



General Assembly

Amendment

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Offered by:

REP. O'ROURKE, 32nd Dist.

REP. URBAN, 43rd Dist.

REP. WILLIS, 64th Dist.

REP. MEGNA, 97th Dist.

REP. FONTANA, 87th Dist.

To: Subst. House Bill No. 5685

File No. 579

Cal. No. 159

"AN ACT CONCERNING BROWNFIELDS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006*) As used in this section
4 and sections 502 and 503 of this act:

5 (1) "Household textiles" means mattresses, mattress pads,
6 comforters, drapes or upholstered furniture intended for indoor use in
7 a residence;

8 (2) "Manufacturer" means any person, firm, association, partnership
9 corporation, governmental entity, organization or joint venture that
10 produces a product containing polybrominated diphenyl ethers or an
11 importer or domestic distributor of a noncombustible product

12 containing polybrominated diphenyl ethers;

13 (3) "Penta-bde" means pentabromodiphenylether;

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

15 (5) "Deca-bde" means decabromodiphenylether;

16 (6) "Polybrominated diphenyl ethers" means chemical forms that
17 consist of diphenyl ethers bound with bromine atoms including, but
18 not limited to, penta-bde, octa-bde and deca-bde;

19 (7) "Commercial deca-bde" means deca-bde and any associated
20 polybrominated diphenyl ether impurities not intentionally added,
21 provided no single such impurity exceeds one per cent by mass of the
22 mixture and the combination of all polybrominated diphenyl ether
23 impurities do not exceed four per cent by mass of the mixture;

24 (8) "Alternative flame retardant" means a chemical other than a
25 polybrominated diphenyl ether that is added to a product to inhibit the
26 spread of flames;

27 (9) "Used product" means a product that has been previously
28 owned, purchased or sold in commerce. "Used product" does not mean
29 any product manufactured after January 1, 2006; and

30 (10) "Electric enclosure" means the plastic housing that encloses the
31 components of electronic products, including, but not limited to,
32 televisions and computers.

33 Sec. 502. (NEW) (*Effective October 1, 2006*) (a) Except as provided in
34 subsections (b) and (c) of this section, on and after January 1, 2007, no
35 person shall manufacture or sell, offer for sale or distribute for sale or
36 use a product containing penta-bde or octa-bde. On or after January 1,
37 2010, no person may manufacture or sell, offer for sale or distribute for
38 sale or use any television, computer, facsimile machine or printer that
39 has an electronic enclosure that contains commercial deca-bde or a
40 household textile that contains commercial deca-bde. The

41 manufacturer shall notify persons that sell the manufacturer's products
42 about the provisions of this section.

43 (b) The following uses of polybrominated diphenyl ethers are
44 permitted: (1) The sale or distribution by a business, charity or private
45 party of any used product containing polybrominated diphenyl ethers,
46 or (2) the manufacture, sale or distribution of any new product or
47 product component consisting of recycled or used materials containing
48 commercial deca-bde.

49 (c) A manufacturer of a product prohibited pursuant to subsection
50 (a) of this section may apply to the Commissioner of Environmental
51 Protection for an exemption for a specific use of a commercial deca-
52 bde. Said application shall be accompanied by a fee of one hundred
53 dollars. The commissioner may grant an exemption upon a finding
54 that (1) a technically feasible alternative to the use of the commercial
55 deca-bde is not available at a reasonable cost, or (2) the potential harm
56 to public health and the environment posed by a technically feasible
57 and available alternative is greater than the potential harm posed by
58 the commercial deca-bde. The commissioner may not grant an
59 exemption for a term of more than three years. An exemption may be
60 renewed upon submission of an application to the commissioner,
61 accompanied by a fee of one hundred dollars, provided the
62 commissioner finds that the use continues to meet the criteria of this
63 subsection.

64 Sec. 503. (NEW) (*Effective October 1, 2006*) (a) On and after January 1,
65 2010, no person shall manufacture or sell, offer for sale or distribute for
66 sale or use any television, computer, facsimile machine or printer that
67 has an electronic enclosure that contains an alternative flame retardant
68 or a household textile that contains an alternative flame retardant
69 unless the manufacturer of the product or a trade association
70 representing manufacturers of the product has provided chemical
71 safety data on the alternative flame retardants to the Commissioner of
72 Environmental Protection on a form prescribed by the commissioner.

73 (b) Information submitted pursuant to subsection (a) of this section
74 shall be considered a trade secret for purposes of section 1-210 of the
75 2006 supplement to the general statutes.

76 (c) The Commissioner of Environmental Protection may adopt
77 regulations, in accordance with chapter 54 of the general statutes, to
78 prohibit the manufacture, sale, offer for sale or distribution for sale or
79 use of an alternative flame retardant on and after January 1, 2010, if the
80 Commissioner of Environmental Protection, in consultation with the
81 Commissioner of Public Health, determines that there is credible
82 scientific evidence that demonstrates that the alternative flame
83 retardant poses a risk to human health or the environment.

84 Sec. 504. (NEW) (*Effective October 1, 2006*) Any person who violates
85 any provision of section 502 or 503 of this act shall pay a civil penalty
86 of not more than one hundred dollars for each offense and, in the case
87 of a continuing violation, each day's continuance thereof shall be a
88 separate and distinct offense. The Attorney General, upon complaint of
89 the Commissioner of Environmental Protection, shall institute an
90 action in the superior court for the judicial district of Hartford to
91 recover such penalty."