MAINE STATE LEGISLATURE

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		L.D. 1790	
2	DATE: 3-30-04	(Filing No. H-822)	
4	,	(1-1-1-1-y 1-10 to 1-1-y 2-2-/	
6	NATURAL RESOURCES		
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10	Reproduced and distributed under the House.	the direction of the Clerk of	
12	STATE OF		
14	HOUSE OF REPRESENTATIVES 121ST LEGISLATURE		
16	SECOND SPEC	IAL SESSION	
18		H.P. 1312, L.D. 1790, Bill, "An	
20	Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products"		
22	Amend the hill by striking or	at everything after the enacting	
24	clause and before the summary a following:		
26	'Sec. 1. 38 MRSA §1609 is enac	eted to read:	
28	§1609. Restrictions on sale and d	istribution of brominated flame	
30	retardants	ISCITEDUCION OF DIGMINACEO FIAME	
32		cta" mixture of polybrominated	
34	diphenyl ethers. Effective Janusell or offer to sell, or distrib	-	
-	product containing more than 1% or		
36	of polybrominated diphenyl ethers.		
38	2. Review: report. The dep Human Services, Bureau of Healt	artment, with the Department of	
40	assessments in connection with h	prominated flame retardants and	
42	relevant findings and rulings by Protection Agency and the Europe		
	annually, no later than January	5th, submit a report regarding	
44	the regulation of brominated f		

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to inhibit flame formation.

standing committee of the Legislature having jurisdiction over

natural resources matters. For purposes of this subsection, "brominated flame retardant" means any chemical containing the element bromine that may be added to a plastic, foam or textile

3. Application. This section does not apply to the sale of used products.

Sec. 2. "Deca" mixture of polybrominated diphenyl ethers; legislative intent. It is the intent of the Legislature to reduce the risk of "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. As part of its annual report pursuant to the Maine Revised Statutes, Title 38, section 1609, subsection 2, the Department of Environmental Protection shall submit a regarding nationwide availability report the of alternatives to the "deca" mixture of polybrominated diphenyl ethers to the joint standing committee of the Legislature having jurisdiction over natural resources matters. If, after reviewing the recommendations of the department, the joint standing committee determines that a safer alternative to the "deca" mixture is nationally available, the joint standing committee may report out to any session of any Legislature legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.'

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SUMMARY

This amendment prohibits the sale and distribution of new products that contain more than 1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers beginning January 1, 2006. The amendment also provides that it is the intent of the Legislature to reduce the risk of the "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. amendment also requires the Department of Environmental Protection, with the Department of Human Services, Bureau of Health, to review relevant risk assessments in connection with brominated flame retardants and to annually submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report regarding the regulation of retardants, including nationwide brominated flame the availability of safer alternatives to the "deca" mixture. after reviewing the recommendations of the department, committee determines that a safer alternative to the "deca" mixture is nationally available, the committee may report out legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT



121st Maine Legislature Office of Fiscal and Program Review

LD 1790

An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products

LR 2478(02)

Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs associated with carrying out this legislation can be absorbed by the Department of Environmental Protection and the Bureau of Health in the Department of Human Services utilizing existing budgeted resources.