

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 930

H.P. 690

House of Representatives, March 8, 2011

### **An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers**

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CRAY of Palmyra.  
Cosponsored by Senator SNOWE-MELLO of Androscoggin and  
Representatives: BLACK of Wilton, GIFFORD of Lincoln, O'BRIEN of Lincolnville.

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

2 **Sec. 1. 38 MRSA §1609, sub-§14, ¶B**, as enacted by PL 2009, c. 610, §7, is  
3 amended to read:

4 B. Effective June 1, 2011, a person subject to the restrictions under this section may  
5 not replace the "deca" mixture of polybrominated diphenyl ethers with a chemical  
6 alternative that the commissioner, in consultation with the Department of Health and  
7 Human Services, Maine Center for Disease Control and Prevention, determines:

8 (1) Has been identified as or meets the criteria for identification as a persistent,  
9 bioaccumulative and toxic chemical by the United States Environmental  
10 Protection Agency; or

11 ~~(2) Is a brominated or chlorinated flame retardant; or~~

12 (3) Creates another chemical as a breakdown product through degradation or  
13 metabolism that meets the provisions of subparagraph (1).

14 A replacement to the "deca" mixture of polybrominated diphenyl ethers may contain  
15 an amount of the chemicals listed or described in subparagraphs (1), ~~(2)~~ and (3) equal  
16 to or less than 0.1%, except that a replacement may contain an amount of a  
17 halogenated organic chemical containing the element fluorine equal to or less than  
18 0.2%.

19 Upon request by the commissioner, a person subject to the restrictions under this  
20 subsection shall provide the commissioner with all existing information about the  
21 hazard and exposure characteristics of the replacement chemical that is known to, in  
22 the possession or control of or reasonably ascertainable by the person.

23 **SUMMARY**

24 This bill amends the law to allow for the replacement of the "deca" mixture of  
25 polybrominated diphenyl ethers as a flame retardant with a brominated or chlorinated  
26 flame retardant, as long as the replacement is not a persistent, bioaccumulative and toxic  
27 chemical and does not create another chemical as a breakdown product that is persistent,  
28 bioaccumulative and toxic.