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**Natural Resources, Ecology &  
Parks Committee**

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**HB 1488**

**Brief Description:** Prohibiting the sale of products that contain polybrominated diphenyl ethers.

**Sponsors:** Representatives Hunter, Priest, Dickerson, Tom, Upthegrove, Jarrett, Springer, McCoy, B. Sullivan, Conway, Simpson, Flannigan, McIntire, Moeller, Chase, Williams, Kenney, Sells, Murray, Fromhold, Pettigrew, Darneille, Lantz, Clibborn, Kagi, Hasegawa, Morrell, McDermott, Hunt, Blake, Campbell, Cody, Hudgins, Ericks, O'Brien and Nixon.

**Brief Summary of Bill**

- Bans the manufacture, sale, or distribution of products containing polybrominated diphenyl ethers (PBDEs) after July 1, 2006.
- Exempts transportation vehicles, used products, and recycled products from the PBDE ban, and allows the Department of Ecology (DOE) to grant exemptions for the use of deca-BDE under certain circumstances.
- Directs the DOE and the Department of Health to establish a stakeholder process to study a ban on the use of Deca-BDE in transportation vehicles, the recycling and reuse of products containing PBDEs, and labeling requirements for brominated flame retardants.
- Directs the Department of General Administration to give preference to purchasing products that do not contain PBDEs and to make available for purchase by state agencies products that do not contain PBDEs by January 1, 2006.

**Hearing Date:** 2/17/05

**Staff:** Jeff Olsen (786-7157).

**Background:**

Polybrominated diphenyl ethers, or PBDEs, are members of a broader class of brominated chemicals used as flame retardants. They are often added to products such as computers, TVs, furniture, and carpet pads to reduce the risk of fire if a product is exposed to heat or flame. There are three main types of PBDEs used in consumer products; Penta-BDE, Octa-BDE, and Deca-BDE. PBDEs have been measured in blood, fat, and breast milk in people around the world, and there is concern about potential health effects in humans.

On January 28, 2004, Governor Locke signed Executive Order 04-01, directing state agencies to take certain actions regarding persistent toxic chemicals. The Department of Ecology (DOE), in consultation with the Department of Health (DOH), was directed to move forward immediately in developing a chemical action plan that identifies actions the state may take to reduce threats posed by PBDEs, and recommend actions by December 1, 2004.

On December 31, 2004, the DOE and the DOH released the *Washington State Polybrominated Diphenyl Ether (PBDE) Chemical Action Plan: Interim Plan*. The Interim Plan recommends that the Legislature should prohibit the manufacture, distribution, or sale of new products containing Penta-BDE and Octa BDE by July 2006. The ban may include an exemption for products that contain recycled material for products containing Penta-BDE and Octa-BDE. The DOE and the DOH must develop a proposal for a ban on appropriate products containing Deca-BDE by December 2005. By July 2006, the DOE must establish appropriate disposal and recycling practices for products containing PBDEs. The Interim Plan also included restrictions for the state's purchase of PBDE products, the development of educational materials, and direction for the Department of Labor and Industries to develop ways for employers and employees to minimize exposure to PBDEs. The legislature provided \$83,000 in the 2004 Supplemental Operating budget (Chapter 276, Laws of 2004, Section 301 (18)) for the DOE to develop a chemical action plan for PBDEs.

**Summary of Bill:**

After July 1, 2006, no person may manufacture, sell, or distribute for sale any products containing PBDEs. There are exceptions to the ban for transportation vehicles, the sale of used products, and the sale of new products containing recycled or used materials containing Deca-BDE. The ban does not restrict the ability of a manufacturer, importer, or distributor from transporting products containing PBDEs through the state or storing products for later distribution outside the state.

In addition, a manufacturer or user of a product containing Deca-BDE may apply in writing to the DOE for an exemption. The DOE may issue an exemption for up to three years if an alternative is not available at reasonable cost or the potential harm of the alternative is greater than using Deca-BDE.

The DOE and the DOH must conduct a stakeholder process to develop a proposal to ban Deca-BDE used in transportation vehicles, examine problems related to reuse and recycling of products containing Deca-BDE, and examine issues and a potential time line for labeling brominated flame retardants sold in Washington. Subject to available funding, the report and recommendations are due to the legislature by December 15, 2005.

The Department of General Administration must give preference to the purchase of equipment, supplies, and other products that do not contain PBDEs, and to make available for purchase and use by all state agencies products that do not contain PBDEs. The Department of General Administration must revise its policies and rules to implement these measures by July 1, 2006.

A civil penalty not to exceed \$1,000 is established for each violation of the new PBDE requirements. Repeat violators are subject to penalties not to exceed \$5,000 for each offense. Proceeds from penalties are deposited in the State Toxics Control Account.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.