



**To:** Children's product manufacturers, wholesalers, retailers and industry associations

**From:** Minnesota Pollution Control Agency  
Minnesota Department of Health  
Minnesota Department of Commerce

**Subject:** REMINDER: July 1, 2022 is the deadline for retailers to comply with Minnesota flame-retardant limits in children's products and residential furniture and textiles

**Date:** May 25, 2022

As a manufacturer, wholesaler, or retailer of children's products in Minnesota, it is your responsibility to understand and follow Minnesota law that restricts toxic chemicals in consumer products.

To support your compliance effort, the purpose of this notice is to remind you that July 1, 2022, is the deadline for retailers to comply with Minnesota's limits on organohalogenated flame-retardant chemicals in products for children under 12, and in any upholstered residential furniture, mattress, or residential textile used as a covering for windows or walls.

Organohalogenated flame-retardant chemical means any chemical that contains one or more carbon elements and one or more halogen elements, including fluorine, chlorine, bromine, or iodine.

Minn. Stat. § 325F.071 limits these chemicals to 1,000 parts per million (PPM) or less in affected products and their components. If any of these flame-retardants are present in affected products above 1,000 PPM, retailers may not sell them or offer them for sale or use in Minnesota after June 30, 2022.

Manufacturers and wholesalers were subject to a ban on manufacture, sale, offer for sale, and distribute for sale or use on July 1, 2021. There are some exemptions to the scope of products covered, and some exceptions to the types of chemicals regulated. [See the complete statute.](#)

**Additional information:**

- Subdivision 3 of this statute places important restrictions on chemicals used to replace the restricted organohalogenated flame-retardant chemicals.

“A manufacturer shall not replace a chemical whose use is prohibited under this section with 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; or
4. damage the nervous system, immune system, or organs, or cause other systemic toxicity.”

While Subdivision 3 is specific to manufacturers' responsibilities, we encourage retailers to seek to ensure that their suppliers who make these products are compliant with this law.

- Minnesota Statutes §325E.386, enacted in 2007, places the same 1,000 PPM limit on two other flame-retardants (pentabromodiphenyl ether and octabromodiphenyl ether) in children's and other products. The class of organohalogenated chemicals covered by the 2019 amendment to Minnesota Statutes §325F.071 includes those two flame-retardant chemicals.
- Several other states have similar laws restricting these and/or additional flame-retardants in various products. You may find these laws on this [Safer States web page](#).

This notice is provided by the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Health (MDH), and the Minnesota Department of Commerce (MDC), who work together as the Chemicals in Products Interagency Team (CPIT) to actively enforce chemical restriction and replacement laws, and to encourage and monitor industry compliance.

The CPIT urges your company to work with your suppliers to thoroughly analyze and reliably establish whether any of these chemicals have been used in making products you sell, or their components.

The products and components most relevant under this law are:

- Children's clothing and sleepwear;
- Polyurethane and other cushioning foams in residential furniture cushions, baby changing pads, play mats, and child's car seats and chair paddings;
- Fabrics used to upholster any residential furniture or child's furniture or beds; and
- Fabrics used to cover windows and walls.

If one or more restricted flame-retardants are being used, determine at what concentrations and if above 1,000 PPM, work with your suppliers to have them replaced with chemicals that meet the requirements of Minn. Stat. §325F.071, subdivision 3.

#### **What are the concerns with flame-retardants?**

- These flame-retardants are currently or have in the past been high production volume chemicals (over 1 million pounds in annual U.S. production or use) and have been widely used in consumer products. This has resulted in widespread contamination of household dust, food, and drinking water.
- Certain flame-retardants are persistent and bio-accumulative, meaning they stay in the environment for a very long time and can build up in the food chain and in people.
- Infants and children are more highly exposed to flame-retardants compared to adults. They eat and drink more in proportion to their body size; and their behavior, like crawling, playing on the floor, and putting their hands or objects in their mouths, causes them to directly ingest flame-retardants in indoor air and dust.
- Infants and children are particularly vulnerable to the toxic effects of these chemicals because their brains and other organs are still developing. These flame-retardants are linked to endocrine disruption and adverse effects on fetal and child development, along with other effects such as cancer.
- Firefighters may be highly exposed to these and other chemicals when they respond to fires, both during (from smoke) and after, as their residue sticks to equipment and can be difficult to remove. Firefighters also appear to experience higher rates of some cancers and other diseases.

**Questions about this notice can be directed to:**

- Product testing and compliance: Pollution Control Agency - [p2.pca@state.mn.us](mailto:p2.pca@state.mn.us)
- Chemicals of high concern to children; risks: Department of Health - [health.risk@state.mn.us](mailto:health.risk@state.mn.us)
- General toy and children's product compliance: Department of Commerce - [consumer.protection@state.mn.us](mailto:consumer.protection@state.mn.us)

Thank you for your work and commitment to protecting Minnesota's residents and its environment.

Sincerely,



*This document has been electronically signed.*

Kirk Koudelka  
Assistant Commissioner of Land Policy  
Minnesota Pollution Control Agency

Sincerely,



*This document has been electronically signed.*

Daniel Huff  
Assistant Commissioner for Health Protection  
Minnesota Department of Health

Sincerely,



*This document has been electronically signed.*

Matthew Vatter  
Assistant Commissioner of Enforcement  
Minnesota Department of Commerce

KK/DH/MW:vs