



General Assembly

**Amendment**

February Session, 2006

LCO No. 3878

**\*SB0065703878SDO\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. GAFFEY, 13<sup>th</sup> Dist.

SEN. HANDLEY, 4<sup>th</sup> Dist.  
SEN. MCDONALD, 27<sup>th</sup> Dist.  
SEN. FINCH, 22<sup>nd</sup> Dist.

To: Senate Bill No. 657

File No. 345

Cal. No. 244

**"AN ACT CONCERNING THE PHASE-OUT OF CERTAIN  
POLYBROMINATED DIPHENYL ETHERS."**

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- 1 Strike lines 1 to 89, inclusive, and insert the following in lieu thereof:
- 2 "Section 1. (NEW) (*Effective October 1, 2006*) As used in this section
- 3 and sections 2 and 3 of this act:
- 4 (1) "Household textiles" means mattresses, mattress pads,
- 5 comforters, drapes or upholstered furniture intended for indoor use in
- 6 a residence;
- 7 (2) "Manufacturer" means any person, firm, association, partnership
- 8 corporation, governmental entity, organization or joint venture that
- 9 produces a product containing penta-bde or octa-bde or an importer or
- 10 domestic distributor of a noncomestible product containing penta-bde
- 11 or octa-bde;
- 12 (3) "Penta-bde" means pentabromodiphenylether;

13 (4) "Octa-bde" means octabromodiphenylether;

14 (5) "Alternative flame retardant" means a chemical other than a  
15 polybrominated diphenyl ether that is added to a product to inhibit the  
16 spread of flames;

17 (6) "Used product" means a product that has been previously  
18 owned, purchased or sold in commerce. "Used product" does not mean  
19 any product manufactured after January 1, 2006; and

20 (7) "Electric enclosure" means the plastic housing that encloses the  
21 components of electronic products, including, but not limited to,  
22 televisions and computers.

23 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) Except as provided in  
24 subsection (b) of this section, on and after January 1, 2007, no person  
25 shall manufacture or sell, offer for sale or distribute for sale or use a  
26 product containing penta-bde or octa-bde. The manufacturer shall  
27 notify persons that sell the manufacturer's products about the  
28 provisions of this section.

29 (b) The sale or distribution by a business, charity or private party of  
30 any used product containing penta-bde or octa-bde shall be exempt  
31 from this section.

32 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) On and after January 1,  
33 2010, no person shall manufacture or sell, offer for sale or distribute for  
34 sale or use any television, computer, facsimile machine or printer that  
35 has an electronic enclosure that contains an alternative flame retardant  
36 or a household textile that contains an alternative flame retardant  
37 unless the manufacturer of the product or a trade association  
38 representing manufacturers of the product has provided chemical  
39 safety data on the alternative flame retardants to the Commissioner of  
40 Environmental Protection on a form prescribed by the commissioner.

41 (b) Information submitted pursuant to subsection (a) of this section  
42 shall be considered a trade secret for purposes of section 1-210 of the

43 2006 supplement to the general statutes.

44 (c) The Commissioner of Environmental Protection may adopt  
45 regulations, in accordance with chapter 54 of the general statutes, to  
46 prohibit the manufacture, sale, offer for sale or distribution for sale or  
47 use of an alternative flame retardant on and after January 1, 2010, if the  
48 Commissioner of Environmental Protection, in consultation with the  
49 Commissioner of Public Health, determines that there is credible  
50 scientific evidence that demonstrates that the alternative flame  
51 retardant poses a risk to human health or the environment.

52 Sec. 4. (NEW) (*Effective October 1, 2006*) Any person who violates  
53 any provision of section 2 or 3 of this act shall pay a civil penalty of not  
54 more than one hundred dollars for each offense and, in the case of a  
55 continuing violation, each day's continuance thereof shall be a separate  
56 and distinct offense. The Attorney General, upon complaint of the  
57 Commissioner of Environmental Protection, shall institute an action in  
58 the superior court for the judicial district of Hartford to recover such  
59 penalty."