

FAQs About Proposition 65 & TDCPP

What is Proposition 65?

California's Proposition 65 is a "right to know" law approved by voter initiative in 1986 that requires manufacturers of consumer products to notify consumers if Prop 65- listed chemicals are contained in their products above a certain threshold. Under Prop 65, chemicals are evaluated and listed if it is determined that they are known to the state of California to cause cancer or birth defects or other reproductive harm. The current Prop 65 list is extremely wide-ranging and includes over 800 different substances, such as aspirin, wood dust, titanium dioxide (sunscreen) and salted fish (Chinese style). Importantly, the listing of a chemical does not automatically require product manufacturers to include a product label under Prop 65. Product labels are only required if a product contains a listed chemical where consumer exposure would exceed a safe exposure threshold (known as a safe harbor level), as determined by California's Office of Environmental Health Hazard Assessment (OEHHA).

What is TDCPP?

TDCPP is a flame retardant chemical. Flame retardants are added to different materials or applied as a treatment to materials to prevent fires from starting and limit the spread of fire, providing critical added escape time. TDCPP is found in polyurethane foams used in a wide variety of home furnishings, such as couches, chairs and pillows. It is also an effective flame retardant used in automotive seat padding and overhead liners. The manufacturers of these products rely on TDCPP to meet national fire safety requirements, as well as California's progressive fire safety laws, such as California Bureau of Home Furnishings' flammability standards for upholstered furniture.

Can we conclude by the decision to add TDCPP to the Prop 65 list that it is harmful to people who are exposed to it?

First, it is important to understand what the decision to list a chemical like TDCPP on Prop 65 really means. It is in fact only one part of a full assessment about TDCPP that California is going to make. The initial question that governs listing a chemical as a carcinogen under Prop 65 is whether that chemical has the potential to cause cancer, at any dose. But California policymakers and health officials recognize that there is more to the story, as does the scientific community. One has to look at how much of a particular chemical a consumer must be exposed to in order to have a potential impact on health. To make this assessment, California's OEHHA will develop a safe harbor level. California has established a standard for defining the safe

harbor level – a person must not have a one-in-100,000 chance of developing cancer over a 70 year period as a result of exposure. So, this is going to be the next step in the determination. Product labels are only required if a product contains a listed chemical where consumer exposure would exceed the safe harbor level.

Notably, in 2008 the EU completed the most recent and comprehensive assessment of TDCPP using all of the best information available. The assessment looked at risk and specifically at cancer and concluded that there were no concerns for consumers in relation to carcinogenicity from potential inhalation or exposure to children via the oral route. We believe the EU's comprehensive Risk Assessment should inform California's safe harbor level determination.

Are these flame retardants still needed? With the decline of cigarette smoking, the rate of home fires seems to be decreasing.

There is scientific evidence showing that laws that require flame retardants, such as TB 117 in California, help prevent fires and save lives. For example, according to the California Bureau of Home Furnishings, fire statistics show that, “since 1975, the incidence of fire death, injury and property loss due to fires involving upholstered furniture has dropped at a higher per capita rate in California than in the United States as a whole.” Several other recent studies speak to the efficacy of flame retardants, including a December 2009 report commissioned by the UK's Department for Business, Innovation and Skills, which determined that fire retardant standards in the UK furniture and furnishings “equated to 54 lives saved per year, 780 fewer casualties and 1065 fewer fires per year.”