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January 11, 2019

To the Honorable Senate and House of Representatives:

While I fully support the elimination of flame retardant chemicals from various household and children's products when those chemicals are unnecessary and toxic, I will not sign H.5024, "An Act to protect children, families, and firefighters from harmful flame retardants" in its current form.

Had this bill been presented to me while the Legislature was still in session, I would have returned it with an amendment to address the concerns set out in this letter. Unfortunately, because the Legislature has adjourned, I do not have that option.

This legislation would ban the use of certain flame retardants in various products. Significant portions of this legislation parallel steps taken in other states. However, this bill would make Massachusetts the only state in the United States to ban certain flame retardants in car seats and the non-foam parts of adult mattresses, products already subject to federal flammability requirements. In addition, this ban would go into effect in less than five months, cutting the lead time for manufacturers by more than half as compared to the full year provided in the legislation as originally filed. The resulting disruption to what is available to consumers in Massachusetts would likely have a disproportionate impact on families with lower incomes who are less able to afford more expensive alternatives.

The legislation would also require the Department of Environmental Protection (DEP) to ban additional flame retardants in the future based solely on certain risks, without any consideration of countervailing benefits. DEP has an important role to play in analyzing the health and environmental impacts of flame retardants, but must be able to exercise reasoned judgment based on sound science before banning a flame retardant.

Massachusetts can be a leader in this area, but the specifics of the bill that emerged during the last hours of the legislative session limit its potential effectiveness. A deliberative process involving all stakeholders and an implementation schedule that takes into account the realities of manufacturing and distribution practices are key components to any legislation. I look forward to working with the bill sponsors and stakeholders on a revised form of this legislation in the current session.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Charles D. Baker
Governor