



2018 Footwear Compliance Summit



The Growing Patchwork of State Chemical Safety Laws in 2018: Key States to Watch

Thomas Crockett, Director of Government & Regulatory Affairs, FDRA

Current Patchwork: Federal and State Chemical Safety Laws

Washington recently expanded its list to **85 chemicals** under its chemical **reporting** law

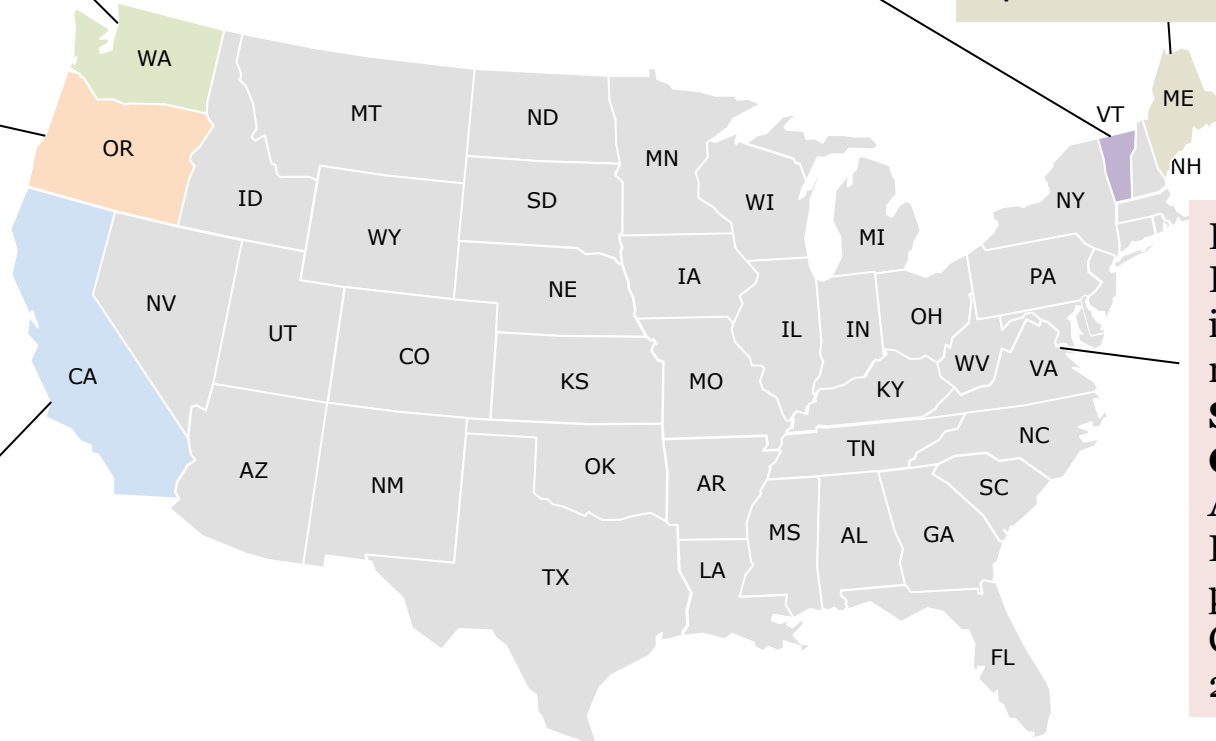
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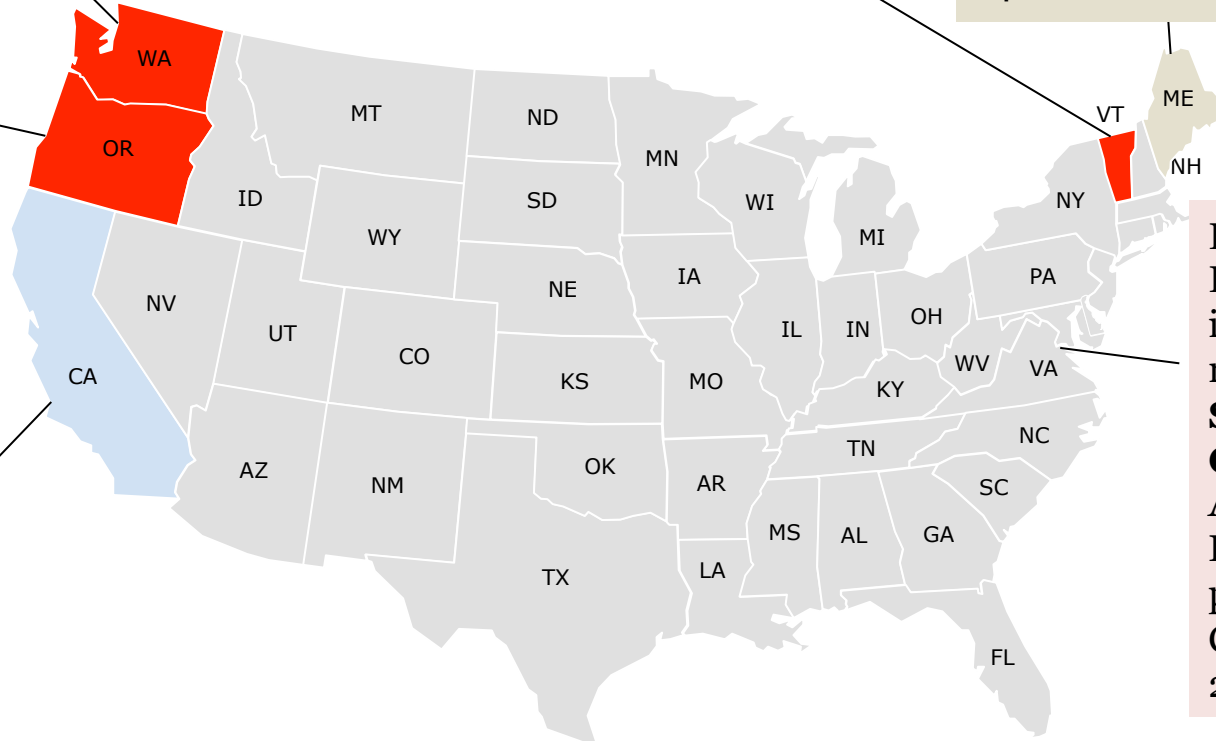
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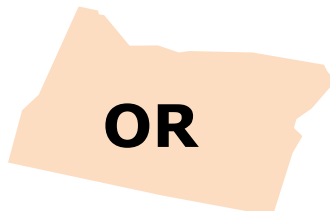
What Difference Does it Make? ... Chemicals

Full List – GlobalFootwearTesting.com



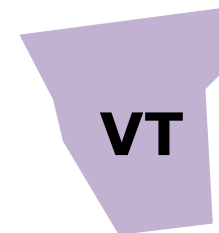
85

Chemicals



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Chemicals



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Chemicals

CAS	Chemical
50-00-0	Formaldehyde: WA, OR, VT
62-53-3	Aniline: WA, OR, VT
62-75-9	N-Nitrosodimethylamine: WA, OR, VT
71-43-2	Benzene: WA, OR, VT
75-01-4	Vinyl chloride: WA, OR, VT
75-07-0	Acetaldehyde: WA, OR, VT
75-09-2	Methylene chloride: WA, OR, VT
75-15-0	Carbon disulfide: WA, OR, VT
78-93-3	Methyl ethyl ketone: WA, OR, VT
79-34-5	1,1,2,2-Tetrachloroethane: WA, OR, VT
79-94-7	Tetrabromobisphenol A (TBBPA): WA, OR, VT
80-05-7	Bisphenol A (BPA): WA, OR, VT
80-09-1	Bisphenol S (BPS): WA only (NEW)
84-61-7	Dicyclohexyl phthalate (DCHP): WA only (NEW)
84-66-2	Diethyl phthalate (DEP): WA, OR, VT
84-69-5	Diisobutyl phthalate (DIBP): WA only (NEW)
84-74-2	Di-n-butyl phthalate (DBP) WA, OR, VT

CAS	Chemical
84-75-3	Di-n-hexyl phthalate (DnHP): WA, OR, VT
85-68-7	Butyl benzyl phthalate (BBP): WA, OR, VT
86-30-6	N-Nitrosodiphenylamine: WA, OR, VT
87-68-3	Hexachlorobutadiene: WA, OR, VT
94-13-3	Propyl paraben: WA, OR, VT
94-26-8	Butyl paraben: WA, OR, VT
95-53-4	2-Aminotoluene: WA, OR, VT
95-80-7	2,4-Diaminotoluene: WA, OR, VT
99-76-3	Methyl paraben: WA, OR, VT
99-96-7	4-Hydroxybenzoic acid: WA, OR, VT
100-41-4	Ethylbenzene: WA, OR, VT
100-42-5	Styrene: WA, OR, VT
104-40-5	4-Nonylphenol: WA, OR, VT
106-47-8	4-Chloroaniline: WA, OR, VT
107-13-1	Acrylonitrile: WA, OR, VT
107-21-1	Ethylene glycol: WA, OR, VT
108-88-3	Toluene: WA, OR, VT

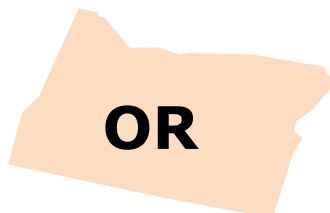
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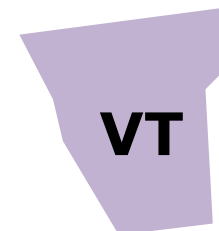
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Chemicals



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Chemicals

CAS	Chemical
108-95-2	Phenol: WA, OR, VT
109-86-4	2-Methoxyethanol: WA, OR, VT
110-80-5	Ethylene glycol monoethyl ether: WA, OR, VT
115-86-6	Triphenyl phosphate (TPP): WA only (New)
115-96-8	Tris(2-chloroethyl) phosphate (TCEP): WA, OR, VT
117-81-7	Di-(2-ethylhexyl) phthalate (DEHP): WA, OR, VT
117-82-8	Di-(2-methoxyethyl) phthalate (DMEP): WA only (New)
117-84-0	Di-n-octyl phthalate (DnOP): WA, OR, VT
118-74-1	Hexachlorobenzene: WA, OR, VT
119-93-7	3,3'-Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine: WA, OR, VT
120-47-8	Ethyl paraben: WA, OR, VT
123-91-1	1,4-Dioxane: WA, OR, VT
126-72-7	Tris (2,3-dibromopropyl) phosphate (TDBPP): WA only (New)
126-73-8	Tri-n-butyl phosphate (TNBP): WA only (New)

CAS	Chemical
127-18-4	Tetrachloroethene: WA, OR, VT
131-18-0	Dipentyl phthalate (DPP): WA only (New)
131-55-5	Benzophenone-2 (Bp-2): WA, OR, VT
140-66-9	4-Octylphenol: WA, OR, VT
140-67-0	Estragole: WA, OR, VT
149-57-5	2-Ethylhexanoic acid: WA, OR, VT
335-67-1	Perfluorooctanoic acid (PFOA) and related substances: WA only (New)
608-93-5	Pentachlorobenzene: WA, OR, VT
620-92-8	Bisphenol F (BPF): WA only (New)
842-07-9	C.I. solvent yellow 14: WA, OR, VT
872-50-4	N-Methylpyrrolidone: WA, OR, VT
1163-19-5	Decabromodiphenyl ether (BDE-209): WA, OR, VT
1241-94-7	Ethylhexyl diphenyl phosphate (EHDPP): WA only (New)
1330-78-5	Tricresyl phosphate (TCP): WA only (New)
1763-23-1	Perfluorooctane sulfonic acid (PFOS) and its salts: WA, OR, VT

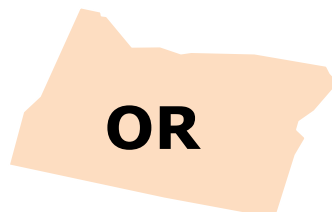
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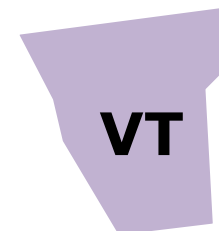
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CAS	Chemical
1806-26-4	4-Octylphenol: WA, OR, VT
5466-77-3	2-Ethyl-hexyl-4-methoxycinnamate: WA, OR, VT
7439-97-6	Mercury & mercury compounds including methyl mercury (22967-92-6): WA, OR, VT
7440-36-0	Antimony & Antimony compounds: WA, OR, VT
7440-38-2	Arsenic & Arsenic compounds including arsenic trioxide (1327-53-3) & dimethyl arsenic acid (75-60-5): WA, OR, VT
7440-43-9	Cadmium & cadmium compounds: WA, OR, VT
7440-48-4	Cobalt & cobalt compounds: WA, OR, VT
13674-84-5	Tris (1-chloro-2-propyl) phosphate (TCPP): WA only (New)
13674-87-8	Tris(1,3-dichloro-2-propyl)phosphate (TDCPP): WA, OR, VT
25013-16-5	Butylated hydroxyanisole (BHA): WA, OR, VT
25154-52-3	Nonyl phenol: WA, OR, VT
25637-99-4	Hexabromocyclododecane (HBCD): WA, OR, VT

CAS	Chemical
26040-51-7	Bis (2-ethylhexyl) tetrabromophthalate (TBPH): WA only (New)
26761-40-0	Diisodecyl phthalate (DIDP): WA, OR, VT
28553-12-0	Diisononyl phthalate (unbranched) (DINP): WA, OR, VT
38051-10-4	Bis (chloromethyl) propane-1,3-diyl tetrakis-(2-chloroethyl) bis(phosphate)(V6): WA only (New)
68937-41-7	Isopropylated triphenyl phosphate (IPTPP): WA only (New)
84852-15-3	4-Nonyl phenol branched: WA, OR, VT
84852-53-9	Decabromodiphenyl ethane (DBDPE): WA only (New)
85535-84-8	Short-chain chlorinated paraffins (SCCP): WA only (New)
108171-26-2	Chlorinated paraffins: WA only (New)
183658-27-7	2-ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB): WA only (New)

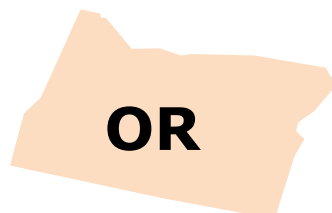
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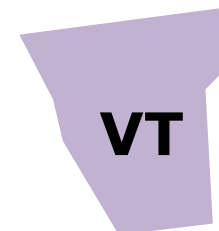
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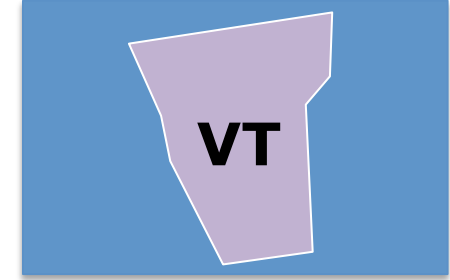
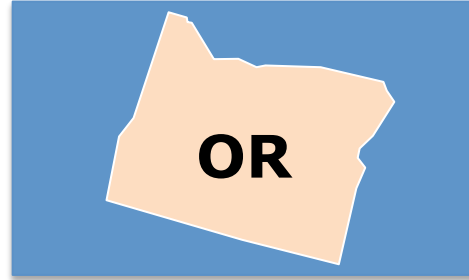
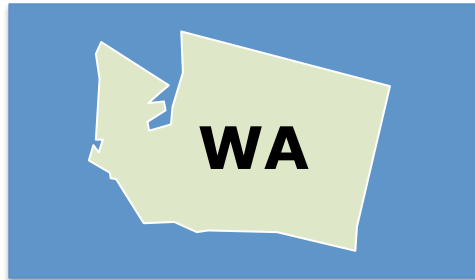
CAS	Chemical
85-44-9	Phthalic anhydride: OR and VT only
556-67-2	Octamethylcyclotetrasiloxane: OR and VT only
7439-98-7	Molybdenum and molybdenum compounds OR and VT only

- Until 2017, the list of Chemicals of High Concern to Children covered under all three states was almost identical.
- Oregon's list and Vermont's list still covers Phthalic anhydride (CAS 85-44-9), Octamethylcyclotetrasiloxane (CAS 556-67-2), Molybdenum and molybdenum compounds (CAS 7439-98-7) – three chemicals that Washington removed from its list in 2017.
- In 2017, Washington added 20 chemicals to its list (which Vermont and Oregon could soon add to their lists):

Bisphenol S (BPS), Dicyclohexyl phthalate (DCHP), Diisobutyl phthalate (DIBP), Triphenyl phosphate (TPP), Di-(2-methoxyethyl) phthalate (DMEP), Tris (2,3-dibromopropyl) phosphate (TDBPP), Tri-n-butyl phosphate (TNBP), Dipentyl phthalate (DPP), Perfluorooctanoic acid (PFOA) and related substances, Bisphenol F (BPF), Ethylhexyl diphenyl phosphate (EHDPP), Tricresyl phosphate (TCP), Tris (1-chloro-2-propyl) phosphate (TCPP), Bis (2-ethylhexyl) tetrabromophthalate (TBPH), Bis (chloromethyl) propane-1,3- diyl tetrakis-(2-chloroethyl) bis(phosphate)(V6), Isopropylated triphenyl phosphate (IPTPP), Decabromodiphenyl ethane (DBDPE), Short-chain chlorinated paraffins (SCCP), Chlorinated paraffins, and 2-ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB)

What Difference Does it Make? ... The Process

NOTE: All three acts define Children as “under 12”

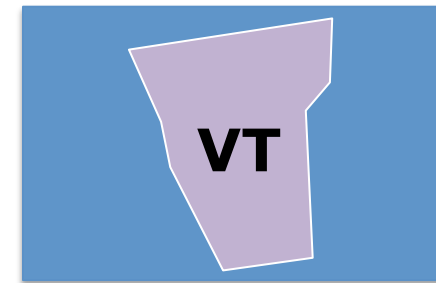
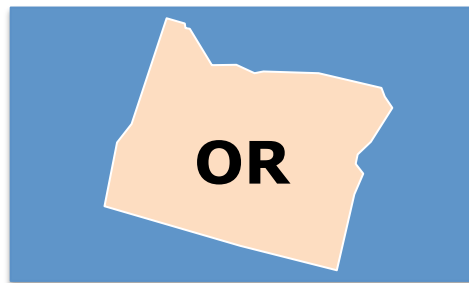


Law Name	Washington Children’s Safe Products Act (2008)	Toxic Free Kids Act (2015)	Toxic Free Families Act (2014)
What is Required?	Report if CHCC* intentionally added above the practical quantitation limit (PQL) OR above 100 ppm if contaminants	Same as WA and VT but phase-out or alternative assessment if CHCC reported in 3 cycles	Report if CHCC* intentionally added above the practical quantitation limit (PQL) OR above 100 ppm if contaminants
How Often Do You Report?	Annually	Every Two Years	Every Two Years (unless CHCC in new product)
When is Next Report Due?	January 31, 2019	January 1, 2018	Cycle One: Jan. 2017 Cycle Two: Aug. 2018 Then Every Two Years
What Are Fees?	There is no fee	\$250 fee per chemical; \$10,000 for manufacturing control program waiver	\$200 fee per chemical; Maximum \$13,200 if all 66 chemicals reported

* CHCC: Chemical of High Concern to Children

What Difference Does it Make? ... The Process

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Law Name

Washington Children’s Safe Products Act (2008)

Toxic Free Kids Act (2015)

Toxic Free Families Act (2015)

What is Included in the Report?

- product brick code
- function of chemical in product
- amount of chemical in product component

- product brick code
- function of chemical in product
- amount of chemical in product component

- product brick code
- function of chemical in product
- amount of chemical in product component
- UPC or SKU
- brand name
- product name

What Are Exemptions?

Manufacturing control program exemption for contaminants

Manufacturing control program exemption for contaminants but *requires application* from state

Manufacturing control program exemption for contaminants

Current Patchwork: Federal and State Chemical Safety Laws

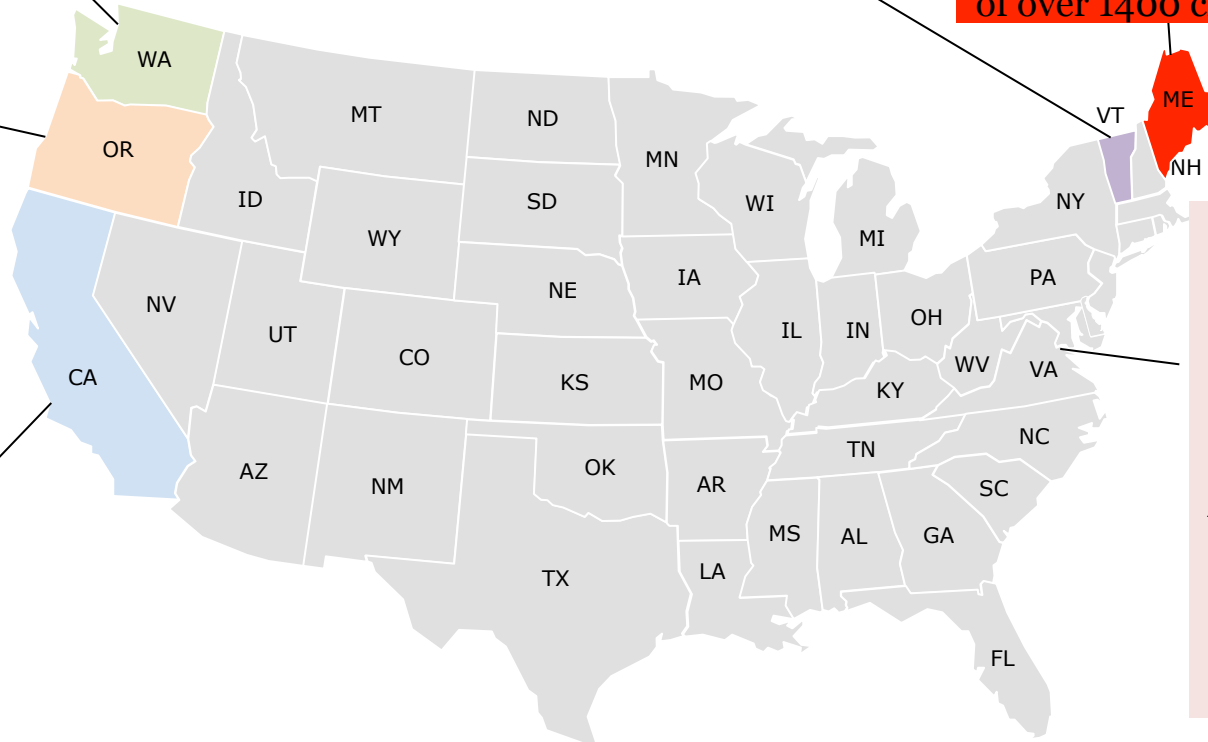
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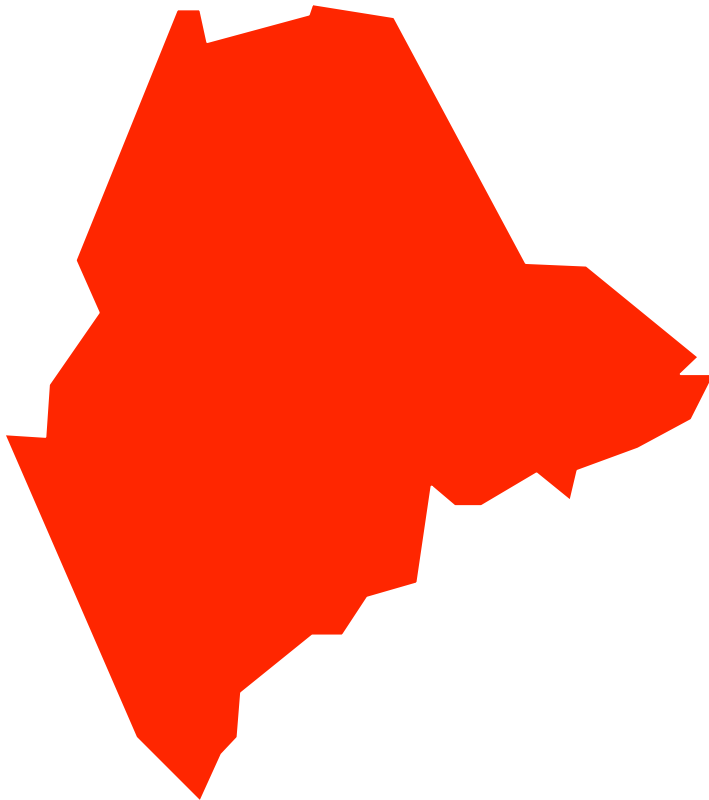
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Federal: EPA implements new **Toxic Substance Control Act (TSCA) Reform** law passed by Congress in 2016

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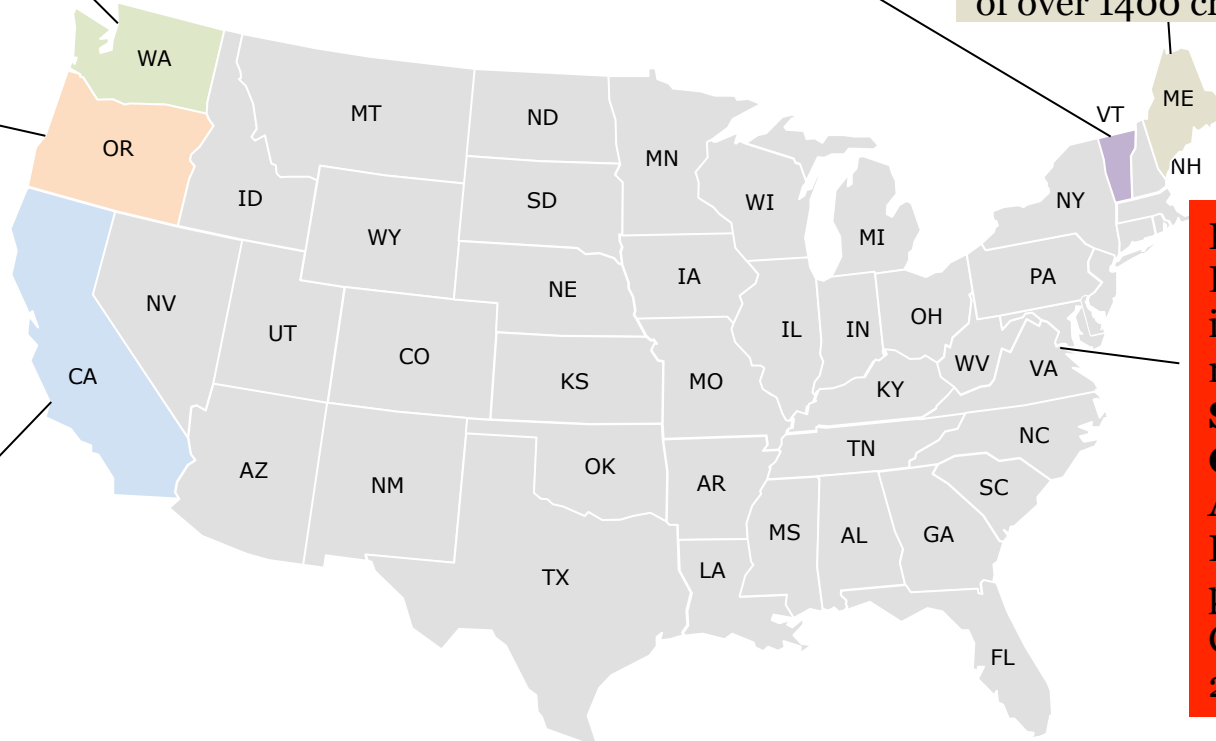
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Federal: Toxic Substances Control Act (TSCA) Reform

The House passed bipartisan TSCA reform and President Obama signed the bill into law in June 2016

Original House Vote: 398 to 1



Federal: Toxic Substances Control Act (TSCA) Reform

Congress re-initiated a TSCA reform process in 2015 to address EPA's lack of enforcement and to supersede state law

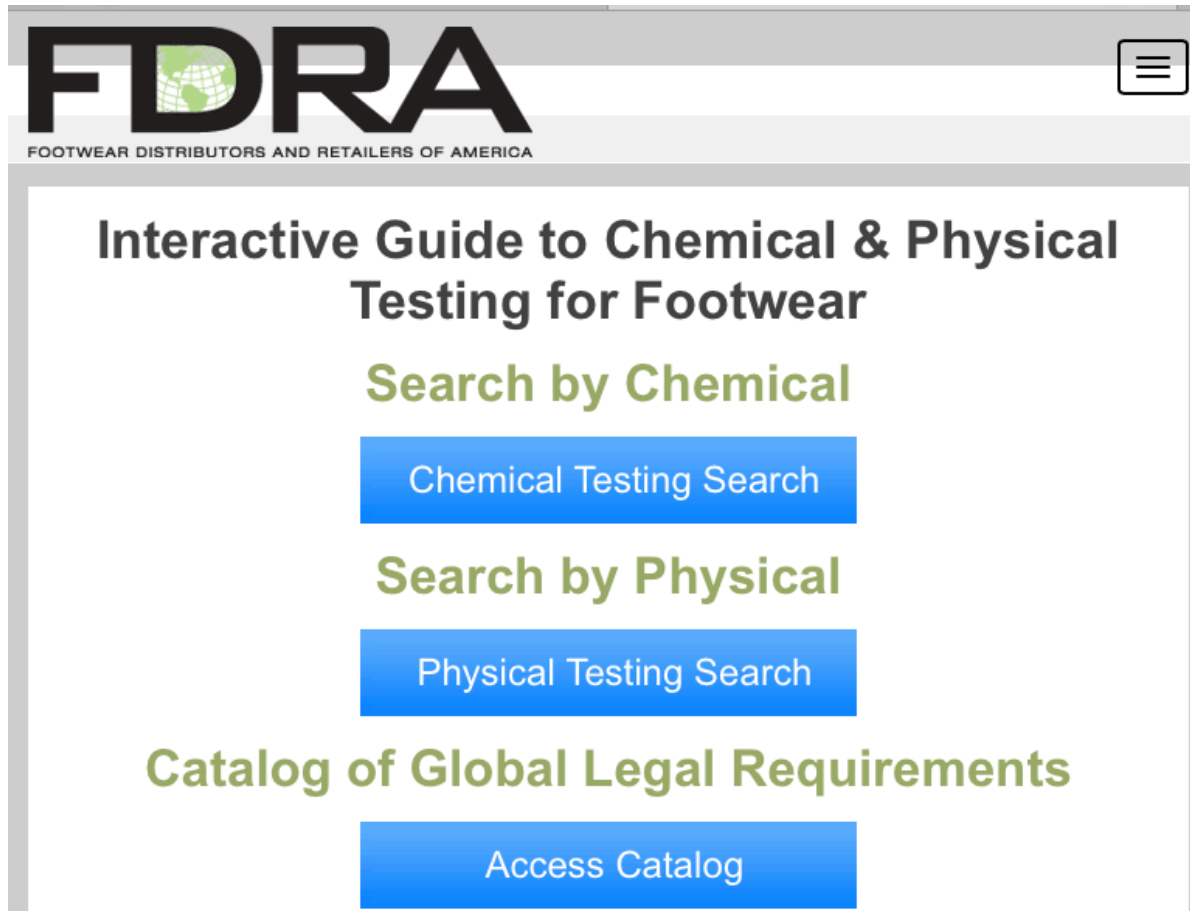
- First update to Toxic Substances Control Act (TSCA) chemical safety law in 40 years.
- Since passing the original law in 1976, the EPA regulated only five chemicals under TSCA.
- Following TSCA Reform, EPA announced the first 10 chemicals for review in December 2016:
Asbestos, 1-Bromopropane, Carbon Tetrachloride, 1, 4 Dioxane, Cyclic Aliphatic Bromide Cluster (HBCD), Methylene Chloride, N-Methylpyrrolidone, Perchloroethylene, Pigment Violet 29, Trichloroethylene
- The new law requires EPA to review the safety of all chemicals in commerce, creates new process focusing on high-priority chemicals, and gives EPA array of options - ban, labeling, use restrictions, phase-outs, etc.
- The law freezes state action on a chemical while EPA is evaluating it.

Current Patchwork: Federal and State Chemical Safety Laws

Thank you

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GlobalFootwearTesting.com



The screenshot displays the FDRA website header with the logo and tagline "FOOTWEAR DISTRIBUTORS AND RETAILERS OF AMERICA". Below the header, the main content area features the title "Interactive Guide to Chemical & Physical Testing for Footwear". Underneath, there are two main sections: "Search by Chemical" and "Search by Physical". Each section contains a blue button with white text: "Chemical Testing Search" and "Physical Testing Search". At the bottom of the main content area, there is a section titled "Catalog of Global Legal Requirements" with a blue button labeled "Access Catalog".

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