

Summary of Washington State Children's Safe Products Act

Overview

- The Washington State Children's Safe Products Act requires the Washington Department of Ecology (Department) to adopt by rule a list of high priority chemicals that are of high concern to children.
- At a specified time, after the Department adopts a rule listing a high priority chemical, and annually thereafter, a manufacturer of a children's product shall notify the Department that the manufacturer's product contains a high priority chemical.
- The Department posts to a website information submitted regarding the relevant chemical and children's product.

List requirements

- The Washington State Department of Ecology, in consultation with the Washington Department of Health, shall identify by rule high priority chemicals that are of high concern for children.
- A high priority chemical is a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:
 1. Harm the normal development of a fetus or child or cause other developmental toxicity;
 2. Cause cancer, genetic damage, or reproductive harm;
 3. Disrupt the endocrine system;
 4. Damage the nervous system, immune system, or organs or cause other systemic toxicity;
 5. Be persistent, bioaccumulative, and toxic; or
 6. Be very persistent and very bioaccumulative.
- A high priority chemical also must be found:
 1. through biomonitoring to be present in human umbilical cord blood, human breast milk, urine, or other bodily tissues or fluids;
 2. through sampling to be present in the home environment; or
 3. to be added or present in a consumer product used or present in the home.
- The Department shall identify children's products or product categories that may contain high priority chemicals.

Children's Products

- "Children's product" means any of the following:
 1. Toys;
 2. Children's cosmetics;
 3. Children's jewelry;
 4. A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or feeding, or to be worn as clothing by children; or
 5. Child car seats.
- "Children's product" does not include the following:
 1. Batteries;
 2. Slings and catapults;
 3. Sets of darts with metallic points;
 4. Toy steam engines;
 5. Bicycles and tricycles;
 6. Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;
 7. Chemistry sets;
 8. Consumer electronic products, including personal computers, audio and video equipment, calculators, wireless phones, game consoles, and hand-held devices incorporating a video screen, used to access interactive software and their associated peripherals;
 9. Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;
 10. BB guns, pellet guns, and air rifles;
 11. Snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;
 12. Sporting equipment, including, bats, balls, gloves, sticks, pucks, and pads;
 13. Roller skates;
 14. Scooters;
 15. Model rockets;
 16. Athletic shoes with cleats or spikes;
 17. Pocket knives and multitools; and
 18. Food, drugs, dietary supplements, packaging, medical devices, or FDA regulated cosmetics.
- Child means an individual under 12 years of age.
- Only children's products sold, or offered for sale in Washington are subject to the act.

Manufacturer's Notice

- A manufacturer of a children's product shall provide notice to the Department if a chemical of high concern is intentionally added to a product above the PQL or is present in the product as a contaminant above 100 ppm.
- A manufacturer shall include any person or entity that produces a children's product and any domestic distributor of a children's product.
 - Only one person—the manufacturer or the distributor is required to provide notice depending on a priority hierarchy for reporting.
- The notice shall include:
 - The name of the chemical and its abstract registry number;
 - The product or product category in which the chemical is located;
 - The product component in which the chemical is located
 - A description of the function of the chemical in the product
 - The total amount of the chemical by weight in the product;
 - Contact information for the manufacturer; and
 - Any other information the manufacturer deems relevant.
- Notice is due according to a set schedule based on the size of the manufacturer and the category in which the product is located.
- The range of reporting is between 12 months for large manufacturers with products with high exposure to 84 months for "tiny" manufacturers with products of low/no exposure.
- The product categories are based on the level of potential exposure of a chemical to a child.
 - Tier 1: products intended to be put in a child's mouth or applied to a child's body or any mouthable children's product for a child under 3.
 - Tier 2: products intended to be in contact with a child's skin for more than one hour—e.g. clothing.
 - Tier 3: products intended for short periods of direct contact to a child's skin.
 - Tier 4: products, through reasonable use or misuse, will not allow for exposure of the chemical to a child.
- A trade organization can provide notice for member manufacturers.
- Confidential business information submitted by a manufacturer is not public.
- All, non-confidential business information shall be available to the public.
- Failure to comply with the requirements of the act is subject to a civil penalty.

Washington State List of High Priority Chemicals

	Chemical		Chemical
1	Formaldehyde	34	2-Methoxyethanol
2	Aniline	35	Ethylene glycol monoethyl ester
3	N-Nitrosodimethylamine	36	Tris(2-chloroethyl) phosphate
4	Benzene	37	Di-2-ethylhexyl phthalate
5	Vinyl chloride	38	Di-n-octyl phthalate (DnOP)
6	Acetaldehyde	39	Hexachlorobenzene
7	Methylene chloride	40	3,3'-Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine
8	Carbon disulfide	41	Ethyl paraben
9	Methyl ethyl ketone	42	1,4-Dioxane
10	1,1,2,2-Tetrachloroethane	43	Perchloroethylene
11	Tetrabromobisphenol A	44	Benzophenone-2 (Bp-2); 2,2',4,4'-Tetrahydroxybenzophenone
12	Bisphenol A	45	4-tert-Octylphenol; 1,1,3,3-Tetramethyl-4-butylphenol
13	Diethyl phthalate	46	Estragole
14	Dibutyl phthalate	47	2-Ethylhexanoic Acid
15	Di-n-Hexyl Phthalate	48	Octamethylcyclotetrasiloxane
16	Phthalic Anhydride	49	Benzene, pentachloro
17	Butyl Benzyl phthalate (BBP)	50	C.I. Solvent Yellow 14
18	N-Nitrosodiphenylamine	51	N-Methylpyrrolidone
19	Hexachlorobutadiene	52	2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209
20	Propyl paraben	53	Perfluorooctanyl sulphonic acid and its salts; PFOS
21	Butyl paraben	54	Phenol, 4-octyl-
22	2-Aminotoluene	55	2-Ethyl-hexyl-4-methoxycinnamate
23	2,4-Diaminotoluene	56	Mercury & mercury compounds including methyl mercury (22967-92-6)
24	Methyl paraben	57	Molybdenum & molybdenum compounds
25	p-Hydroxybenzoic acid	58	Antimony & Antimony compounds
26	Ethylbenzene	59	Arsenic & Arsenic compounds including arsenic trioxide (1327-53-3) & dimethyl arsenic (75-60-5)
27	Styrene	60	Cadmium & cadmium compounds
28	4-Nonylphenol; 4-NP and its isomer mixtures including CAS 84852-15-3 & CAS 25154-52-3	61	Cobalt & cobalt compounds
29	para-Chloroaniline	62	Tris(1,3-dichloro-2-propyl)phosphate
30	Acrylonitrile	63	Butylated hydroxyanisole; BHA
31	Ethylene glycol	64	Hexabromocyclododecane
32	Toluene	65	2-Methoxyethanol
33	Phenol		


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Chapter 70.240 RCW CHILDREN'S SAFE PRODUCTS

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RCW Sections

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70.240.010 **Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. "Children's cosmetics" includes cosmetics that meet any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(c) Sold in any of the following:

(i) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online web

site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(2) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. "Children's jewelry" includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine;

(ii) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3)(a) "Children's product" includes any of the following:

(i) Toys;

(ii) Children's cosmetics;

(iii) Children's jewelry;

(iv) 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, or to be worn as clothing by children; or

(v) Child car seats.

(b) "Children's product" does not include the following:

(i) Batteries;

(ii) Slings and catapults;

(iii) Sets of darts with metallic points;

(iv) Toy steam engines;

(v) Bicycles and tricycles;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;

(vii) Chemistry sets;

(viii) Consumer electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and hand-held devices incorporating a video screen, used to access interactive software and their associated peripherals;

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;

(x) BB guns, pellet guns, and air rifles;

(xi) Snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;

(xii) Sporting equipment, including, but not limited to bats, balls, gloves, sticks, pucks, and pads;

(xiii) Roller skates;

(xiv) Scooters;

(xv) Model rockets;

(xvi) Athletic shoes with cleats or spikes; and

(xvii) Pocket knives and multitools.

(4) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

(5) "Department" means the department of ecology.

(6) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or

(f) Be very persistent and very bioaccumulative.

(7) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a children's product or an importer or domestic distributor of a children's product. For the purposes of this subsection, "importer" means the owner of the children's product.

(8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(9) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(10) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(11) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(12) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days;

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

[2008 c 288 § 2.]

70.240.020

Prohibition on the manufacturing and sale of children's products containing lead, cadmium, or phthalates.

(1) Beginning July 1, 2009, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing the following:

(a) Except as provided in subsection (2) of this section, lead at more than .009 percent by weight (ninety parts per million);

(b) Cadmium at more than .004 percent by weight (forty parts per million); or

(c) Phthalates, individually or in combination, at more than 0.10 percent by weight (one thousand parts per million).

(2) If determined feasible for manufacturers to achieve and necessary to protect children's health, the department, in consultation with the department of health, may by rule require that no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing lead at more than .004 percent by weight (forty parts per million).

[2008 c 288 § 3.]

70.240.030

Identification of high priority chemicals — Report.

(1) By January 1, 2009, the department, in consultation with the department of health, shall identify high priority chemicals that are of high concern for children after considering a child's or developing fetus's potential for exposure to each chemical. In identifying the chemicals, the department shall include chemicals that meet one or more of the following criteria:

(a) The chemical has been found through biomonitoring studies that demonstrate the presence of the chemical in human umbilical cord blood, human breast milk, human urine, or other bodily tissues or fluids;

(b) The chemical has been found through sampling and analysis to be present in household dust, indoor air, drinking water, or elsewhere in the home environment; or

(c) The chemical has been added to or is present in a consumer product used or present in the home.

(2) By January 1, 2009, the department shall identify children's products or product categories that may contain chemicals identified under subsection (1) of this section.

(3) By January 1, 2009, the department shall submit a report on

the chemicals of high concern to children and the children's products or product categories they identify to the appropriate standing committees of the legislature. The report shall include policy options for addressing children's products that contain chemicals of high concern for children, including recommendations for additional ways to inform consumers about toxic chemicals in products, such as labeling.

[2008 c 288 § 4.]

70.240.040

Notice that a children's product contains a high priority chemical.

Beginning six months after the department has adopted rules under *section 8(5) of this act, a manufacturer of a children's product, or a trade organization on behalf of its member manufacturers, shall provide notice to the department that the manufacturer's product contains a high priority chemical. The notice must be filed annually with the department and must include the following information:

- (1) The name of the chemical used or produced and its chemical abstracts service registry number;
- (2) A brief description of the product or product component containing the substance;
- (3) A description of the function of the chemical in the product;
- (4) The amount of the chemical used in each unit of the product or product component. The amount may be reported in ranges, rather than the exact amount;
- (5) The name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and
- (6) Any other information the manufacturer deems relevant to the appropriate use of the product.

[2008 c 288 § 5.]

Notes:

***Reviser's note:** Section 8 of this act was vetoed by the governor.

70.240.050**Manufacturers of restricted products — Notice to sellers and distributors — Civil penalty.**

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of children's products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

[2008 c 288 § 7.]

70.240.060**Adoption of rules.**

The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

[2008 c 288 § 9.]



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Chapter 173-334 WAC

Last Update: 10/22/13

CHILDREN'S SAFE PRODUCTS—REPORTING RULE

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173-334-010

Introduction.

Under the Children's Safe Product Act (CSPA), chapter [70.240](#) RCW, manufacturers of children's products are required to notify the department of ecology when a chemical of high concern to children (CHCC) is present in their products or, if the product contains more than one component, each product component.

The presence of a CHCC in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws. The reported information will help fill a data gap that exists for both consumers and agencies.

The CSPA requires the department of ecology in consultation with the department of health to identify a list of chemicals for which manufacturers of children's products are required to provide notice. The CSPA specifies both the characteristics of these chemicals and the notice requirements.

[Statutory Authority: Chapter [70.240](#) RCW, RCW [70.240.040](#). WSR 11-16-008 (Order 09-04), § 173-334-010, filed 7/21/11, effective 8/21/11.]

173-334-020

What is the purpose of this chapter?

The purpose of this chapter is to:

- (1) Establish the list of chemicals for which manufacturer notice is required;
- (2) Establish what manufacturers of children's products must do to comply with the notice requirements created by the CSPA; and
- (3) Clarify the enforcement processes the department of ecology will use if manufacturers fail to provide notice as required.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-020, filed 7/21/11, effective 8/21/11.]

173-334-030

To whom does this chapter apply?

This chapter applies to manufacturers of children's products.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-030, filed 7/21/11, effective 8/21/11.]

173-334-040

What definitions apply to terms used in this chapter?

"Chemical Abstracts Service number" means the number assigned for identification of a particular chemical by the Chemical Abstracts Service, a service of the American Chemical Society that indexes and compiles abstracts of worldwide chemical literature called *Chemical Abstracts*.

"CHCC list" means the reporting list of chemicals that the department has identified as high priority chemicals of high concern for children.

"Child" means an individual under twelve.

"Children's product" has the same meaning as defined in RCW 70.240.010.

(a) For the purposes of this rule, children's products only include products that are sold, or are to be offered for sale, to consumers in the state of Washington.

(b) In addition to the exemptions specified in RCW 70.240.010, for the purposes of this rule, "children's product" does not include over the counter drugs, prescription drugs, food, dietary supplements, packaging, medical devices, or products that are both

a cosmetic and a drug regulated by the Food and Drug Administration.

(c) A product label that includes usage instructions for use of a product that apply to children does not in and of itself establish that the product is a children's product.

"Contaminant" means trace amounts of chemicals that are incidental to manufacturing. They serve no intended function in the product component. They can include, but are not limited to, unintended by-products of chemical reactions during the manufacture of the product component, trace impurities in feed-stock, incompletely reacted chemical mixtures, and degradation products.

"Department of health" means the Washington state department of health.

"Intentionally added chemical" means a chemical in a product that serves an intended function in the product component.

"Manufacturer" means the producer, importer, or wholesale domestic distributor of a children's product and is more specifically defined in RCW 70.240.010. For the purposes of this rule, a retailer of a children's product is not a manufacturer unless it is also the producer, manufacturer, importer, or domestic distributor of the product.

"Mouthable" means able to be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed. If the product can only be licked, it is not able to be placed in the mouth. If a product or part of a product in one dimension is smaller than five centimeters, it can be placed in the mouth.

"Practical quantification limit (PQL)" means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions. This value is based on scientifically defensible, standard analytical methods. The value for a given chemical could be different depending on the matrix and the analytical method used.

"Product category" means the "brick" level of the GS1 Global Product Classification (GPC) standard, which identifies products that serve a common purpose, are of a similar form and material, and share the same set of category attributes.

"Product component" means a uniquely identifiable material or coating (including ink or dye) that is intended to be included as a part of a finished children's product.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-040, filed 7/21/11, effective 8/21/11.]

173-334-050

What is the purpose of the CHCC list?

The CHCC list identifies the chemicals to which the notice requirements apply. A manufacturer must notify the department in

accordance with WAC 173-334-080 if a chemical on the CHCC list is present in a children's product component. The current CHCC list is set forth in WAC 173-334-130.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-050, filed 7/21/11, effective 8/21/11.]

173-334-060

How can the department revise the CHCC list?

The department can only add chemicals to, or remove chemicals from, the CHCC list by amending this rule in accordance with the requirements of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-060, filed 7/21/11, effective 8/21/11.]

173-334-070

How will the department identify chemicals for inclusion in the CHCC list?

(1) The department will consult with the department of health during the modification of the CHCC list.

(2) A chemical that the department determines to meet all of the following criteria may be included on the CHCC list:

(a) The toxicity, persistence, or bioaccumulativity criteria specified in RCW 70.240.010(6); and

(b) The exposure criteria specified in RCW 70.240.030(1).

(3) The department will consider both the parent chemical and its degradation products when deciding whether a chemical meets the criteria of this section. If a parent chemical does not meet the criteria in this section but degrades into chemicals that do, the parent chemical may be included on the CHCC list.

(4) A person may submit a petition for consideration by the department to add a chemical to or remove a chemical from the CHCC list. The petition must provide the following information:

(a) Chemical Abstracts Service registry number;

(b) Chemical prime name; and

(c) Credible peer-reviewed scientific information documenting why the chemical meets or fails to meet the criteria required for inclusion on the list.

(5) The department shall review petitions in accordance with RCW 34.05.330, the Administrative Procedure Act.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040, WSR 11-16-008 (Order 09-04), § 173-334-070, filed 7/21/11, effective 8/21/11.]

173-334-080

What must the manufacturer include in its notice to the department?

(1) The notice required by RCW 70.240.040 must be filed annually with the department in accordance with the following:

(a) Each chemical on the CHCC list that is an intentionally added chemical present in a product component must be reported at any concentration above the PQL.

(b) Each chemical on the CHCC list that is a contaminant present in a product component must be reported at any concentration above 100 ppm. A manufacturer need not file a notice with respect to any CHCC that occurs in a product component only as a contaminant if the manufacturer had in place a manufacturing control program and exercised due diligence to minimize the presence of the contaminant in the component.

(2) The notice must include all of the following information:

(a) The name of the CHCC and its Chemical Abstracts Service registry number.

(b) The product category or categories in which it occurs.

(c) The product component or components within each product category in which it occurs.

(d) A brief description of the function, if any, of the CHCC in each product component within each product category.

(e) The total amount of the CHCC by weight contained in each product component within each product category. The amount may be reported in ranges, rather than the exact amount. If there are multiple CHCC values for a given component in a particular product category, the manufacturer must use the largest value for reporting.

For the purpose of this rule, the reporting ranges are as follows:

(i) Equal to or more than the PQL but less than 100 ppm (0.01%);

(ii) Equal to or more than 100 ppm (0.01%) but less than 500 ppm (0.05%);

(iii) Equal to or more than 500 ppm (0.05%) but less than 1,000 ppm (0.10%);

(iv) Equal to or more than 1,000 ppm (0.10%) but less than 5,000 ppm (0.5%); or

(v) Equal to or more than 5,000 ppm (0.5%) but less than 10,000 ppm (1.0%); or

(vi) Equal to or more than 10,000 ppm (1.0%).

(f) The name and address of the reporting manufacturer or trade organization and the name, address and phone number of the contact person for the reporting manufacturer or trade organization. When a trade organization is the reporting party, the report must include a list of the manufacturers on whose behalf the trade

organization is reporting, and all of the information that would otherwise be required of the individual manufacturers.

(g) Any other information the manufacturer deems relevant to the appropriate use of the product.

(3) Reporting parties are not required to include either:

(a) Any specific formula information; or

(b) The specific name and address of the facility which is responsible for the introduction of a CHCC into a children's product or product component.

(4) If a reporting party believes the information being provided is confidential business information (CBI), in whole or in part, it may request that the department treat the information as confidential business information as provided in RCW 43.21A.160. The department will use its established procedures to determine how it will handle the information.

(5) The department will make available the current version of the web form to be used for reporting on CHCCs. This same form may be used by the reporting party to flag the submitted information it thinks should be treated as CBI. The web form must be used when providing notification.

(6) Any information that is not determined to be confidential business information will be available to the public. As resources allow, the department will post this information on the department's web site.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-080, filed 7/21/11, effective 8/21/11.]

173-334-090

Who is required to provide notice to the department?

(1) The manufacturer of a children's product, or a trade organization on behalf of its member manufacturers, must provide notice to the department that the manufacturer's children's product component contains a chemical on the CHCC list.

(2) The definition of manufacturer in RCW 70.240.010 includes any person or entity that produces a children's product, any importer that assumes ownership of a children's product, and any domestic distributor of a children's product. However, it is only necessary for one person or entity to provide notice with respect to a particular children's product.

The following hierarchy will determine which person or entity the department will hold primarily responsible for ensuring that the department receives a complete, accurate, and timely notice for the children's product:

(a) The person or entity that had the children's product manufactured, unless it has no presence in the United States.

(b) The person or entity that marketed the children's product under its name or trademark, unless it has no presence in the United States.

(c) The first person or entity, whether an importer or a distributor, that owned the children's product in the United States.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-090, filed 7/21/11, effective 8/21/11.]

173-334-100

What time period is covered by the notice?

Manufacturers must provide notice as required by WAC 173-334-110 on an annual basis for children's products that have been manufactured for sale in Washington during the twelve-month period that precedes the applicable due date for first notices set out in WAC 173-334-110(2). If the reporting party determines that there has been no change in the information required to be reported since the prior annual notice, the party may submit a written statement indicating that the previous reported data is still valid, in lieu of a new duplicate complete notice.

If a CHCC is subsequently removed from the children's product component for which notice was given, the manufacturer may provide notice to the department. Such updated notices will be documented in the department's records.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-100, filed 7/21/11, effective 8/21/11.]

173-334-110

When must manufacturers begin to provide notice?

(1) This section establishes when manufacturers must first provide notice to the department if a children's product contains a chemical on the CHCC list. The notice requirement will be phased in as provided in the schedule set out in subsection (2) of this section based on the manufacturer categories and children's product tiers established in subsections (3) and (4) of this section. After the first notice date, notice must be provided annually on the anniversary of the first notice.

(2) The following table specifies when the first annual notice must be provided to the department in compliance with RCW 70.240.040. The due date will be determined by counting the number of months specified in the table, beginning with the first calendar month following the calendar month in which this rule is adopted. The notice will be considered delinquent if not received by the department by the last day of the month indicated.

Notice due dates from adoption date of rule, values are in months.

Manufacturer categories	Product Tier 1	Product Tier 2	Product Tier 3	Product Tier 4
Largest	12	18	24	case-by-case
Larger	18	24	36	case-by-case
Medium	24	36	48	case-by-case
Small	36	48	60	case-by-case
Smaller	48	60	72	case-by-case
Tiny	60	72	84	case-by-case

(3) For the purpose of this rule the department recognizes six categories of manufacturers. The categories of manufacturers are as follows:

(a) "Largest manufacturer" means any manufacturer of children's products with annual aggregate gross sales, both within and outside of Washington, of more than one billion dollars, based on the manufacturer's most recent tax year filing.

(b) "Larger manufacturer" means any manufacturer of children's products with annual aggregate gross sales, both within and outside of Washington, of more than two hundred fifty million but less than or equal to one billion dollars, based on the manufacturer's most recent tax year filing.

(c) "Medium size manufacturer" means any manufacturer of children's products with annual aggregate gross sales, both within and outside of Washington, of more than one hundred million but less than or equal to two hundred fifty million dollars, based on the manufacturer's most recent tax year filing.

(d) "Small manufacturer" means any manufacturer of children's products with annual aggregate gross sales, both within and outside of Washington, of more than five million but less than or equal to one hundred million dollars, based on the manufacturer's most recent tax year filing.

(e) "Smaller manufacturer" means any manufacturer of children's products with annual aggregate gross sales, both within and outside of Washington, of more than one hundred thousand but less than or equal to five million dollars, based on the manufacturer's most recent tax year filing.

(f) "Tiny manufacturer" means any manufacturer of children's products with annual aggregate gross sales, both within and outside of Washington, of less than one hundred thousand dollars, based on the manufacturer's most recent tax year filing.

(4) For the purpose of this rule the department recognizes four tiers of products. The tiers or products are as follows:

(a) Tier 1 - Children's products intended to be put into a child's mouth (e.g., children's products used for feeding, sucking, some toys) or applied to the child's body (e.g., children's products used as lotions, shampoos, creams), or any mouthable children's product intended for children who are age three or under.

(b) Tier 2 - Children's products intended to be in prolonged (more than one hour) direct contact with a child's skin (e.g., clothes, jewelry, bedding).

(c) Tier 3 - Children's products intended for short (less than one hour) periods of direct contact with child's skin (e.g., many toys).

(d) Tier 4 - Children's product components that during reasonably foreseeable use and abuse of the product would not come into direct contact with the child's skin or mouth (e.g., inaccessible internal components for all children's products). Reporting for Tier 4 components will not be required, except by amendment of this rule, based on a case-by-case evaluation by the department.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-110, filed 7/21/11, effective 8/21/11.]

173-334-120

How will this chapter be enforced?

(1) The department may collect children's products subject to possible reporting, and analyze their components for the presence of CHCCs. If the department finds that a children's product component contains a chemical on the CHCC list that the manufacturer either has not reported, or has reported at a lesser amount, the department will notify the manufacturer in writing. The department will then afford the manufacturer forty-five days from receipt of the department's notification to respond to the findings before the department takes further enforcement action.

In determining whether a violation of the CSPA or these rules has occurred, the department will consider the manufacturer's timely explanation as to why it did not report the presence or accurate amount of the CHCC in the product component. If the manufacturer asserts that the CHCC is present in the component only as a contaminant, and that the manufacturer did not report the CHCC's presence based on WAC 173-334-080 (1)(b), then the manufacturer must present evidence that it conducted a reasonable manufacturing control program for the CHCC contaminant and exercised due diligence as described in subsections (2) and (3) of this section.

If the manufacturer contests the department's findings regarding the presence or amount of the CHCC in the product component, the manufacturer may further analyze the component in question for presence of CHCC and provide the department with a copy of its own laboratory findings for the component.

(2) Manufacturing control program. A reasonable manufacturing control program must include industry best manufacturing practices for the minimization of the CHCC in the children's product. Those practices may include, but are not limited to, methods and procedures for meeting relevant federal regulations, International Standards Organization (ISO) requirements, American Society for Testing and Materials (ASTM) standards, and other widely established certification or standards programs.

(3) Due diligence. Actions demonstrating due diligence in ensuring the effectiveness of a manufacturing control program may include the use and enforcement of contract specifications,

procedures to ensure the quality/purity of feedstock (whether raw or recycled), the use and enforcement of contract specifications for manufacturing process parameters (e.g., drying and curing times when relevant to the presence of high priority chemicals in the finished children's product components), periodic testing for the presence and amount of CHCCs, auditing of contractor or supplier manufacturing processes, and other practices reasonably designed to ensure the manufacturer's knowledge of the presence, use, and amount of CHCCs in its children's product components.

(4) If the department determines based on the process described in subsection (1) of this section, or on other grounds, that a manufacturer has violated a requirement of the CSPA or these rules, it may require the manufacturer to pay a civil penalty. A manufacturer of children's products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(5) A single violation consists of a manufacturer failing to provide the required notice for the presence and accurate amount of each CHCC, in each applicable product category, in each applicable product component.

[Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-120, filed 7/21/11, effective 8/21/11.]

173-334-130

The reporting list of chemicals of high concern to children (CHCC list).

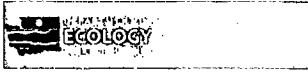
CAS	Chemical
50-00-0	Formaldehyde
62-53-3	Aniline
62-75-9	N-Nitrosodimethylamine
71-43-2	Benzene
75-01-4	Vinyl chloride
75-07-0	Acetaldehyde
75-09-2	Methylene chloride
75-15-0	Carbon disulfide
78-93-3	Methyl ethyl ketone
79-34-5	1,1,2,2-Tetrachloroethane
79-94-7	Tetrabromobisphenol A
80-05-7	Bisphenol A
84-66-2	Diethyl phthalate

CAS	Chemical
84-74-2	Dibutyl phthalate
84-75-3	Di-n-Hexyl phthalate
85-44-9	Phthalic anhydride
85-68-7	Butyl benzyl phthalate (BBP)
86-30-6	N-Nitrosodiphenylamine
87-68-3	Hexachlorobutadiene
94-13-3	Propyl paraben
94-26-8	Butyl paraben
95-53-4	2-Aminotoluene
95-80-7	2,4-Diaminotoluene
99-76-3	Methyl paraben
99-96-7	p-Hydroxybenzoic acid
100-41-4	Ethylbenzene
100-42-5	Styrene
104-40-5	4-Nonylphenol; 4-NP and its isomer mixtures including CAS 84852-15-3 and CAS 25154-52-3
106-47-8	para-Chloroaniline
107-13-1	Acrylonitrile
107-21-1	Ethylene glycol
108-88-3	Toluene
108-95-2	Phenol
109-86-4	2-Methoxyethanol
110-80-5	Ethylene glycol monoethyl ester
115-96-8	Tris(2-chloroethyl) phosphate
117-81-7	Di-2-ethylhexyl phthalate
117-84-0	Di-n-octyl phthalate (DnOP)
118-74-1	Hexachlorobenzene
119-93-7	3,3'-Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine
120-47-8	Ethyl paraben
123-91-1	1,4-Dioxane
127-18-4	Perchloroethylene
131-55-5	Benzophenone-2 (Bp-2); 2,2',4,4'- Tetrahydroxybenzophenone
140-66-9	4-tert-Octylphenol; 1,1,3,3-Tetramethyl- 4-butylphenol
140-67-0	Estragole
149-57-5	2-Ethylhexanoic acid
556-67-2	Octamethylcyclotetrasiloxane
608-93-5	Benzene, pentachloro

CAS	Chemical
842-07-9	C.I. solvent yellow 14
872-50-4	N-Methylpyrrolidone
1163-19-5	2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209
1763-23-1	Perfluorooctanyl sulphonic acid and its salts; PFOS
1806-26-4	Phenol, 4-octyl-
5466-77-3	2-Ethyl-hexyl-4-methoxycinnamate
7439-97-6	Mercury & mercury compounds including methyl mercury (22967-92-6)
7439-98-7	Molybdenum & molybdenum compounds
7440-36-0	Antimony & Antimony compounds
7440-38-2	Arsenic & Arsenic compounds including arsenic trioxide (1327-53-3) & dimethyl arsenic (75-60-5)
7440-43-9	Cadmium & cadmium compounds
7440-48-4	Cobalt & cobalt compounds
*13674-87-8	Tris(1,3-dichloro-2-propyl)phosphate
25013-16-5	Butylated hydroxyanisole; BHA
25637-99-4	Hexabromocyclododecane
26761-40-0	Diisodecyl phthalate (DIDP)
28553-12-0	Diisononyl phthalate (DINP)

*The presence of Tris(1,3-dichloro-2-propyl)phosphate must be reported in all notices required to be filed after August 31, 2014, according to the phase-in schedule in WAC [173-334-110\(2\)](#).

[Statutory Authority: Chapter [70.240](#) RCW. WSR 13-21-123 (Order 12-02), § 173-334-130, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter [70.240](#) RCW, RCW [70.240.040](#). WSR 11-16-008 (Order 09-04), § 173-334-130, filed 7/21/11, effective 8/21/11.]



Children's Safe Product Act Reports



Search children's product data Help Contact Us

If you want to see all the data, use **June 1, 2012** as the start date and **March 01, 2014** as the end date. To see the Practical Quantitative Limit (PQL) for each chemical please refer to [this document](#). >

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Company: Eddie Bauer LLC

Company Reported 6 times between 7/1/2012 and 4/7/2014.

Date Searched: 4/7/2014

The reports are based on the data provided to the agency. The presence of a chemical in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws. The reporting triggers are not health-based values.

Chemical	Component	Concentration	Chemical Function	Product Family	Product Class Description	Product Des			
Antimony & Antimony compounds	7440-36-0	Metals (Including alloys)	Equal to or greater than 100 but less than 500 ppm	No function - Contaminant	Clothing	67010000	Sportswear	67010600	Sportswear – Upper Body Wear
Antimony & Antimony compounds	7440-36-0	Metals (Including alloys)	Equal to or greater than 100 but less than 500 ppm	No function - Contaminant	Clothing	67010000	Sportswear	67010600	Sportswear – Upper Body Wear
Antimony & Antimony compounds	7440-36-0	Synthetic Polymers (synthetic rubber, plastics, foams etc.)	Equal to or greater than 100 but less than 500 ppm	No function - Contaminant	Clothing	67010000	Sportswear	67010600	Sportswear – Upper Body Wear
Antimony & Antimony compounds	7440-36-0	Textiles (synthetic fibers and blends)	Equal to or greater than 100 but less than 500 ppm	No function - Contaminant	Fabric/Textile Furnishings	75020000	Bedding	75020200	Bedding Other
Formaldehyde	50-00-0	Textiles (synthetic fibers and blends)	PQL less than 100 ppm	Adhesive	Clothing	67010000	Sportswear	67010600	Sportswear – Upper Body Wear
Perfluorooctanyl sulphonic acid and its salts; PFOS	1763-23-1	Surface coatings (paints, plating, waterproofing etc.)	PQL less than 100 ppm	Water Proofing	Clothing	67010000	Sportswear	67010600	Sportswear – Upper Body Wear