

# U.S. Consumer Product Safety Commission

## Recent CPSC Activity: Organohalogen Flame Retardants



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The slides in this presentation are intended to be used in a training event with verbal elaboration by a knowledgeable presenter. The slides highlight key U.S. product safety requirements for this discussion. The text is not a comprehensive statement of legal requirements or policy and should not be relied upon for that purpose. You should consult official versions of U.S. statutes and regulations, as well as published CPSC guidance when making decisions that could affect the safety and compliance of products entering U.S. commerce. Note that references are provided at the end of the presentation and a handout on phthalates prohibitions in children's toys and child-care articles is also available.

# Topics

- What Are Organohalogen Flame Retardants?
- Timeline
  - Petition
  - Commission Vote
  - Guidance
  - Rulemaking Process
- Next Steps

# Organohalogen Flame Retardants

- Organohalogen chemicals are organic compounds that contain at least one halogen (fluorine, chlorine, bromine, or iodine) bonded to carbon.
- Organohalogen flame retardants (also referred to as *OFRs* or *halogenated flame retardants*) contain bonds between carbon and the elements bromine or chlorine.
  - Includes brominated and chlorinated phosphate ester flame retardants.

# Petition

- Petition HP 15-1:

*16 C.F.R. § 1051 Petition for Rulemaking to Protect Against Consumer Products Containing Additive Organohalogen Flame Retardants*

- Submitted July 1, 2015

<https://www.regulations.gov/docket?D=CPSC-2015-0022>

- Petitioners:

American Academy of Pediatrics, American Medical Women's Association, Consumer Federation of America, Consumers Union, Green Science Policy Institute, International Association of Fire Fighters, Kids in Danger, Philip J. Landrigan, M.D., M.P.H., League of United Latin American Citizens, Learning Disabilities Association of American, National Hispanic Medical Association, Worksafe

# Petition

## Petition scope:

To ban the use of non-polymeric, additive OFRs in the following consumer products:

- Any durable infant or toddler product, children's toy, child care article, or other children's product (other than children's car seats);
- Any article of residential upholstered furniture;
- Any mattress or mattress pad; and
- The plastic casing of any electronic device.

# Petition

## Petition requested that:

- The products be considered “banned hazardous substances” under the FHSA if organohalogen flame retardants are present.
- Organohalogen flame retardants be treated as a *class* of chemicals and banned for use in the specified consumer products.

# Commission Vote

- On September 20, 2017, the Commission voted to:
  - Grant the petition,
  - Direct staff to convene a Chronic Hazard Advisory Panel (CHAP), and
  - Publish guidance.

# Commission Guidance

- Published on September 28, 2017, the guidance recommends:
  - Eliminating the use of OFRs in the specified products;
  - Obtaining assurances that such products do not contain OFRs; and
  - Avoiding products containing OFRs, especially consumers who are pregnant or with young children.
- This guidance is a recommendation, not a legal requirement.

<https://www.regulations.gov/document?D=CPSC-2015-0022-0215>

# Rulemaking Process

- CPSC generally regulates chemical hazards under the FHSA.
- The FHSA is risk based.
  - CPSC staff must assess the health risks from exposure to products of interest if they contain OFRs.
- CPSC must convene a CHAP before proposing a regulation banning products based on a risk of cancer, birth defects, or gene mutations.

# Next Steps

- CPSC staff is working with the National Academy of Sciences (NAS) to develop a plan for assessing the health risks of OFRs.
- FAQs have been posted on the CPSC website at:

[https://www.cpsc.gov/business--  
manufacturing/business-education/business-  
guidance/flame-retardants](https://www.cpsc.gov/business--manufacturing/business-education/business-guidance/flame-retardants)

# Contact Information

## U.S. Consumer Product Safety Commission



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