

110TH CONGRESS  
1ST SESSION

# S. 2275

To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2007

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Children's Chemical  
5 Risk Reduction Act of 2007".

6 **SEC. 2. BAN ON CERTAIN PRODUCTS CONTAINING**  
7 **PHTHALATES.**

8 (a) FINDINGS.—Congress finds that—

1           (1) phthalates are a class of chemicals used in  
2 polyvinyl chloride (PVC) plastic to improve flexibility  
3 and in cosmetics to bind fragrance to the product  
4 and are used in many products intended for use by  
5 young children, including, teething rings, toys, and soft  
6 plastic books; and

7           (2) there is extensive scientific literature report-  
8 ing the hormone-disrupting effects of phthalates and  
9 substantial evidence of phthalates found in humans  
10 at levels associated with adverse effects.

11       (b) BANNED HAZARDOUS SUBSTANCE.—Effective  
12 January 1, 2009, any children’s product or child care arti-  
13 cle that contains a phthalate shall be treated as a banned  
14 hazardous substance under the Federal Hazardous Sub-  
15 stances Act (15 U.S.C. 1261 et seq.) and the prohibitions  
16 contained in section 4 of such Act shall apply to such  
17 product or article.

18       (c) PROHIBITION ON USE OF CERTAIN ALTER-  
19 NATIVES TO PHTHALATES IN CHILDREN’S PRODUCTS  
20 AND CHILD CARE ARTICLES.—

21           (1) IN GENERAL.—If a manufacturer modifies a  
22 children’s product or child care article that contains  
23 a phthalate to comply with the ban under subsection  
24 (b), such manufacturer shall—

1 (A) use an alternative to phthalates that is  
2 the least toxic; and

3 (B) not use any of the prohibited alter-  
4 natives to phthalates described in paragraph  
5 (2).

6 (2) PROHIBITED ALTERNATIVES TO  
7 PHTHALATES.—The prohibited alternatives to  
8 phthalates described in this paragraph are the fol-  
9 lowing:

10 (A) Carcinogens rated by the Environ-  
11 mental Protection Agency as Group A, Group  
12 B, or Group C carcinogens.

13 (B) Substances described in the List of  
14 Chemicals Evaluated for Carcinogenic Potential  
15 of the Environmental Protection Agency as fol-  
16 lows:

17 (i) Known to be human carcinogens.

18 (ii) Likely to be human carcinogens.

19 (iii) Suggestive of being human car-  
20 cinogens.

21 (C) Reproductive toxicants identified by  
22 the Environmental Protection Agency that  
23 cause any of the following:

24 (i) Birth defects.

25 (ii) Reproductive harm.

1 (iii) Developmental harm.

2 (d) DEFINITIONS.—As used in this Act—

3 (1) the term “children’s product” means a toy  
4 or any other product designed or intended by the  
5 manufacturer for use by a child;

6 (2) the term “child care article” means all  
7 products designed or intended by the manufacturer  
8 to facilitate sleep, relaxation, or the feeding of chil-  
9 dren, or to help children with sucking or teething;  
10 and

11 (3) the term “children’s product or child care  
12 article that contains a phthalate” means—

13 (A) a children’s product or a child care ar-  
14 ticle any part of which contains any combina-  
15 tion of di-(2-ethylhexyl) phthalate (DEHP),  
16 dibutyl phthalate (DBP), or benzyl butyl  
17 phthalate (BBP) in concentrations exceeding  
18 0.1 percent; and

19 (B) a children’s product or a child care ar-  
20 ticle intended for use by a child less than 3  
21 years of age that—

22 (i) can be placed in a child’s mouth;

23 and

24 (ii)(I) contains any combination of  
25 diisononyl phthalate (DINP), diisodecyl

1 phthalate (DIDP), or di-n-octyl phthalate  
2 (DnOP), in concentrations exceeding 0.1  
3 percent; or  
4 (II) contains any combination of di-  
5 (2-ethylhexyl) phthalate (DEHP), dibutyl  
6 phthalate (DBP), benzyl butyl phthalate  
7 (BBP), diisononyl phthalate (DINP),  
8 diisodecyl phthalate (DIDP), or di-n-octyl  
9 phthalate (DnOP), in concentrations ex-  
10 ceeding 0.1 percent.

○