

Chemical Regulations State and Federal Levels

ISSUE:

Regulations on chemicals and products containing regulated chemicals are having a growing impact on textile and related products. Working with the newly formed NCTO Chemicals Group and through other federal and state organizations addressing this complex subject, NCTO is providing input to the key regulatory actions underway with regulatory and legislative bodies.

BACKGROUND:

Since Tris (2,3,-dibromopropyl) phosphate (Tris), a flame retardant (FR) chemical applied to fabric to meet the Consumer Product Safety Commission's flammability requirements for children's sleepwear, was banned in the 1970's, the public has avoided chemical treatments in virtually all products. This has been compounded by a nationwide focus on the safety of FRs and many allegations have been made about the chronic effects of these and other chemicals used on products for children and adults.

The ongoing sentiments against all chemicals, especially FRs, has led to several states establishing individual regulations which might be in conflict with other state regulations. The current environment makes it difficult to select chemicals to enhance performance of textiles and still be "safe" from future accusations of using harmful products.

Not only are states developing their own chemical regulations, but Congress is working to update the Toxic Substances Control Act (TSCA), a law that regulates the introduction of new or already existing chemicals. The American Chemical Council is leading an industry effort to update TSCA and NCTO is providing support in this area. As expected, updating TSCA is controversial in that environmentalists want to strengthen the law with extreme positions while industry wants a workable and affordable solution that will protect the public from chemicals and products that are truly dangerous.

POSITION:

Until the regulation of chemicals and products containing regulated chemicals settles down, it will continue to be complex and confusing. Thirteen states either have passed legislation regulating chemicals in products or are considering regulations. Some state regulations are in conflict with other state regulations, and the need for federal pre-empted in this area is needed. The industry will continue to try to comply with all mandatory regulations and, when possible,

participate in legislative and regulatory efforts to bring balance and reason to actions taken by the states.