



Children's Safe Products Act (HB 4763-69) Frequently Asked Questions (FAQs)

How does this legislation help protect Michigan's children from "toxic toys"?

The Children's Safe Products Act allows parents to choose toys without problematic chemicals because they will have access to **information on the most concerning toxic chemicals** in children's products.

What information would be available to the public?

The public would have access to **information on what chemicals of highest concern are in children's products sold in Michigan** and the amounts present in those products.

Does this legislation ban, restrict, phase-out or otherwise regulate any chemicals in products?

No. It does not require "eventual abandonment of these substances," as the Toy Industry Association mistakenly claimed in testimony, nor does it "mandate the use of 'safer alternatives,'" as another special interest group falsely claimed.

Does the legislation require the labeling of products?

No. It simply requires large importers and manufacturers to disclose the use of "chemicals of highest concern" in children's products.

Is the legislation science-based?

Yes. The legislation requires reliance on the **best scientific evidence to create a list of the worst of the worst chemicals in children's product** (i.e. the "chemicals of highest concern").

What are the scientific criteria for a chemical in a children's product to be considered of "highest concern" and thus disclosed?

A chemical has to be found, on the basis of "**credible scientific evidence**" to: be a **carcinogen**, a reproductive or developmental toxicant, or a hormone or endocrine disruptor; cause reproductive or development harm or other **systemic toxicity**; be **persistent, bioaccumulative and toxic**; or be very persistent and very bioaccumulative. Then, this chemical must be found to be problematic through biomonitoring, environmental monitoring, sampling, reporting by the chemical industry or "specific relevance to the health of Michigan's children." These are **very strict, scientifically-based, generally accepted standards**.

Would this legislation require significant new state resources or create a new complex regulatory structure?

No. Other states, such as Maine, with more similar but more stringent laws are implementing their statutes with approximately **1 FTE** (full-time equivalent) since this is simple filtering and posting of lists already prepared by authoritative sources, and not generation of new data. Minnesota also recently passed a very similar law and estimates less than 2 FTE for implementation.

How will this bill apply to Michigan toy businesses?

Small toy manufacturers (defined as less than 3,000 sales per item per year in Michigan) and **all toy retailers** are exempt from this bill. Since **nearly all children's products sold in Michigan come from out of state** and the Michigan's toy manufacturers are almost exclusively small, the main impact on

Michigan businesses would be access to more information from toy importers. This legislation **should help encourage Michigan-manufactured products**, which typically have fewer, if any, chemicals of highest concern compared to imports, according to data gathered by HealthyToys.org.

Would this legislation apply to food, pharmaceuticals or pesticides?

No. The following are **specifically excluded** in the definition of eligible “consumer product”: “a **drug or biologic** regulated by the United States Food & Drug Administration, a **food or beverage or an additive** to a food or beverage, a tobacco product, or a **pesticide** regulated by the United State Environmental Protection Agency...”

Would this legislation overlap with federal legislation?

No. These bills **fill a critical gap in ensuring a consumers’ right-to-know**. The recently passed federal Consumer Product Safety Improvement Act (CPSIA) deals with only two chemicals – lead and certain types of phthalates – and imposes strict testing requirements for all manufacturers and retailers. The proposed state law simply establishes a basic public database of “chemicals of highest concern” in children’s products in Michigan, **something federal regulation does not cover**. There is no pending federal legislation that would fill this gap.

Who supports these bills?

- These bills are supported by many of **Michigan’s leading health, medical, health-affected and environmental organizations** including members of the Michigan Network for Children’s Environmental Health: **American Academy of Pediatrics (Michigan Chapter)**, Arab Community Center for Economic and Social Services (ACCESS), Association for Children’s Mental Health, **Autism Society of Michigan**, Citizens for Alternatives to Chemical Contamination, **Clean Water Fund**, Clinton County Family Resource Center, **Detroiters Working for Environmental Justice**, East Michigan Environmental Action Council, Ecology Center, Healthy Homes Coalition of West Michigan, **Learning Disabilities Association (LDA) of Michigan**, Local Motion, Michigan Coalition for Children and Families, **Michigan Environmental Council**, **Michigan League of Conservation Voters Education Fund**, **Michigan Nurses Association**, Science and Environmental Health Network, Sierra Club – Michigan Chapter, Voices for Earth Justice.
- The bills have received **tremendous public support** with thousands of public comments submitted.
- **4 of the state’s leading newspapers have already endorsed these bills or the platform on which they are based (the Healthy Michigan, Healthy Kids platform)**. The platform received strong, **bi-partisan support**.
- Even the American Chemistry Council wrote (in testimony to the House Committee on Great Lakes & Environment), “The legislation’s requirements – for the state to identify the chemicals of highest concern in children’s products; for manufacturers or distributors of children’s products for sale in Michigan that contain those chemicals to provide information about the children’s products and the chemicals contained in them; and for the State to post that information – are generally sound.”

Who opposes these bills?

The opposition to these bills stems mainly from **large toy importers**, which argue that this is somehow burdensome. This argument directly contradicts their concurrent assertion that they fully test their products for safety and that they are safe. **If they are not using chemicals of highest concern, then they need not be concerned about this law**. If they are, then they should have the data and easily be able to share it, as they are doing for other countries and states.

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