

HB 1488-S - DIGEST

(SUBSTITUTED FOR - SEE 2ND SUB)

Provides that a manufacturer of products containing a polybrominated diphenyl ether that has been restricted under this act must, once the restriction takes effect, notify persons that sell the manufacturer's products about the provisions of this act.

Does not apply to: (1) The manufacture, sale, repair, or distribution of any raw material or component part used in a transportation vehicle or any new transportation vehicle with component parts, including original parts and spare parts, containing decabromodiphenylether;

(2) The sale or distribution of any used transportation vehicle with component parts containing polybrominated diphenyl ethers;

(3) The sale of any used transportation vehicle replacement parts that contain polybrominated diphenyl ethers;

(4) The use of decabromodiphenylether in the maintenance, refurbishment, or modification of transportation equipment;

(5) The manufacture, sale, distribution, maintenance, refurbishment, or modification of equipment containing polybrominated diphenyl ethers and used primarily for military or federally funded space program applications. This exemption does not cover consumer-based goods with broad applicability;

(6) The sale by a business, charity, or private party of any used product containing polybrominated diphenyl ethers; or

(7) The manufacture, sale, or distribution of any new product or product component consisting of recycled or used materials containing decabromodiphenylether. Products containing any new polybrominated diphenyl ethers do not qualify for this exemption.

Authorizes the governor to, by executive order, allow for the manufacture, sale, and distribution of products containing the polybrominated diphenyl ether deca-bde between July 1, 2006, and July 1, 2008, if the governor finds that a technically feasible alternative to the use of decabromodiphenylether is not available at reasonable cost or that the potential harm to public health and the environment directly posed by a technically feasible and available alternative is greater than the potential harm posed by decabromodiphenylether.

Provides that, subject to available funding, the department and the department of health shall conduct two separate stakeholder processes to develop a proposal for a ban on the use of decabromodiphenylether in transportation vehicles, and to develop a proposal for the ban or management of used and recycled products containing polybrominated diphenyl ethers.

Directs the department and the department of health to report the findings and recommendations of the stakeholder process regarding the ban on the use of decabromodiphenylether and the education and assistance for retailers to the appropriate committees of the legislature by December 15, 2005.

Directs the department and the department of health to report the findings and recommendations of the stakeholder process regarding the ban or management of used and recycled products to the appropriate committees of the legislature by June 30, 2006. The preparation of the reports required in this provision is subject to available funding.

Requires the department and the department of health to conduct a review of the issues and the potential timeline for a requirement to label brominated flame retardants sold in Washington. The review shall include the type of information required on the label, including guidance on proper waste management of the product in accordance with state and federal law. The department and the department of health shall report the findings and recommendations to the appropriate committees of the legislature by December 15, 2006.

Provides that a manufacturer of products containing polybrominated diphenyl ethers in violation of this act is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this act must be deposited in the state toxics control account created in RCW 70.105D.070.