



General Assembly

February Session, 2008

Raised Bill No. 5805

LCO No. 2733

02733 _____ ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING TOXIC SUBSTANCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) For the purposes of
2 this section, "APEs" or "alkylphenol ethoxylates" means a synthetic
3 surfactant of the alkylphenol family, including, but not limited to,
4 nonylphenol ethoxylates. On and after January 1, 2009, no person, firm
5 or corporation may use, sell, offer or expose for sale, give or furnish
6 any commercial strength cleaning product or laundry product that
7 contains APEs in this state. On and after January 1, 2012, no person,
8 firm or corporation may use, sell, offer or expose for sale, give or
9 furnish any household cleaning product, laundry product or personal
10 care product that contains APEs in this state.

11 (b) Each manufacturer of a product containing APEs that is sold in
12 this state shall notify its distributors of the requirements of this section.

13 (c) Any person who violates any provision of this section shall be
14 fined in accordance with section 22a-438 of the general statutes.

15 (d) The commissioner may participate in the establishment and

16 implementation of a regional, multistate organization or compact to
17 assist in carrying out the requirements of this section.

18 Sec. 2. Section 22a-463 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective July 1, 2008*):

20 As used in sections 22a-463 to 22a-469, inclusive, and section 3 of
21 this act:

22 [(a)] (1) "Commissioner" means the Commissioner of Environmental
23 Protection.

24 [(b)] (2) "PCB" means the class of organic compounds known as
25 polychlorinated biphenyls or terphenyls and includes any of several
26 compounds produced by replacing two or more hydrogen atoms on
27 the biphenyl or terphenyl molecule with chlorine.

28 [(c)] (3) "Incidental amounts of PCB" means amounts of the
29 compound PCB in an item, product or material which are beyond the
30 control of the person manufacturing, selling for use, or using such
31 item, product or material.

32 (4) "Polybrominated flame retardant" means the class of chemicals
33 containing the element bromine that is added to a plastic, foam or
34 textile to inhibit flame, including the penta, octa and deca mixtures of
35 polybrominated diphenyl ethers.

36 Sec. 3. (NEW) (*Effective July 1, 2008*) (a) (1) On and after July 1, 2008,
37 no person may sell, offer to sell or distribute for promotional purposes
38 a product containing more than one-tenth of one per cent of the penta
39 or octa mixtures of polybrominated diphenyl ethers in this state. (2) On
40 and after January 1, 2009, no person may manufacture, sell, offer for
41 sale, distribute for sale or use the following products that have fibers
42 containing the deca mixture of polybrominated diphenyl ethers in this
43 state: (A) A mattress or mattress pad, or (B) upholstered furniture
44 intended for indoor residential or office use. (3) On and after January 1,
45 2010, no person shall manufacture, sell, offer for sale, distribute for sale

46 or use a television or computer that has a plastic housing containing
47 the deca mixture of polybrominated diphenyl ethers in this state.

48 (b) The provisions of subsection (a) of this section shall not apply to
49 the following products containing the deca mixture of polybrominated
50 diphenyl ethers: (1) Motor vehicles or any products, equipment or
51 parts for use in such vehicles, (2) products or equipment used in
52 industrial or manufacturing processes, (3) electronic wiring and cable
53 used for power transmission, or (4) products listed in subsection (a) of
54 this section that were manufactured prior to the dates specified in said
55 subsection.

56 (c) Any manufacturer of a product containing polybrominated
57 flame retardants that is sold in this state shall notify its distributors of
58 the requirements of this section.

59 (d) If the commissioner suspects that a product is being offered for
60 sale in violation of subdivision (2) or (3) of subsection (a) of this
61 section, the commissioner may request the manufacturer of the
62 product to provide a certificate of compliance. Not later than ten days
63 after the receipt of such request, the manufacturer shall (1) provide the
64 commissioner with a certificate attesting that the product complies
65 with the requirements of this section, or (2) notify all of the persons
66 who sell the manufacturer's products in this state that the sale of the
67 product is prohibited and provide the commissioner with a list of the
68 names and addresses of those notified. The commissioner may enforce
69 the provisions of this section.

70 (e) For the purposes of this section, "manufacturer" means the
71 person who manufactured the final product or whose brand name is
72 affixed to the product. "Manufacturer" includes the importer or
73 domestic distributor in the case of a product that was imported into
74 the United States if the manufacturer does not have a presence in the
75 United States.

76 (f) The commissioner may participate in the establishment and

77 implementation of a regional, multistate organization or compact to
78 assist in carrying out the requirements of this section.

79 Sec. 4. (NEW) (*Effective October 1, 2008*) If the Commissioner of
80 Environmental Protection determines (1) that a flame retardant is
81 harmful to the public health and the environment, (2) that an
82 alternative to the flame retardant is nationally available, and (3) in
83 consultation with the State Fire Marshal, that the alternative meets
84 applicable fire safety standards, the commissioner may adopt
85 regulations, in accordance with the provisions of chapter 54 of the
86 general statutes, to prohibit the manufacture, sale or distribution of
87 products containing such flame retardants in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	22a-463
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section

Statement of Purpose:

To phase out the class of chemicals known as alkylphenol ethoxylates, and certain toxic flame retardants, and to allow the Commissioner of Environmental Protection to ban additional flame retardants once a safer alternative exists.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]