



## Delaware Prohibits Chemical Flame Retardants in Children's Products, Upholstered Furniture and Mattresses

The U.S. State of Delaware has enacted a new law relating to the Prohibition of Harmful Flame Retardants under HB77 Chemical Flame Retardant on August 4, 2022.

Children's products and residential furniture must not contain 0.1% of a flame retardant chemical or more than 0.1% of a mixture that includes one or more flame retardant chemicals.

Mattresses must not contain more than 0.1% of an organohalogen or more than 0.1% of a mixture of one or more organohalogens.

This act is effective on July 1, 2023.

Covered chemical flame retardants restricted under this law include the following but is not limited to:

- a. 2-ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB)
- b. Antimony
- c. Bis(2-ethylhexyl) tetrabromophthalate (TBPH)
- d. Chlorinated paraffins
- e. Decabromodiphenyl ether
- f. Hexabromocyclododecane (HBCD)
- g. Tetrabromobisphenol A (TBBPA)
- h. Tris(1,3-dichloro-2-propyl)phosphate (TDCPP)
- i. Tris(2-chloroethyl)phosphate (TCEP)
- j. Tris(1-chloro-2-propyl)phosphate (TCPP)

Organohalogen is defined as means a class of chemicals that includes any chemical containing one or more halogen elements bonded to carbon.

A children's product is product designed for residential use for infants and children under 12 years of age. They include bassinet, booster seat, changing pad, floor play mat, highchair pad, infant bouncer, infant carrier, infant seat, infant swing, infant walker, nursing pad, nursing pillow, playpen side pad, play yard, portable hook-on chair, stroller, mattress, and children's nap mat.

Upholstered furniture is residential furniture intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials.

Mattress is defined as a ticking filled with a resilient material used alone or in combination with other products intended or promoted for sleeping upon. "Mattress" includes adult mattresses, youth mattresses, crib mattresses including portable crib mattresses, bunk bed mattresses, futons, water beds and air mattresses which contain upholstery material between the ticking and the mattress core, and any detachable mattresses used in any item of upholstered furniture such as convertible sofa bed mattresses, corner group mattresses, day bed mattresses, roll-a-way bed mattresses, high risers, and trundle bed mattresses as defined and not excluded under 16 C.F.R § 1632.1". The Act does not apply to the following:

- (1) Used upholstered furniture.
- (2) Used mattresses.
- (3) Upholstered and reupholstered furniture purchased for public use in public facilities.
- (4) Thread or fiber when used for stitching mattress components together.
- (5) Used children's products or children's products that are used in products or components as follows:
  - a. Are not primarily intended for use in the home, such as for motor vehicles, watercraft, aircraft, or other vehicles.
  - b. Are subject to 49 C.F.R. Part 571 regarding parts and products used in vehicles and aircraft.
- (6) Components of an adult mattress other than foam.
- (7) Electronic components of a children's product, mattress, or upholstered furniture, or any associated enclosure or casing for the electronic components.
- (8) A product transferred to a vehicle at a warehouse or distribution center for delivery in another state to any of the following:
  - a. A location under the same ownership as the warehouse or distribution center.
  - b. A person acquiring the product for resale in another state.

This does not apply to mattresses or upholstered furniture that can be sold or distributed in commerce in California.

To view the law: <https://legis.delaware.gov/json/BillDetail/GeneratePdfEngrossment?engrossmentId=24498&docTypeId=6>

### How Does this Impact You? Contact Us to Discuss

If you have any questions, please contact your customer service representative or email: [info@us.bureauveritas.com](mailto:info@us.bureauveritas.com)

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