

# Burlington

## **Chemical Compliance Manual**

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## INTRODUCTION

Burlington Stores, Inc. (“Burlington”) is committed to offering products that meet rigorous safety and quality standards and are free of hazardous chemicals. It is our policy that all products we sell comply with all applicable federal, state, and local regulations relating to or governing the safety of merchandise.

Burlington plays a key role in ensuring the products it sells are safe and compliant with all applicable laws and regulations. As a part of our environmental sustainability strategy, we continuously evaluate our product safety practices and look for opportunities for responsible chemical management. We also routinely audit products for compliance through a series of random audits each year.

Burlington provides its vendors with [product safety testing protocols](#) for the primary product categories it purchases. In the instance that we do not have a testing protocol for the product you are manufacturing, we will create one upon request. These protocols provide clear expectations of Burlington’s safety standards, including regulatory requirements. From time to time, Burlington will also provide its vendors with guidance on chemicals of concern. We encourage our vendors to know the chemicals that are in their products through testing so that they can identify chemicals of concern and look for suitable alternatives or alter their manufacturing processes.

The following pages outline the policies applicable to chemical compliance, including applicable laws, requirements, and standards with which merchandise must be inspected and tested to ensure compliance. The test methods and requirements mentioned in this manual were developed to meet or exceed the state, federal and industrial standards.

Most of the test methods and test procedures identified herein originated from:

1. Textile Fiber Products Identification Act  
<http://www.ftc.gov/os/statutes/textile/textlact.htm>;
2. Wool Products Labeling Act  
<https://www.ftc.gov/node/119457>;
3. Consumer Products Safety Improvement Act (CPSIA) of 2008  
<https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/The-Consumer-Product-Safety-Improvement-Act>
4. California Proposition 65  
<https://oehha.ca.gov/proposition-65/>;
5. Fur Products Labeling Act  
<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/rules-regulations-under-fur-products>;
6. Toxics in Packaging  
<https://dtsc.ca.gov/toxics-in-products/toxics-in-packaging/>; and
7. American Apparel and Footwear Association’s Restricted Substances List
8. [https://www.aafaglobal.org/AAFA/Solutions\\_Pages/Restricted\\_Substance\\_List](https://www.aafaglobal.org/AAFA/Solutions_Pages/Restricted_Substance_List)  
Various US States Regulations.

## ACKNOWLEDGMENT

This Manual is intended for the control and monitoring of chemical compliance requirements to ensure that the products purchased and sold by Burlington comply with the [Restricted Substances List](#), which may be amended from time to time. Upon receipt of this document, you acknowledge and agree to comply with the policies established herein. If you do not believe you can comply with any portion of this Manual, please contact:

Burlington Stores, Inc.  
Product Safety and Compliance Manager  
1830 Route 130 North  
Burlington, NJ 08016  
Email: [Product.Eval@burlington.com](mailto:Product.Eval@burlington.com)  
Tel: 609.387.7800 ext. 53874

## **BURLINGTON STORES, INC. CHEMICAL COMPLIANCE PROCEDURE**

### **Burlington's Responsibilities**

1. Burlington's top priority is to deliver safe products, free of hazardous chemicals, to our customers by meeting and/or exceeding all federal, state and local regulations.
2. Burlington will distribute the Chemical Compliance Manual and other relevant documents with any updates to all suppliers/vendors.
3. The testing or any subsequent results do not limit Burlington's rights to diminish or remove vendors' or manufacturers' responsibilities and obligations under the [Purchase Order Terms and Conditions](#).
4. Burlington will NOT accept a test report showing a failure to any federal, state, and/or local regulations for chemical compliance. In the event of a failure during testing, vendors/suppliers need to make necessary improvements to their products and submit a retest report or cancel the order.
5. For children's products, Burlington will only issue a Children's Product Certificate (CPC) as an importer-of-record upon receipt of a test reporting showing that the product meets CPSC chemicals and physical testing requirements.
6. Burlington has the right to random testing of any product. Any critical failure, including chemical compliance, may result in stopping the delivery or removing the product from stores.

### **Suppliers'/Vendors' Responsibilities**

1. It is suppliers' responsibility to make sure that the products are in compliance with all applicable laws and regulatory requirements at federal, states and local level.
2. Suppliers are responsible to review, understand and comply with all the chemical listed in [Burlington's Restricted Substance List](#) (RSL).
3. Suppliers should get familiar and get updated with all federal, states and local requirements and Burlington's Chemical Compliance Manual and other pertinent information.
4. Suppliers must have a test report indicating passing results for all applicable regulations for chemical compliance prior to shipping or leaving the factory.
5. Tested products must be from the production lots representing the bulk production.
6. In case of passed test report, Supplier can proceed with the shipment. In case of failure, Burlington should be consulted for the final resolution of failures.
7. The advertised items must meet all claims and performance standards.

## **BURLINGTON'S RESTRICTED SUBSTANCES LIST (RSL)**

Burlington is committed to eliminating hazardous chemicals from our products, as identified in our Restrictive Substances List (RSL) below. Burlington follows the defined limits established by federal, state and local regulations for restricted chemicals and expects its vendors and suppliers to also follow and comply with these guidelines. Burlington continually reviews and updates its Restricted Substances List to keep up with the evolving regulatory restrictions that impact our product categories. We believe that by establishing strategic business relationships with our suppliers, we can offer merchandise that meets governmental regulations, industry

standards, and Burlington’s RSL. As part of our audit program, we regularly audit our product assortments for hazardous chemicals.

This RSL is applicable to all products sold to Burlington, including textiles, non-textiles, accessories, toys, homeware, and home décor, among others. The RSL also applies to all components used for the production of the finished products. If any chemicals from the RSL are used in products offered to Burlington, they should meet the identified threshold limits. Our suppliers are encouraged to utilize our testing protocols and send their products to a third-party testing lab, such as Intertek, for inspection prior to shipping to Burlington. Test results should be available for inspection upon request. Vendors are encouraged to share the below RSL with all of their suppliers for raw materials, components, chemicals and dyes, packaging materials and other raw materials.

**Below is Burlington’s RSL.**

RESTRICTED SUBSTANCES	CAS #	LIMITS	TEST METHODS
<b>AZO Dyes (Arylamines)</b>			
4-Amino azobenzene	60-09-3	20 mg/kg	Textiles (EU): EN 14362-1:2012 Leather (EU): EN ISO 17234-1:2015
<i>o</i> -Aminoazotoluene	97-56-3		
4-Aminodiphenyl	92-67-1		
2-Amino-4-nitrotoluene	99-55-8		
<i>o</i> -Anisidine	90-04-0		
Benzidine	92-87-5		
<i>p</i> -Chloroaniline	106-47-8		
4-Chloro- <i>o</i> -toluidine	95-69-2		
<i>p</i> -Cresidine	120-71-8		
2,4-Diaminoanisole	615-05-4		
4,4'-Diaminodiphenylmethane	101-77-9		
3,3'-Dichlorobenzidine	91-94-1		
3,3'-Dimethoxybenzidine	119-90-4		
3,3'-Dimethylbenzidine	119-93-7		
3,3'-Dimethyl-4,4'-diamino-diphenylmethane	838-88-0		
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4		
2-Naphthylamine	91-59-8		
4,4'-Oxydianiline	101-80-4		
4,4'-Thiodianiline	139-65-1		
2,4-Toluediamine	95-80-7		
<i>o</i> -Toluidine	95-53-4		
2,4,5-Trimethylaniline	137-17-7		
2,4-Xylidine	95-68-1		

RESTRICTED SUBSTANCES	CAS #	LIMITS	TEST METHODS
2,6-Xylidine	87-62-7		
<b>Bisphenols</b>			
Bisphenol-A (BPA)	80-05-7		All materials: Extraction: 1 g sample/20 ml THF, sonication for 60 minutes at 60 degrees C, analysis with LC/MS
Bisphenol S (BPS)	80-09-1		
Bisphenol F (BPF)	620-92-8		
Bisphenol AF (BPAF)	1478-61-1		
<b>Allergenic Disperse Dyes</b>			
C.I. Disperse Blue 1	2475-45-8	50 ppm each	DIN 54231
C.I. Disperse Blue 3	2475-46-9		
C.I. Disperse Blue 7	3179-90-6		
C.I. Disperse Blue 26	3860-63-7		
C.I. Disperse Blue 35	12222-75-2		
C.I. Disperse Blue 102	12222-97-8		
C.I. Disperse Blue 106	12223-01-7		
C.I. Disperse Blue 124	61951-51-7		
C.I. Disperse Brown 1	23355-64-8		
C.I. Disperse Orange 1	2581-69-3		
C.I. Disperse Orange 3	730-40-5		
C.I. Disperse Orange 37	12223-33-5		
C.I. Disperse Orange 76*	13301-61-6		
C.I. Disperse Orange 59*	51811-42-8		
C.I. Disperse Red 1	2872-52-8		
Disperse Red 11	2872-48-2		
Disperse Red 17	3179-89-3		
Disperse Yellow 1	119-15-3		
Disperse Yellow 3	2832-40-8		
Disperse Yellow 9	6373-73-5		
Disperse Yellow 39	12236-29-2		
Disperse Yellow 49	54824-37-2		
*equivalent to C.I. Disperse Orange 37			
<b>Phthalates</b>			
Di-isononyl phthalate (DINP)	28553-12-0	Sum: <1000 ppm	CPSC-CHC1001-09.3 GC-MS Leather EN 14372 ISO 17234-1 & pr EN ISO 17234-2 Textiles EN ISO 14362 -1 & pr EN ISO 14362-3
Di(ethylhexyl) phthalate (DEHP)	117-81-7		
Di-n-octyl phthalate (DNOP)	117-84-0		
Di-iso-decyl phthalate (DIDP)	26761-40-0		
Butyl benzyl phthalate (BBP)	85-68-7		
Dibutyl phthalate (DBP)	84-74-2		
Diisobutyl phthalate (DIBP)	84-75-3		
Di-n-hexyl phthalate (DnHP)	84-74-2		

RESTRICTED SUBSTANCES	CAS #	LIMITS	TEST METHODS
Di-isononyl phthalate (DINP)	28553-12-0		
<b>Total Heavy Metals</b>			
Cadmium	7440-43-9	<75 ppm	Microwave digestion and analysis by ICP-OES/MS
Lead - in Substrate	7439-92-1	<100 ppm	ICP Analysis - total digestion
Lead - Surface Coatings	7439-92-1	<90 ppm	CPSC CHE 1003.09.1 ICP Analysis - total digestion
Mercury	7439-97-6	<60 ppm	Extraction with synthetic perspiration solution according to EN ISO 105 E04, determination by ICP-MS or AAS
Arsenic	7440-38-2	<25 ppm	Microwave digestion and analysis by ICP-OES/MS
Antimony	7440-36-0	<60 ppm	Microwave digestion and analysis by ICP-OES/MS
Cobalt	7440-48-4	<100 ppm	Microwave digestion and analysis by ICP-OES/MS
Chromium	7440-47-3	<60 ppm	Microwave digestion and analysis by ICP-OES/MS
Barium	7440-39-3	<1000 ppm	Microwave digestion and analysis by ICP-OES/MS
Selenium	7782-49-2	<500 ppm	Microwave digestion and analysis by ICP-OES/MS
<b>Formaldehyde</b>			
Formaldehyde	50-00-0	<36 months: 16 ppm >36 months: 75 ppm	Non-Leather - ISO14184-1:2011 Leather - ISO17226-1:2008 Paperboard – EN17-3
<b>Metals Restricted In Textile, Leather And Synthetic PU</b>			
Chromium VI after ageing	18540-29-9	< 3 ppm	ISO 17075: 2007
Lead in substrate	7439-92-1	< 100 ppm	Metals: CPSC-E1001-08.3 Non-Metals: CPSC-E1002-08.3
Lead in Surface Coating	7439-92-1	< 90 ppm	CPSC-CH-E1003-09.1
Cadmium	7440-43-9	< 100 ppm	EN 1122 (Plastic) Acid Digestion (Metal)
Mercury	7439-97-6	<10 ppm	Extraction with acid perspiration according to ISO 105-E04, ICP Analysis
Arsenic	7440-38-2	< 100 ppm	
Antimony	7440-36-0	< 100 ppm	
<b>Heavy Metals In Packaging</b>			
Lead	7439-92-1	Sum: <100 ppm	



RESTRICTED SUBSTANCES	CAS #	LIMITS	TEST METHODS
Mercury	7439-97-6		Acid digestion followed by ICP/AAS analysis, UV-VIS for Cr VI
Cadmium	7440-43-9		
Chromium VI	18540-29-9		
<b>Nickel</b>			
Nickel Spot Test	7440-02-0	Negative	PDCR12471:2002
Nickel Release (if spot test fails)	7440-02-0	0.5 $\mu\text{g}/\text{cm}^2/\text{week}$	Nickel release by EN 1811:2011+A1:2015 for non-coated item; EN 12472:2005+A1:2009 and EN 1811:2011+A1:2015 for coated item
<b>Flame Retardants</b>			
Decabromodiphenyl ethane (DBDPE)	84852-53-9	10 ppm each	All materials: EN ISO 17881-2:2016
Pentabromodiphenyl ether (PentaBDE)	32534-81-9		
Octabromodiphenyl ether (OctaBDE)	32536-52-0		
Decabromodiphenyl ether (DecaBDE)	1163-19-5		
All other Polybrominated diphenyl ethers (PBDEs)	Various		
Tetrabromobisphenol A (TBBP A)	79-94-7		
Polybromobiphenyls (PBB)	59536-65-1		
Hexabromocyclododecane (HBCDD)	3194-55-6		
2,2-bis(bromomethyl)-1,3-propanediol (BBMP)	3296-90-0		
Tris(1,3-dichloro-isopropyl) phosphate (TDCPP)	13674-87-8		
Trixylyl phosphate (TXP)	25155-23-1		
Tris(2,3-dibromopropyl) phosphate (TRIS)	126-72-7		
Tris(1-aziridinyl)phosphine oxide (TEPA)	545-55-1		
Tris(2-chloroethyl)phosphate (TCEP)	115-96-8		
Bis(2,3-dibromopropyl) phosphate (BDBPP)	5412-25-9		
<b>Alkyl Phenols (Ap) &amp; Alkyl Phenol Ethoxylates (Apeo)</b>			

RESTRICTED SUBSTANCES	CAS #	LIMITS	TEST METHODS
Nonylphenol (NP)	25154-52-3	1000 mg/kg	Solvent extraction, GC-MS(AP) & LC-MS(APEO) analysis
Octylphenol (OP)	27193-28-8		
Nonylphenol ethoxylates (NPEO)	9016-45-9		
Octylphenol ethoxylates (OPEO)	9002-93-1		
<b>Chlorinated Paraffins</b>			
Short-chained (SCCP) C10-C13	85535-84-8	Prohibited	Solvent extraction, GC-MS, GC-NPD & LC-MS analysis
Medium-chained (MCCP) C14-C17	85535-85-9	0.1%	
<b>Chlorinated Phenols &amp; Other Phenol</b>			
Pentachlorophenol (PCP)	87-86-5	Not Detected, ≤ 5mg/kg for wood based materials	GCMS analysis; §64 LFGB BLV B82.02-8
Tetrachlorophenol (TeCP)	25167-83-3	Not detected (0.5 mg/kg)	
Trichlorophenol (TriCP)	Various	5 ppm	
<b>Dimethyl Fumarate (DMFu)</b>			
Dimethyl fumarate (DMFu)	624-49-7	Prohibited	Solvent extraction, GC-MS analysis
<b>Organotins</b>			
Tributyltin (TBT)	56573-85-4	Prohibited	GC-MS; ISO17353
Triphenyltin (TPHT)	668-34-8	Prohibited	
Dibutyltin (DBT)	1002-53-5	South Korean: 1 mg/kg EU: 0.1% by weight of tin	
Diocetyl tin (DOT)	15231-44-4	0.10% by weight of tin	
<b>PVC</b>			
Polyvinylchloride	9002-86-2	Not Detected	Beilstein test (screening) FTIR (confirmation)
Vinyl Chloride Monomer (VCM)	75-01-4	1 mg/kg	ISO 6041/ 64 LFGB B.80.32-1:1981-11/ 80/766/EC (If PVC found after FTIR, VCM should be tested)
<b>Polycyclic Aromatic Hydrocarbons (PAH)</b>			
Benzo(a)pyrene (BaP)	50-32-8	Category A: 0.5 mg/kg each Category B:	German ZEK 01.4-08
Benzo(e)pyrene (BeP)	192-97-2		
Benzo(a)anthracene	56-55-3		
<b>Perfluorinated Surfactants</b>			
Perfluorooctane Sulphonate (PFOS)	2795-39-3	1µg/m <sup>2</sup>	Solvent Extraction Analysis by LC-MS
Perfluorooctanoic Acid (PFOA), its salts & esters	68141-02-6		

## APPLICABLE U.S. FEDERAL AND STATES REGULATIONS

### California – Prop 65 & Other Requirements

In 1986, California voters approved an initiative to address their growing concerns about exposure to toxic chemicals. That initiative became the Safe Drinking Water and Toxic Enforcement Act of 1986, better known by its original name of [Proposition 65](#). Proposition 65, also known as Prop 65, requires the state to publish a [List of chemicals](#) known to cause cancer or birth defects or other reproductive harm. This list, which must be updated at least once a year, has grown to include over 1,000 chemicals since it was first published in 1987. Proposition 65 requires businesses to notify Californians about significant amounts of chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. By providing this information, Proposition 65 enables Californians to make informed decisions about protecting themselves from exposure to these chemicals.

The List contains a wide range of naturally occurring and synthetic chemicals that are known to cause cancer or birth defects or other reproductive harm. These chemicals include additives or ingredients in pesticides, common household products, food, drugs, dyes, or solvents. Listed chemicals may also be used in manufacturing and construction, or they may be by-products of chemical processes, such as motor vehicle exhaust.

Businesses are required to provide a [Clear and Reasonable Warning](#) before knowingly and intentionally exposing anyone to a listed chemical. This warning can be given by a variety of means, such as by labeling a consumer product, posting signs at the workplace, distributing notices at a rental housing complex, or publishing notices in a newspaper. Once a chemical is listed, businesses have 12 months to comply with warning requirements. Proposition 65 also prohibits companies that do business within California from knowingly discharging listed chemicals into sources of drinking water. Once a chemical is listed, businesses have 20 months to comply with the discharge prohibition.

If a warning is placed on a product label or posted or distributed at the workplace, a business, or in rental housing, the business issuing the warning is aware or believes that one or more listed chemicals is present. By law, a warning must be given for listed chemicals unless exposure is low enough to pose no significant risk of cancer or is significantly below levels observed to cause birth defects or other reproductive harm.

The California Attorney General's Office enforces Proposition 65. Any district attorney or city attorney (for cities whose population exceeds 750,000) may also enforce Proposition 65. In addition, any individual acting in the public interest may enforce Proposition 65 by filing a lawsuit against a business alleged to be in violation of this law. Lawsuits have been filed by the Attorney General's Office, district attorneys, consumer advocacy groups, and private citizens and law firms. Penalties for violating Proposition 65 by failing to provide notices can be as high as \$2,500 per violation per day.

Apart from Prop 65, California's passage of [Assembly Bill 1200](#) and [Assembly Bill 652](#) also prohibits the use of per- and polyfluoroalkyl substances (PFAS) in paper-based food packaging and in "juvenile products" such as infant carriers, infant seats, cribs, strollers, and any other "product designed for use by infants and children under 12 years of age," respectively, by January 1, 2023. Assembly Bill 1200 further requires

manufacturers to begin disclosing PFAS and other toxic chemicals used in their products by 2024 and to use the “least toxic alternative” when replacing PFAS in food packaging.

## Washington State – Children’s Safe Products Act

The [Children’s Safe Products Reporting Rule](#) requires manufacturers of children’s products sold in Washington to [report](#) annually on the presence and use of any chemical on the list known as “[Chemicals of High Concern to Children](#)” in children’s products offered for sale in Washington. Each chemical on the list meets criteria established by the [Children’s Safe Products Act](#) (CSPA). The CSPA also prohibits a manufacturer, wholesaler, or retailer from manufacturing, knowingly selling, offering for sale, distributing for sale, or distributing for use in Washington a children’s product or product component containing the following:

- (a) lead at more than .009 percent by weight (90 ppm);
- (b) cadmium at more than .004 percent by weight (40 ppm); or
- (c) phthalates, individually or in combination, at more than 0.10 percent by weight (1000 ppm).

When a children’s product is also covered by a federal Consumer Product Safety Improvement Act (CPSIA) limit for lead, cadmium, or phthalates, the Washington Department of Ecology refers the matter to the [U.S. Consumer Product Safety Commission](#) to ensure compliance with those requirements.

## Vermont – Chemicals of High Concern to Children in Children’s Products

On November 19, 2015, the Vermont Legislative Council approved the [Chemicals of High Concern in Children’s Products Rule](#), under Act No. 188 relating to the regulation of toxic substances. Currently, the rule includes 86 [Chemicals of High Concern to Children](#) (CHCC) and Vermont’s Commissioner of Health is entitled to review and revise the list consistent with the Act.

The [Rule](#) requires manufacturers of children’s products to disclose annually the presence of any intentionally added CHCC(s) (i) above the practical quantification limit or (ii) above 100 ppm, when present as a contaminant. As of January 1, 2022, the annual reporting deadline is January 31 of every calendar year.

Products subject to the CHCC requirements include any consumer product marketed for use by, marketed to, or sold, offered for sale, or distributed for use by children, including children’s cosmetics, children’s jewelry, child car seats, and products designed or intended to facilitate a child with sucking or teething, sleep, relaxation, or feeding of a child, or to be worn as clothing by a child. Distributors or retailers are required to report where the manufacturer has no physical presence in the U.S. or the retailer’s name is affixed to the product.

A manufacturer or importer must pay a \$200 fee for each notice of CHCC required to be submitted to the Department.

### Minnesota – Toxic Free Kids Act

During the 2009 legislative session, the [Toxic Free Kids Act](#) (Minn. Stat. 2010 116.9401–~~116.9407~~), was passed and signed into law by the governor. This legislation requires the Minnesota Department of Health (MDH) to create two lists of chemicals: one list called “Chemicals of High Concern” and one called “Priority Chemicals.” MDH is required to review and revise the Chemicals of High Concern list at least every three years. The Toxic Free Kids (TFK) program published the first update of the [Chemicals of High Concern](#) list July 1st, 2013. The fourth and latest update of the Chemicals of High Concern list is scheduled for July 2022. There is not currently a reporting requirement but that may change in the future.

Through the TFK program, MDH is working to identify and communicate the potential for hazardous chemical exposures which could be harmful to human health, particularly to vulnerable or susceptible populations, such as children and pregnant women.

“Chemical of high concern” means a chemical identified on the basis of credible scientific evidence by a state, federal, or international agency as being known or suspected with a high degree of probability to:

1. harm the normal development of a fetus or child or cause other developmental toxicity;
2. cause cancer, genetic damage, or reproductive harm;
3. disrupt the endocrine or hormone system;
4. damage the nervous system, immune system, or organs, or cause other systemic toxicity;
5. be persistent, bioaccumulative, and toxic; or
6. be very persistent and very bioaccumulative.

The law also instructs MDH to “consider chemicals listed as a suspected carcinogen, reproductive or developmental toxicant, or as being persistent, bioaccumulative, and toxic, or very persistent and very bioaccumulative by a state, federal, or international agency. These agencies may include, but are not limited to, the California Environmental Protection Agency, the Washington Department of Ecology, the United States Department of Health, the United States Environmental Protection Agency, the United Nation’s World Health Organization, and European Parliament Annex XIV concerning the Registration, Evaluation, Authorization, and Restriction of Chemicals.”

### Maine – Public Law 2011

Maine lists approximately 1,400 compounds as [chemicals of concern](#). From this list, [chemicals of high concern](#) are designated and, upon further review, may be elevated to [priority chemical](#) status, which results in a regulatory action. Each tier of prioritization builds upon the criteria of the list before it. Generally, manufacturers or distributors (including retailers) selling children’s products containing a designated *priority chemical* in an amount greater than de minimis must notify the Maine Department of Environmental Protection within 180 days after the priority chemical is listed or, if sales begin after the

listing of the chemical, within 30 days of the product being offered for sale in Maine. This is a one-time reporting requirement. The currently regulated Priority Chemical list includes arsenic, bisphenol A, [cadmium](#), flame retardants, [formaldehyde](#), [mercury](#), [nonylphenols and nonylphenol ethoxylates](#), [PFOS or its salts](#), and [phthalates](#).

The Department's latest rulemakings added to the priority chemical list the flame retardants decabromodiphenyl ether (deca BDE) and/or hexabromocyclododecane (HBCD) (rule chapter 889), and PFOS or its salts (rule chapter 890), when intentionally added to certain categories of children's products which are sold in the State of Maine. The last deadline for reporting the use of the flame retardants was August 31, 2017, and for reporting the use of PFOS was January 24, 2021. Those who have not already reported to the Department must do so within 30 days of the product's availability in Maine.

### **New York – Toxic Chemicals in Children's Products**

In accordance with the [Toxic Chemicals in Children's Products](#) law, manufacturers of products containing a chemical of concern or high-priority chemical at or above practical quantification limits must report to the [New York State Department of Environmental Conservation](#) within 12 months of the chemical appearing on the chemical of concern or high-priority chemical lists. All reported products will be posted in an online database available to the public. Manufacturers of products subject to the reporting requirements must also notify retailers and distributors.

The Department is expected to promulgate lists of chemicals of concern and high-priority chemicals by March 1, 2022. And the sale of children's products containing benzene, asbestos, or tris (1,3-dichloro-2-propyl) phosphate will be prohibited effective January 1, 2023.

### **Oregon – Toxic-Free Kids Act**

The [Toxic-Free Kids Act](#) was passed during the 2015 legislative session. This law requires manufacturers or distributors (including retailers) to provide biennial notice to the Oregon Health Authority (OHA) of all children's products sold in Oregon that contain one or more High Priority Chemicals of Concern for Children's Health (HPCCH) if found at or above specific levels (typically in an amount above de minimis (100 ppm)). Products that fall under this law are those that are marketed to or intended for children. This includes products designed or intended to facilitate sucking, teething, sleep, relaxation, feeding, or drinking as well as clothing, footwear, car seats, cosmetics, jewelry, and toys.

Biennial reporting has been required since January 1, 2018, and is required until the manufacturer either removes the HPCCH from the product or receives a waiver. As of January 1, 2022, manufacturers that have made three biennial notices (i.e., reported each year since 2018) are required to remove or substitute HPCCH(s) present at or above de minimis levels in children's products that are (i) mouthable, (ii) children's cosmetics, or (iii) made for, marketed for use by, or marketed to children under three years of age.

Alternatively, before the end of the third Biennial Notice Period (December 31) for these products, manufacturers may do one or more of the following: request a waiver from removal or substitution requirement or request exemptions from removal or substitution requirements.

Waivers require a manufacturer demonstrate that (i) the chemical of concern does not move from the product into children's bodies under conditions of normal use of the product or (ii) conduct an alternatives assessment demonstrating that eliminating or substituting the chemical of concern is not financially or technically feasible.

Manufacturers with gross worldwide sales of less than 5 million dollars are automatically exempt from the reporting requirements. A manufacturer may apply for a reporting exemption if it can demonstrate that the HPCC is a contaminant and that a manufacturing control program to minimize its presence in the children's product has been implemented.

The Act automatically designated the 66 chemicals listed in [Washington State's Department of Ecology's Chemicals of high concern to children reporting list](#) (CHCC) in 2015 as HPCCs. The Act stipulates that that OHA may add up to five chemicals to the list every three years. The HPCC list can be revised every 3 years but each revision may not include more than five additional chemicals. Manufacturers with gross worldwide sales of less than 5 million dollars are automatically exempt from the reporting requirements. A manufacture may apply for a reporting exemption if it can demonstrate that the HPCC is a contaminant and that a manufacturing control program to minimize its presence in the children's product has been implemented.

## Other States

Alaska, Connecticut, Massachusetts, and Florida also enacted regulations for children's products similar to California or Washington states with regard to formulating a list of Chemicals of High Concern for Children.

Other states that do not have comprehensive compliance programs may also maintain prohibitions on the use of individual chemicals in certain products. For example, Nevada, Rhode Island, and Maryland currently have prohibitions on products (such as children's products and upholstered furniture) containing certain flame-retardant chemicals.

## UPDATES AND REVISIONS

Burlington will continue to partner with our vendors and suppliers to implement policies to help facilitate the management of chemicals and will actively look for new ways to enhance our product safety practices. Vendors will receive email communications of any updates to this Manual.

## APPENDIX

Related Documents:

[Code of Conduct, Product Safety and Social Compliance Manual](#)

[Purchase Order Terms and Conditions](#)

[Testing Protocols](#)