



General Assembly

January Session, 2009

Raised Bill No. 919

LCO No. 3328

03328 _____ ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT PHASING OUT THE USE OF POLYBROMINATED DIPHENYL ETHERS.

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

1 Section 1. Section 22a-463 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 As used in sections 22a-463 to 22a-469, inclusive, and section 2 of
4 this act:

5 [(a)] (1) "Commissioner" means the Commissioner of Environmental
6 Protection.

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

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

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

19 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) (1) On and after July 1, 2011,
20 no person may sell, offer to sell or distribute for promotional purposes
21 a product containing more than fifty parts per million of the penta or
22 octa mixtures of polybrominated diphenyl ethers in this state. (2) On
23 and after January 1, 2012, no person may manufacture, sell, offer for
24 sale, distribute for sale or use the following products that have fibers
25 containing the deca mixture of polybrominated diphenyl ethers in this
26 state: (A) A mattress or mattress pad, (B) upholstered furniture
27 intended for indoor residential or office use, or (C) electronic devices
28 that have a plastic housing.

29 (b) The provisions of subsection (a) of this section shall not apply to
30 the following products containing the deca mixture of polybrominated
31 diphenyl ethers: (1) (A) Motor vehicles including, but not limited to,
32 vehicles used for transportation, such as cars, buses, trains and
33 airplanes, or (B) any products, equipment or parts for use in such
34 vehicles, (2) products or equipment used in industrial or
35 manufacturing processes, (3) electronic wiring and cable used for
36 power transmission, or (4) products listed in subsection (a) of this
37 section that were manufactured prior to the dates specified in said
38 subsection.

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

42 (d) If the commissioner suspects that a product is being offered for
43 sale in violation of subdivision (2) of subsection (a) of this section, the
44 commissioner may request the manufacturer of the product to provide
45 a certificate of compliance. Not later than ten days after the receipt of
46 such request, the manufacturer shall (1) provide the commissioner

47 with a certificate attesting that the product complies with the
48 requirements of this section, or (2) notify all of the persons who sell the
49 manufacturer's products in this state that the sale of the product is
50 prohibited and provide the commissioner with a list of the names and
51 addresses of those notified. The commissioner may, within available
52 appropriations, enforce the provisions of this section.

53 (e) For the purposes of this section, "manufacturer" means the
54 person who manufactured the final product or whose brand name is
55 affixed to the product. "Manufacturer" includes the importer or
56 domestic distributor in the case of a product that was imported into
57 the United States if the manufacturer does not have a presence in the
58 United States.

59 Sec. 3. (NEW) (*Effective October 1, 2009*) If the Commissioner of
60 Environmental Protection determines (1) that a flame retardant is
61 harmful to the public health and the environment, (2) that an
62 alternative to the flame retardant is nationally available, and (3) in
63 consultation with the State Fire Marshal, that the alternative meets
64 applicable fire safety standards, the commissioner may adopt
65 regulations, in accordance with the provisions of chapter 54 of the
66 general statutes, to prohibit the manufacture, sale or distribution of
67 products containing such flame retardants in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	22a-463
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section

Statement of Purpose:

To phase out 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.]