

SB 5034-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that polybrominated diphenyl ethers (PBDEs) have been used extensively as flame retardants in a large number of common household products for the past thirty years. Studies on animals show that PBDEs can impact the developing brain, affecting behavior and learning after birth and into adulthood, making exposure to fetuses and children a particular concern. Levels of PBDEs are increasing in people, and in the environment, particularly in North America. Because people can be exposed to these chemicals through house dust and indoor air as well as through food, it is important to phase out their use in common household products, provided that effective flame retardants that are safer and technically feasible are available at a reasonable cost.

Provides that no ban on deca-bde in televisions, computers, or upholstered furniture may go into effect until the department, the department of health, and the fire safety committee determine that a safer and technically feasible alternative that meets applicable fire safety standards is available.

Requires that, by December 15, 2008, the department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in residential upholstered furniture, televisions, and computers.

Requires the department and the department of health to document their findings and the findings of the fire safety committee in a report to the legislature by December 15, 2008. The report must also include any additional evidence of the potential harm posed by deca-bde.

Provides that, if the department and the department of health jointly find, by December 15, 2008, that an effective flame retardant that is safer than commercial deca-bde and technically feasible for use in residential upholstered furniture, televisions, or computers is not available or if the fire safety committee finds that an alternative to commercial deca-bde does not meet applicable fire safety standards, the department shall by rule grant an exemption to allow for the manufacture, sale, or distribution of products prohibited from manufacture, sale, or distribution under this act.

Declares that nothing in this act restricts the ability of a manufacturer, importer, or distributor from transporting products containing PBDEs through the state, or storing the products in the state for later distribution outside the state.

Provides that a manufacturer of products containing PBDEs that are restricted under this act must notify persons that sell the manufacturer's products in this state about the provisions of this act no less than ninety days prior to the effective date of the restrictions.

Provides that a manufacturer of products containing PBDEs 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 section must be deposited in the state toxics control account created in RCW 70.105D.070.