

TEXAS HAZARDOUS SUBSTANCES ACT REGISTRATION FACT SHEET

Revised July 2005

The purpose of the Texas Hazardous Substances Act (HSA), codified as Chapter 501 of the Health and Safety Code, is to protect the health, safety and welfare of the people of Texas by reducing the risk of illness, injury or death resulting from the handling or use of hazardous consumer products. The HSA requires manufacturers, importers, repackagers, and private-label distributors of hazardous consumer products to submit a registration form and filing fee to the Texas Department of State Health Services (DSHS), and to ensure that regulated products are labeled and packaged appropriately prior to distribution or sale in Texas. The consumer products regulated by this law are those that meet the definition of a "hazardous substance" as defined under the HSA. These products may be grouped into the following categories:

- I. General Hazardous Consumer Products
- II. Toys and Games for Children
- III. Balloons, Small Balls, & Marbles
- IV. Art Materials

For your convenience, the following tables contain some examples of products that may be regulated under the HSA and that will require the manufacturer, importer, repackager, and/or private-label distributor of the product to submit a registration form and filing fee to DSHS.

I. General Hazardous Consumer Products - Any consumer product which is a substance or a mixture of substances that is toxic, corrosive, extremely flammable, flammable, combustible, an irritant, or a strong sensitizer, or that generates pressure through decomposition, heat or other means, if the substance or mixture of substances may cause substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. These products are required to be labeled sufficiently to inform its user of the dangers involved in using, storing, or handling the substance, of actions to be taken or avoided, and to give instructions as necessary for proper first aid treatment.

Examples of Consumer Products Covered Under This Category:

Automotive Consumer Products	Paints, Adhesives & Related Products	Cleaners, Degreasers, Solvents, Chemicals	Fuels/Fireworks
Windshield Washer Fluid Carburetor and Fuel Injector Cleaner Brake Cleaner Octane Booster Lead Additives Engine Cleaners Tire Inflate Products 3-M Adhesives Car/Boat Waxes & Polishes Throttle Body Flush Kits Auto Touch-up Paint	Spray/Aerosol Paints Spray/Aerosol Adhesives Paints & Primers – various types Adhesives – solvent-based, rubber-based, epoxy-based Day Glow Traffic Paint Wood Refinishing Products Paint Strippers Dyes, Stains, Polishes Clear Coat Sprays Fiberglass Repair Products Cements and Sealants Waterproofing	Cleaners – various types Degreasers – various types Lubricants – various types Disinfectants Deodorizers Water treatment chemicals Pool & Spa chemicals Muriatic Acid Building Materials/Chemicals- Masonry Products Plumbing Supplies Welding Supplies Leather-Care Products- Tanning Solutions Conditioners Dyes/Polishes Water Repellants	Charcoal Lighter fluid Propane / Butane torches Packaged Propane fuel Canned cooking fuel MAPP fuel Oxygen cylinders Packaged Butane fuel Firework devices: - Fountains - California/Roman candles - Rockets - Wheels, whistles, poppers - Sparklers, smoke devices - Mines, shells

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II. Toys and Games for Children – A toy or other article, other than clothing, that is intended for use by a child and that presents an electrical, mechanical, or thermal hazard as defined by the HSA, Section 501.002(d), but which is exempt from the ban provision of the HSA because the article is properly labeled giving adequate directions and warnings for safe use and is intended for use by children who have attained sufficient maturity to read and heed such directions and warnings. These hazards are defined as follows:

Electrical Hazard - An article is an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, it may cause, because of its design or manufacture, personal injury or illness by electric shock.

Mechanical Hazard - An article is a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, it presents, because of its design or manufacture, an unreasonable risk of personal injury or illness:

- (1) from fracture, fragmentation, or disassembly of the article;
- (2) from propulsion of the article or a part or accessory of the article;
- (3) from points or other protrusions, surfaces, edges, openings, or closures;
- (4) from moving parts;
- (5) from lack or insufficiency of controls to reduce or stop motion;
- (6) as a result of self-adhering characteristics of the article;
- (7) because the article or a part or accessory of the article may be aspirated or ingested;
- (8) because of instability; or
- (9) because of any other aspect of the article's design or manufacture.

Thermal Hazard - An article is a thermal hazard if, in normal use or when subject to reasonably foreseeable damage or abuse, it presents, because of its design or manufacture, an unreasonable risk of personal injury or illness because of heat, including heat from heated parts, substances, or surfaces.

Examples of Consumer Products Covered Under This Category:

Electrical Hazard	Mechanical Hazard	Thermal Hazard
Science kits, chemistry sets	Clacker Balls, Cap guns / Caps	Toy cooking devices
Chargers for motorized toy vehicles	Beading kits	Science kits
Toys w/ electric motors or engines	Toys or games with sharp parts	Toy irons
Toys or games with electrical cords	Toys or games with small parts	Toys or games with lamps
	Toys or games with moving parts	Toys or games with heated surfaces
	Model kits (small parts)	Model kits (chemical propellants or starting devices)

III. Balloons, Small Balls, & Marbles - Latex balloons, small balls, marbles, and any toy or game that contains such a balloon, ball, or marble as defined under federal guidelines and regulations adopted under the Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), as amended. These consumer products must be labeled sufficiently to inform the user of the possible choking hazard to children under the age of three years.

Examples of Consumer Products Covered Under This Category:

Balloons	Small Balls	Marbles
Party favors containing balloons	Baby Rattles	Chinese Checkers

Art Materials – Art materials as defined by the Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), as amended, and under the regulations in Title 16 of the Code of Federal Regulations, Section 1500.14(b)(8), and the Labeling of Hazardous Art Materials Act (LHAMA), (15 USC 1277). These consumer products must be analyzed by a toxicologist according to the American Society for Testing and Materials (ASTM) Standard D-4236 to determine to if the product has a potential to produce a chronic adverse health effect. This section applies exclusively to art materials packaged in sizes intended for individual users of any age or those participating in a small group.

Examples of Consumer Products Covered Under This Category:

Paints / Enamels / Glazes	Plastic Resins	Paint thinners and strippers
Glues / Adhesives / Cements	Etching acids, Clean-up solvents	Putties, plasters, modeling clays
Soldiering products	Photo developing chemicals	Stains / Varnishes / Sealants

Texas Department of State Health Services
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