

Assembly Bill No. 1108

CHAPTER 672

An act to add Chapter 11 (commencing with Section 108935) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

[Approved by Governor October 14, 2007. Filed with Secretary of State October 14, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, Ma. Children's products: phthalates.

Existing law prohibits the manufacture, processing, and distribution in commerce of products containing certain chemicals found to raise health risks, including, but not limited to, polybrominated diphenyl ether.

This bill would, commencing January 1, 2009, prohibit the manufacture, sale, or distribution in commerce of certain toys and child care articles, as defined, if those products contain types of phthalates in concentrations exceeding $\frac{1}{10}$ of 1%.

This bill would also require manufacturers to use the least toxic alternative when replacing phthalates in their products and would prohibit manufacturers from replacing phthalates with certain carcinogens and reproductive toxicants.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares both of the following:

(a) Phthalates are a class of chemicals used in polyvinyl chloride (PVC) plastic to improve flexibility and in cosmetics to bind fragrance to the product. Phthalates are used in many products intended for use by young children, including, but not limited to, teething rings, toys, and soft plastic books.

(b) There is extensive scientific literature reporting the hormone-disrupting effects phthalates and substantial evidence that levels of the phthalates of concern are found in humans at levels associated with adverse effects. Population studies show that virtually everyone carries some level of phthalates in their body. For the general population, the oral route of exposure is considered a major route.

SEC. 2. Chapter 11 (commencing with Section 108935) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 11. PHTHALATES IN PRODUCTS FOR YOUNG CHILDREN

108935. For the purposes of this chapter, the following terms have the following meanings:

(a) “Toy” means all products designed or intended by the manufacturer to be used by children when they play.

(b) “Child care article” means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

108937. (a) Commencing January 1, 2009, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in concentrations exceeding 0.1 percent.

(b) Commencing January 1, 2009, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article intended for use by a child under three years of age if that product can be placed in the child’s mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

108939. (a) Manufacturers shall use the least toxic alternative when replacing phthalates in accordance with this chapter.

(b) Manufacturers shall not replace phthalates, pursuant to this chapter, with carcinogens rated by the United States Environmental Protection Agency as A, B, or C carcinogens, or substances listed as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens, as described in the “List of Chemicals Evaluated for Carcinogenic Potential,” or known to the state to cause cancer as listed in the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12).

(c) Manufacturers shall not replace phthalates, pursuant to this chapter, with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency or listed in the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12).