ASSEMBLY, No. 1362

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:
Assemblyman JAMES J. KENNEDY
District 22 (Middlesex, Somerset and Union)

SYNOPSIS
Prohibits manufacture and sale of children’s products and upholstered furniture made with certain flame retardant chemicals.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning certain products made with flame retardant chemicals and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. Except as otherwise provided in subsection b. of this section, it shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to manufacture, sell, offer for sale, lease, or distribute, after the effective date of P.L., a product or upholstered furniture produced with or containing more than 0.1% of the following chemicals:

   (1) TDCPP (tris (1,3-dichloro-2-propyl) phosphate), Chemical Abstracts Service number 13674-87-8;
   (2) TCEP (tris (2-chloroethyl) phosphate), Chemical Abstracts Service number 115-96-8;
   (3) tetrabromobisphenol A, Chemical Abstracts Service number 79-94-7;
   (4) decabromodiphenyl ether (decaBDE), Chemical Abstracts Service number 1163-19-5;
   (5) antimony, Chemical Abstracts Service number 7440-36-0;
   (6) hexabromocyclododecane, Chemical Abstracts Service number 25637-99-4;
   (7) tetrabromo phthalate (TBPH), Chemical Abstract Service number 26040-51-7;
   (8) tetrabromo benzoate (TBB), Chemical Abstract Service number 183658-27-7;
   (9) chlorinated paraffins, Chemical Abstract Service number 85535-84-8; and
   (10) TCPP, (tris (1-chloro-2-propyl) phosphate), Chemical Abstract Service number 13674-84-5.

b. Notwithstanding the provisions of subsection a. of this section, a retailer who possesses a product that is prohibited pursuant to subsection a. of this section, may sell, lease, or distribute that product for not more than 180 days after the effective date of P.L., c. (C.) (pending before the Legislature as this bill).

c. As used in this section, a “children’s product” means a product primarily designed or intended by a manufacturer to be used by or for a child 10 years of age or younger.

2. This act shall take effect on the first day of the seventh month next following enactment, except the Director of the Division of Consumer Affairs may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.
This bill makes it an unlawful practice to manufacture, sell, offer for sale, lease, or distribute any children’s product or upholstered furniture produced with or containing more than 0.1% of certain flame retardant chemicals after the bill’s effective date of this bill. The bill defines a “children’s product” as a product primarily designed or intended by a manufacturer to be used by or for a child 10 years of age or younger.

The flame retardant chemicals banned under the bill include: TDCPP, TCEP, tetrabromobisphenol A, decaBDE, antimony, hexabromocyclododecane, TBPH, TBB, chlorinated paraffins, and TCPP. These chemicals are also banned in other states, such as California, Maryland, Minnesota, and New York.

The bill also allows any retailer in possession of these banned products to sell or distribute existing stock for up to 180 days after the bill’s effective date.

When certain products, such as plastics and fabrics, burn, they emit hydrogen bromide and other toxic gases. Studies indicate that the presence of these highly toxic materials after a fire can be absorbed into the body through the skin or inhalation. Hydrogen bromide, a highly toxic and corrosive gas, can penetrate the protective breathing apparatus used by firefighters. These toxins pose a public safety threat to firefighters and citizens in general. This bill would limit exposure to the dangerous chemicals.