
A BILL FOR AN ACT

RELATING TO DECABROMODIPHENYLETHER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to protect the
2 public health by banning the manufacture, sale, and distribution
3 of commercial decabromodiphenylether.

4 SECTION 2. Chapter 332D, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§332D- Commercial decabromodiphenylether; restriction
8 on manufacture and distribution. (a) Except as provided in
9 subsection (b), after July 1, 2008, no person may manufacture,
10 knowingly sell, offer for sale, distribute for sale, or
11 distribute for use in this State any of the following products:

12 (1) A television or computer that has an electronic
13 enclosure that contains commercial
14 decabromodiphenylether;

15 (2) Upholstered furniture intended for indoor use in a
16 home or other residential occupancy that contains
17 commercial decabromodiphenylether; and



1 (3) Mattresses and mattress pads that contain commercial
2 decabromodiphenylether.

3 (b) The following are exempt from subsection (a):

4 (1) The manufacture, sale, repair, distribution,
5 maintenance, refurbishment, or modification of any raw
6 material or component part used in a transportation
7 vehicle or any new transportation vehicle with
8 component parts, including original parts and spare
9 parts, containing commercial decabromodiphenylether;

10 (2) The use of commercial decabromodiphenylether in the
11 maintenance, refurbishment, or modification of
12 transportation equipment; and

13 (3) The manufacture, sale, or distribution of any new
14 product or product component consisting of recycled or
15 used materials containing commercial
16 decabromodiphenylether.

17 (c) If the department of health finds that a safer
18 technically feasible alternative to the use of commercial
19 decabromodiphenylether is not available at reasonable cost, the
20 department, by rule, may grant an exemption to allow for the
21 manufacture, sale, and distribution of products prohibited by
22 subsection (a) between July 1, 2008, and July 1, 2009. The



1 exemption may be renewed for a period of two years if the
2 department finds that a safer, technically feasible alternative
3 to the use of commercial decabromodiphenylether is not available
4 at reasonable cost.

5 (d) For purposes of this section:

6 "Commercial decabromodiphenylether" means the chemical
7 mixture of decabromodiphenylether, including associated
8 polybrominated diphenyl ether impurities not intentionally
9 added. No single polybrominated diphenyl ether impurity shall
10 exceed one per cent by mass of the mixture and the combination
11 of all polybrominated diphenyl ether impurities shall not exceed
12 four per cent by mass of the mixture.

13 "Electronic enclosure" means the plastic housing that
14 encloses the components of electronic products, including but
15 not limited to televisions and computers.

16 "Manufacturer" includes any person, firm, association,
17 partnership, corporation, governmental entity, organization, or
18 joint venture that produces a product containing
19 decabromodiphenylether.

20 "Polybrominated diphenyl ethers":

21 (1) Means chemical forms that consist of diphenyl ethers
22 bound with bromine atoms; and



1 (2) Include, but are not limited to, the three primary
2 forms of the commercial mixtures known as
3 pentabromodiphenylether (penta-bde),
4 octabromodiphenylether (octa-bde), and
5 decabromodiphenylether (deca-bde).

6 "Technically feasible alternative that is available at a
7 reasonable cost" means an alternative that is available at a
8 cost and in sufficient quantity to permit the manufacturer or
9 user to maintain an economically viable product.

10 "Transportation vehicle" means any mechanized vehicle that
11 is used to transport goods or people including, but not limited
12 to, airplanes, automobiles, motorcycles, trucks, buses, trains,
13 boats, ships, streetcars, and monorail cars."

14 SECTION 3. The department of health shall report on the
15 availability of safer, technically feasible alternatives for
16 those products prohibited from the manufacture, sale, or
17 distribution under section 2 of this Act and any additional
18 evidence of the potential harm posed by commercial
19 decabromodiphenylether. The department also shall review
20 additional uses of commercial decabromodiphenylether and make
21 recommendations to the legislature on any recommended additional
22 bans, restrictions, or both, to reduce and phase out the



1 manufacture, sale, or distribution of nonedible products
2 containing commercial decabromodiphenylether. The department
3 shall submit its findings and recommendations, including
4 proposed legislation, if any, to the legislature twenty days
5 prior to the convening of 2007 regular session.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Commercial Decabromodiphenylether

Description:

Prohibits the manufacture, sale, and distribution of televisions, computers, furniture, mattresses, and mattress pads containing commercial decabromodiphenylether. (HB2819 HD1)

