



Washington Children's Safe Product Act (WA CSPA)

From: General Merchandise Regulatory Compliance
To: Kroger General Merchandise Buyers, Vendors, Product Development and Testing Laboratory
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Effective Date: Immediately

1. Introduction

[Washington State Children's Safe Product Act \(CSPA\)](#) that was enacted in 2008 includes two parts. The Part I restrict lead, cadmium and phthalate in children's products but is preempted by CPSIA requirements. Part II requires manufacturers to submit report to Department of Ecology if a product contains one or more chemicals that are Chemical of High Concern to Children (CHCC) above the threshold limit.

On February 12th, 2016, Ecology published enforcement guidance on Part I to clarify what requirements are preempted by CPSIA and what children's products are covered by the state but not by CPSIA.

This notice is served to advise Kroger's requirements on WA CSPA and to provide guidance to Kroger's vendors in implementing the requirements. Kroger requires all vendors and suppliers to comply with WA CSPA and to be able to demonstrate the compliance with supporting evidences.

2. Definition

Children's products include toys, children's cosmetics, children's jewelry, child car seat and a product designed or intended to help a child with sucking or teething, to facilitate sleep, relaxation or the feeding of a child, or to be worn as clothing by children. Please refer to [actual law](#) for exemptions.

3. Requirements

3.1 Part I Restriction of lead, cadmium and phthalate

Washington's limit on lead, phthalate and cadmium are more stringent than CPSIA limits and apply for a broader range of products. For those products to which a federal standard for lead, phthalates or cadmium applies, the WA standard is preempted. For those children's products that are covered by WA CSPA but not covered by federal law, the following requirements apply.

Chemicals that exceed the following limits are not permitted in accessible components in children's products.

- **Lead 90ppm**
- **Cadmium 40ppm**



- **6 Phthalates in combination at 1000 ppm**
 - di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

Examples of analyzing application of Part I

- Example 1: Cadmium

CPSIA requires cadmium in toys should not exceed 75ppm, which preempt Washington cadmium requirement.

CPSIA does not have cadmium requirements on other children's products, such as clothing, jewelry and footwear. Washington's 40ppm limit on cadmium applies.

- Example 2: Phthalate

CPSIA requires toys and child care articles meet phthalate requirements, which preempt Washington phthalate requirements.

CPSIA does not have phthalate restriction on other children's products such as clothing, jewelry and footwear. Washington's phthalate limitation applies.

3.2 Part II is a Reporting of Chemicals of High Concern to Children (CHCC)

The [66 chemicals](#) are listed as CHCC in CSPA and must be reported to Ecology based on the following two criteria.

- A) Report any intentionally added chemical above the PQL level
 - The PQL (Practical Quantification Level) is an estimate of the smallest amount measurable, which varies by chemical
- B) Report any contaminant chemical at or above 100 ppm

DO NOT REPORT products if children's products do not meet Part I requirements.

The report must be submitted prior to the applicable due date even if the products are discounted. The initial report due date is based on [phase-in reporting schedule](#). The report is required to be submitted annually.

This notice shall not be construed as law. Kroger General Merchandise Regulatory Compliance remains the right to interpret this notice. The vendor shall refer to the actual law for details.

For questions, please contact Megan Liu @ 1-503-797-3323 or megan.liu@kroger.com



RegCom16001

References:

- Washington State Children's Safe Products 70.240
<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.240>
- List of 66 Chemicals <http://www.ecy.wa.gov/programs/hwtr/RTT/cspa/chcc.html>
- Washington State Reporting Rule 173.334 <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-334>
- Reporting Registration link <http://www.ecy.wa.gov/programs/hwtr/RTT/cspa/reporting.html>
- Reporting Categories Link <http://www.ecy.wa.gov/programs/hwtr/rtt/cspa/guidance.html>
- Enforcement guide on lead, cadmium and phthalate
<http://www.ecy.wa.gov/programs/hwtr/RTT/cspa/pdf/LeadCadmiumPhthalatesenforcement.pdf>