



Ecology home > News > News Release

Department of Ecology News Release - January 28, 2010

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Pilot process will begin field testing state children's product law

OLYMPIA - Some manufacturers of children's products will begin field testing a pilot rule to carry out Washington state's groundbreaking Children's Safe Product Act, the Department of Ecology (Ecology) announced today. Under the pilot rule-making process, the state and product-makers will learn how to best implement the chemical reporting process called for under the law.

Along with announcing the pilot process, Ecology released the draft list of 66 chemicals that trigger reporting as part of the draft rule. As required by the law, chemicals on the draft list are toxic and have either been found in children's products or have been documented to be present in human tissue (blood, breast milk, etc.). However, the mere presence of these chemicals in children's products does not necessarily indicate that there is a risk of exposure.

The Children's Safe Product Act (CSPA) requires Ecology, in consultation with Department of Health, to develop this list of chemicals. After Ecology issues rules to implement CSPA, manufacturers of children's products must notify Ecology if their products contain these chemicals.

"We're taking a thoughtful, practical, common-sense approach that is workable to all parties involved," said Ted Sturdevant, Ecology director. "Reporting on the use of toxic chemicals is the first step toward getting safer products for children. Reports under this law will help policy makers decide if further actions are needed."

Carol Kraege, Ecology's Reducing Toxic Threats Initiative coordinator said, "The draft list of reporting chemicals is a starting point. It is not a definitive list of all chemicals of concern for children. We intend it to be a dynamic list; one that will be revised to reflect new information."

Ecology expects to receive feedback from pilot participants and complete the pilot rule project by this spring. After that, the agency will proceed with formal rule-making and the public will have an opportunity to comment on the rule.

The Children's Safe Product Act was signed by Gov. Gregoire on April 1, 2008. The law consists of two basic parts. The first limited the amount of lead, cadmium and phthalates permissible in children's products sold in Washington after July 1, 2009.

However, these standards were substantially preempted by the Consumer Product Safety Improvement Act passed by Congress in July 2008. This federal act also limits the amount of lead, cadmium, and phthalates permissible in children's products and prevents states from enacting similar legislation. This act is being enforced by the federal Consumer Product Safety Commission.

The second part of Washington's law, requiring manufacturers to disclose chemicals of concern in children's products, was not preempted by federal statute.

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Media Contacts:

Kathy Davis, Ecology media relations, 360-407-6149
Carol Kraege, Waste 2 Resources, 360-407-6906

For more information: Children's Safe Product Act page:
www.ecy.wa.gov/programs/swfa/cspa/index.html

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