

美国纽约州发布儿童产品有毒化学物质法案

2020年2月7日，美国纽约州州长签署了 S501B/A6296 号法案，规定儿童产品中
所列化学物质的申报规则，并禁止销售含有某些化学物质的儿童产品。该法案于 2020 年
3月1日正式生效。主要包含以下内容：

1、管控范围

主要供 12 岁及以下儿童使用、制造或销售的产品，例如服装，婴儿用品，床上用品，
汽车座椅，育儿用品，家具，家具，珠宝，新颖产品，个人护理产品，学校用品和玩具等。
但不包括：

- 电池；
- 消费电子产品，包括但不限于个人电脑、音像设备、计算器、无线电话、游戏机，用
于访问交互式软件及其相关外围设备的装有视频屏幕的手持设备；或
- 由美国食品和药品管理局（USFDA）管控的食品，饮料，食品或饮料的添加剂。“儿
童产品”也不包括美国食品和药品管理局监管控的药品、生物制品或医疗器械。

2、化学物质清单

纽约州环境保护部将在 2020 年 8 月 28 日前在其网站上公布具体的“危险化学品”
和“关注化学物质”清单。在化学物质被列入清单后 12 个月内，均应按实际定量限向环
境保护部申报此种化学物质的使用情况。

3、通报要求

儿童产品中所列化学物质的申报至少应包含下列信息：

- a) 儿童产品 ID 信息
- b) 儿童产品中所含的危险化学品和关注化学物质
- c) 化学物质的预定用途

如果符合某些特定情况，制造商可以不进行申报或部分进行申报。

4、销售禁令

从 2023 年 1 月 1 日起，任何人不得销售含有下列化学物质的儿童产品：

- a) 三(1,3-二氯-2-丙基)磷酸酯
- b) 苯
- c) 甲醛（纺织品除外）



- d) 石棉
- e) 有机卤素阻燃剂

如果儿童产品中含有危险化学品（该化学物质已被列入清单 3 年）将会被禁止销售。
上述销售禁令豁免情况如下：

- a) 完全基于其封闭的电池或电子组件的儿童产品；以及
- b) 联邦法规优先于州对儿童产品的法规管控。如果委员认为儿童产品的缺乏可能对公共卫生、安全或福利构成不合理的风险，委员可以豁免儿童产品的禁令。

5、实施与执行

- (1) 未能及时申报。任何人在纽约州不得出售该含有危险化学物质的儿童产品。
- (2) 选择符合性声明。未能及时申报也可提供符合性声明，声明要求：
 - a) 提供检测报告，证明儿童产品不含危险化学品；或
 - b) 证明制造商已在此状态下通知销售该产品的人员，禁止出售该儿童产品。
- (3) 清单将定期审核修订。因此制造商需持续关注清单，根据清单变动，加强监管并定期检测产品中危险化学品用量，确保产品的合规性。

公告链接：

: <https://www.nysenate.gov/legislation/bills/2019/a6296>

The us state of New York has enacted the toxic chemicals act for children's products

On February 7, 2020, the governor of New York state signed act S501B/A6296, which provides for the reporting of chemicals listed in children's products and prohibits the sale of children's products containing certain chemicals. The bill takes effect on March 1, 2020. It mainly contains the following contents:

1. Scope of control

Products used, manufactured or marketed primarily for children 12 years of age and younger, such as clothing, baby products, bedding, car seats, childcare products, furniture, furniture, jewelry, novelty products, personal care products, school supplies and toys. But not including:

- The battery;
- Consumer electronic products, including but not limited to personal computers, audio and video devices, calculators, wireless phones, game consoles, hand-held devices with video screens for accessing interactive software and related peripherals; or
- A food, beverage, food or beverage additive regulated by the United States food and drug administration (USFDA). "Children's products" does not include drugs, biologics or medical devices regulated by the U.S. food and drug administration

2. List of chemical substances

The New York state department of environmental protection will publish a detailed list of "hazardous chemicals" and "chemicals of concern" on its website by August 28, 2020. The use of chemical substances shall be reported to the ministry of environmental protection within 12 months of their inclusion in the list, subject to actual quantification.

3. Notify requirements

Declaration of chemical substances listed in children's products should include at least the following information:

- a) Identity of children's product
- b) Dangerous Chemical or Chemical of Concern contained in the children's product
- c) Intended purpose of the chemicals

If certain conditions are met, the manufacturer may declare without or in part.

4. Sales ban

From January 1, 2023, no one shall sell children's products containing the following chemicals:

- a) Tris(1,3-dichloro-2-propyl) phosphate
- b) Benzene
- c) Formaldehyde (other than in textiles)
- d) Asbestos
- e) Organohalogen flame retardants

Children's products containing dangerous chemicals (which have been on the list for three years) will be banned from sale. Exemption from the above sales prohibition is as follows:

- a) To a children's product solely based on its containing an enclosed battery or enclosed electronic components; and
- b) Where state regulation of children's products is pre-empted by federal law. The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

5. Implementation and execution

(1) failure to declare in time. No one in the state of New York may sell children's products containing dangerous chemicals.

(2) select the declaration of compliance. Failure to declare in time may also provide a declaration of compliance. Declaration requirements:

- a) provide testing reports to prove that children's products do not contain dangerous chemicals; or
- b) certify that the manufacturer has in this state notified the person selling the product that the sale of the child's product is prohibited.

(3) the list will be periodically reviewed for revision. Therefore, manufacturers should continue to pay attention to the list, strengthen supervision and regularly test the amount of hazardous chemicals in the products according to the list changes to ensure the compliance of the products.

Announcement of the link: <https://www.nysenate.gov/legislation/bills/2019/a6296>



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