



## US New York State Revises Children's Product Reporting Rules

On April 3, 2020, the Governor of New York State of the United States signed Bill S7505B / A9505B, which aims to amend the reporting rules for chemical substances listed in children's products in S501B and prohibit the sale of children's products containing certain chemical substances. The bill took effect 120 days after it became law. The main contents of the bill as follows:

### ● Scope

The bill applies to children's products. "Children's product" means a consumer product primarily intended for, made for or marketed for use by children aged 12 and under, such as baby products, toys, car seats, school supplies, personal care products, a product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, and children's novelty products, children's jewelry, children's bedding, furniture, furnishings, and apparel.



### ● Not applicable

- (a) Battery;
- (b) consumer electronic products and their component parts including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals, accessories and peripherals to children's electronic products including plugs, keyboards and headphones, interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;
- (c) Food or beverage or an additive to a food or beverage regulated by the United States Food and Drug Administration. "Children's product" also does not include a drug, biologic or medical device regulated by the United States Food and Drug Administration.
- (d) Sporting equipment including bicycles and tricycles, skis, snow boards, sleds, and roller skates; and hunting and fishing equipment or components thereof;
- (e) Science kits including chemistry sets and model rockets;
- (f) Toy engines and sets of darts with metallic points;
- (g) Motor vehicles or their component parts, watercraft or their component parts, all-terrain vehicles or their component parts, or off-highway motorcycles or their component parts;
- (h) Used children's products that are sold or distributed for free at second-hand stores, yard sales, on the internet or donated to charities;
- (i) High Priority Chemicals used in or for industry or manufacturing, including chemicals processed or used in or for industrial or manufacturing processes and not included in the final products;
- (j) Motor vehicles and watercrafts and their parts (but detachable car seats are not exempted);
- (k) Children's product made by a manufacturer who employs 5 persons or fewer, and are independently owned and operated.

### ● List of chemical substances

The bill requires the New York DEC to publish a list of "dangerous chemicals" and "chemicals of concern" on website within 180 days of the entry into force of the bill.

The following substances are designated as "HIGH-PRIORITY chemical": Tris (1,3 dichloro-2-propyl) phosphate; Benzene; lead and compounds (inorganic); Mercury and mercury compounds, including methyl mercury; Formaldehyde; Asbestos; Arsenic and arsenic



compounds including arsenic trioxide and dimethyl arsenic; Cadmium; Organohalogen flame retardants.

- **Reporting requirements**

Within 12 months after the concerned chemical substance or high priority chemical substance is included in the list, all manufacturers of children's products offered for sale or distribution in the state containing the concerned chemical substance or high priority chemical substance shall be deemed as The actual quantitation limit or the replacement threshold of trace pollutants shall be reported to the Ministry of Environmental Protection of the use of such chemical substances. The notified information should include:

- (a) Identity of children's product;
- (b) High Priority Chemical(s) or Chemical of Concern(s) contained in the children's product;
- (c) Intended purpose of the chemicals;

- **Prohibition requirements**

From January 1, 2023, no person shall distribute, sell or offer for sale in this state a children's product containing in which tris (1, 3 dichloro-2-propyl) phosphate, benzene, formaldehyde (other than in textiles), asbestos, organohalogen flame retardants is intentionally added.

This provision shall not apply:

- (a) To a children's product solely based on its containing an enclosed battery or enclosed electronic components;
- (b) Where state regulation of children's products is preempted by federal law;
- (c) Where the chemical is present as a trace contaminant;
- (d) to an inaccessible component of a children's product that during reasonable, foreseeable use and abuse of the product would not come into direct contact with a child's skin or mouth, as determined by the department; The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

Original link: <https://legislation.nysenate.gov/pdf/bills/2019/s7505b>

## HCT SOLUTION :

At present, the New York State DEC has not released the list of "dangerous chemicals" and "chemicals of concern". Related companies should pay close attention to the latest developments of the New York State Department of Environmental Protection to obtain the latest information. HCT has a professional technical team and rich experience in restricted substance management and control, which can develop personalized solutions for customers and help enterprises respond calmly.

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