Statement
For Immediate Release
September 20, 2017
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NORTH AMERICAN FLAME RETARDANT ALLIANCE EXPRESSES EXTREME DISAPPOINTMENT IN CPSC VOTE

WASHINGTON (September 20, 2017) – In response to today’s Consumer Product Safety Commission’s (CPSC) three to two vote to convene a Chronic Hazard Advisory Panel to review organohalogenated flame retardants, initiate rulemaking under the Federal Hazardous Substances Act (FHSA), and publish a guidance document on certain organohalogenated flame retardants, the American Chemistry Council’s (ACC) North American Flame Retardant Alliance (NAFRA) released the following statement:

“We are disappointed in today’s vote by three of the commissioners at CPSC to take action on a broad and overreaching petition.

“While there are already a number of agencies charged with regulating chemicals, CPSC is unique in its oversight of fire safety in consumer products. In fact, CPSC has recalled hundreds of various products over the last 10 years due to fire hazards. Flame retardants are an important tool that can help products meet important fire safety standards. That is why it is so disheartening that the discussion has lacked almost any consideration of fire safety and how the petition could compromise the fire safety of consumer products.

“Not only did the three commissioners who voted in favor of the petition fail to fully consider the importance of product fire safety, they also ignored the recommendations of their scientific staff. CPSC staff made the recommendation to deny the petition and stated the following in the staff briefing: ‘From the data provided in the petition and other available data, staff has determined that declaring products in these categories to be ‘banned hazardous substances’ if they contain any non-polymeric, additive, OFR, cannot be addressed as written in the petition.’ Furthermore, CPSC staff determined that the substances covered in the petition could not be treated as a class under the FHSA due to their differing physicochemical properties and toxicological profiles. Unfortunately, the three commissioners who voted in favor of the petition ignored the science-based recommendation of their staff and went ahead with this unnecessary decision.

“These chemistries have either been reviewed or are subject to review by regulatory agencies in the U.S. and around the world. Notably, there is a new comprehensive law, the Frank Lautenberg Chemical Safety Act (LCSA), which enhances chemical regulation in the U.S. There is no reason CPSC commissioners should have to choose between chemical safety and fire safety, as they can have both.”
The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®; common sense advocacy designed to address major public policy issues; and health and environmental research and product testing. The business of chemistry is a $768 billion enterprise and a key element of the nation's economy. It is among the largest exporters in the nation, accounting for fourteen percent of all U.S. goods exports. Chemistry companies are among the largest investors in research and development.