

SB 763 would require manufacturers of “juvenile products” sold in California to include a statement on the product’s label *whether or not* the product contains added flame retardant chemicals. A “juvenile product” would be defined as a product subject to California’s Home Furnishings and Thermal Insulation Act,[\[1\]](#) and intended for use by infants and children under 12. Covered products would include not only bassinets, floor play mats, crib mattresses, infant bouncers, and infant and booster seats which are used by infants and children, but also products intended for use by adults which the child or infant may come in contact with. This includes, for example, nursing pads, nursing pillows, infant carriers, and changing table pads.

The bill would require manufacturers to affix the following lengthy labeling statement on covered juvenile products sold in California, and indicate the absence or presence of added flame retardant chemicals by marking a “X” in the applicable space below:

The State of California has determined that this product does not pose a serious fire hazard. The state has identified many flame retardant chemicals as being known to, or strongly suspected of, adversely impacting human health or development. The fabric, filling, and plastic parts of this product: ____ contains added flame retardant chemicals ____ contains NO added flame retardant chemicals

Additionally, the bill imposes recordkeeping requirements, allows the CA Department of Toxic Substances Control to test products labeled as containing no added flame retardant chemicals for compliance, and permits fines ranging from \$2,500 to \$15,000 for mislabeling and other violations.

In the past few years, flame retardant chemicals have been highly scrutinized by consumer advocates. According to the bill’s author, “[g]rowing evidence show(s) that many fire retardant chemicals have serious human and environmental health impacts, including cancer, decreased fertility, hormone disruption, lower IQ, and hyperactivity.”

Although the bill’s intentions are honorable – *i.e.*, to provide parents with information needed to choose safe and healthy products for their children – the reality is that the bill would impose additional requirements on products already regulated by the CPSC, impose costly and burdensome labeling requirements on businesses, and may actually undermine consumer confidence in covered

products.

As [noted](#) by Anne Northup, Former Congresswoman and Former U.S. CPSC Commissioner, “[i]magine the confusion from expectant parents shopping for needed items when they see that the high chair is labeled as being free of flame-retardants and the crib mattress being labeled as containing them. What are they to conclude about which product is safe?”

[1] The [Home Furnishings and Thermal Insulation Act](#) (Cal. Bus. & Prof. Code § 19000 *et seq.*) generally governs the licensing and inspection of businesses that manufacture and sell upholstered furniture, bedding and filling materials, and thermal insulation.