

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1568

H.P. 1105

House of Representatives, December 21, 2009

### **An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Speaker PINGREE of North Haven.

Cosponsored by Representative DUCHESNE of Hudson, Senator GOODALL of Sagadahoc and Representatives: CAIN of Orono, EBERLE of South Portland, EVES of North Berwick, HINCK of Portland, WALSH INNES of Yarmouth, KNAPP of Gorham, MARTIN of Eagle Lake, MITCHELL of the Penobscot Nation, WELSH of Rockport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1609, sub-§5-A** is enacted to read:

3 **5-A. "Deca" mixture of polybrominated diphenyl ethers in shipping pallets.**  
4 Effective January 1, 2011, a person may not manufacture, sell or offer for sale or  
5 distribute for sale or use in the State any of the following items containing the "deca"  
6 mixture of polybrominated diphenyl ethers:

7 A. Shipping pallets; or

8 B. Any product manufactured from recycled shipping pallets.

9 **Sec. 2. 38 MRSA §1609, sub-§7,** as enacted by PL 2007, c. 296, §1, is amended  
10 to read:

11 **7. Manufacturer responsibility.** Effective January 1, 2008, a manufacturer of a  
12 product containing polybrominated diphenyl ethers restricted under subsection 1, 4 or 5  
13 must notify persons that sell the manufacturer's product of the requirements of this  
14 section. Effective January 1, 2011, a manufacturer of a product containing  
15 polybrominated diphenyl ethers restricted under subsection 5-A must notify persons that  
16 sell the manufacturer's product of the requirements of this section.

17 **Sec. 3. 38 MRSA §1609, sub-§14** is enacted to read:

18 **14. Safer alternatives.** It is the policy of the State that the "deca" mixture of  
19 polybrominated diphenyl ethers be replaced with safer alternatives. A person subject to  
20 the restriction under subsection 5-A, paragraph A may not replace the "deca" mixture of  
21 polybrominated diphenyl ethers in shipping pallets with a chemical alternative that the  
22 commissioner, in consultation with the Department of Health and Human Services,  
23 Maine Center for Disease Control and Prevention, determines is a persistent,  
24 bioaccumulative and toxic chemical.

25 **SUMMARY**

26 This bill bans the manufacture and sale of shipping pallets and products  
27 manufactured from recycled shipping pallets that contain the "deca" mixture of  
28 polybrominated diphenyl ethers, effective January 1, 2011.