

HB 1488-S2.E - DIGEST

(AS OF HOUSE 2ND READING 2/14/06)

Provides that after January 1, 2007, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state noncombustible products containing more than one percent of pentabromodiphenylether or octabromodiphenylether.

Provides that a manufacturer or user of safety systems required by the federal aviation administration may apply for an exemption for a specific use of penta-bde or octa-bde by filing a written petition with the department. The exemption may be granted for a term not to exceed eighteen months and may be renewed upon written application if the department finds that the specific use of penta-bde or octa-bde continues to meet the criteria of this act and the manufacturer or other persons comply with the conditions of its original approval. The department may grant an exemption for a specified use of penta-bde or octa-bde with or without conditions upon finding that the petitioner has demonstrated that: (1) A technically feasible alternative to the use of penta-bde or octa-bde is not available at reasonable cost; or

(2) 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 penta-bde or octa-bde.

Requires that, on or about December 15, 2007, the department and the department of health shall submit to the appropriate committees of the legislature a report that reviews and updates the available scientific research on deca-bde, including relevant risk assessments and relevant findings and rulings by the United States environmental protection agency and the European commission, to address the following issues: (1) The use of deca-bde in products sold in the state;

(2) What human health effects could result from exposure to deca-bde, and are current levels of exposure at levels that could produce these effects;

(3) Any data available on the human body burden or environmental occurrence of deca-bde;

(4) Whether deca-bde breaks down into other chemicals that could pose public health concerns;

(5) The availability of safer, technically feasible alternatives for deca-bde.

Directs the department to develop a program to assist retailers in identifying potential products containing penta-bde and octa-bde in their inventory.

Declares that a manufacturer of products containing penta-bde and octa-bde 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.