
A BILL FOR AN ACT

RELATING TO BROMINATED FLAME RETARDANTS.

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

1 SECTION 1. The legislature recognizes that brominated flame
2 retardants have been used extensively in a large number of
3 common household products for the past thirty years. Studies on
4 animals show that brominated flame retardants can impact the
5 developing brain by affecting behavior and learning after birth
6 and into adulthood. This makes exposure to brominated flame
7 retardant chemicals by human fetuses and children of particular
8 concern. Levels of brominated chemical compounds are increasing
9 in humans and in the environment, particularly in North America.
10 Because people may be exposed to these chemicals through house
11 dust and indoor air as well as through food, it is important to
12 phase out their use in common household products, provided
13 that effective flame retardants that are safer and technically
14 feasible are available at a reasonable cost.

15 The purpose of this Act is to prohibit the manufacture and
16 sale of products in Hawaii that contain brominated flame
17 retardants.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 BROMINATED FLAME RETARDANTS

6 § -1 Definitions. As used in this section:

7 "Brominated flame retardant" means any chemical containing
8 the element bromine that is added to plastic, foam, or textile
9 to inhibit flame formation.

10 "Congener" means a specific PBDE molecule.

11 "DecaBDE" means decabromodiphenyl ether or any technical
12 mixture in which decabromodiphenyl ether is a congener.

13 "Department" means the department of health.

14 "Director" means the director of health.

15 "Flame retardant" means any chemical that is added to a
16 plastic, foam, or textile to inhibit flame formation.

17 "Manufacturer" means any person who manufactures a final
18 product containing a regulated brominated flame retardant or any
19 person whose brand-name is affixed to a product containing a
20 regulated brominated flame retardant.

21 "Motor vehicle" means every vehicle intended primarily for
22 use and operation on the public highways, and shall include farm



1 tractors and other machinery used in the production, harvesting,
2 and care of farm products.

3 "OctaBDE" means octabromodiphenyl ether or any technical
4 mixture in which octabromodiphenyl ether is a congener.

5 "PBDE" means polybrominated diphenyl ether.

6 "PentaBDE" means pentabromodiphenyl ether or any technical
7 mixture in which a pentabromodiphenyl ether is a congener.

8 "Technical mixture" means a PBDE mixture that is sold to a
9 manufacturer. A technical mixture is named for the predominant
10 congener in the mixture, but is not exclusively made up of that
11 congener.

12 § -2 Prohibition on sales or distribution. (a)

13 Beginning July 1, 2011, no person shall offer for sale,
14 distribute for sale, distribute for promotional purposes, or
15 knowingly sell at retail in the State a product containing
16 octaBDE or pentaBDE in a concentration greater than 0.1 percent
17 by weight.

18 (b) Except for inventory purchased prior to July 1, 2009,
19 no person, beginning July 1, 2011, shall manufacture, offer for
20 sale, distribute for sale, or knowingly sell at retail in the
21 State the following products containing decaBDE in a
22 concentration greater than 0.1 percent by weight:



1 (1) A mattress or mattress pad; or

2 (2) Upholstered furniture.

3 (c) Except for inventory purchased prior to July 1, 2009,
4 no person, beginning July 1, 2012, shall manufacture, offer for
5 sale, distribute for sale, or knowingly sell at retail in the
6 State a television or computer with a plastic housing containing
7 decaBDE in a concentration greater than 0.1 percent by weight.

8 (d) This section shall not apply to:

9 (1) The sale or resale of used products; or

10 (2) Motor vehicles or parts for use on motor vehicles.

11 (e) Beginning July 1, 2011, a manufacturer of a product
12 that contains decaBDE and is prohibited under subsection (b) or
13 (c) of this section shall notify persons that sell or distribute
14 the manufacturer's product in the State of the requirements of
15 this section.

16 (g) A manufacturer shall not replace decaBDE in products
17 offered for sale or distribution in the State, with a chemical
18 that is:

19 (1) Classified as "known to be a human carcinogen" or

20 "reasonably anticipated to be a human carcinogen" in

21 the most recent report on carcinogens by the National



1 Toxicology Program in the United States Department of
2 Health and Human Services;

3 (2) Classified as "carcinogenic to humans" or "likely to
4 be carcinogenic to humans in the United States
5 Environmental Protection Agency's most recent list of
6 chemicals evaluated for carcinogenic potential; or

7 (3) Identified by the United States Environmental
8 Protection Agency as causing birth defects, hormone
9 disruption, or harm to reproduction or development.

10 § -3 Violations; penalties. (a) A violation of this
11 chapter is punishable by a civil penalty not to exceed \$1,000
12 for each separate violation in the case of a first offense.

13 Persons who are repeat violators are liable for a civil penalty
14 not to exceed \$5,000 for each subsequent violation. Each item
15 sold in violation of this chapter shall constitute a separate
16 violation.

17 (b) All penalties received by the department pursuant to
18 this section shall be paid into the general fund of the State.

19 § -4 Certificate of compliance. (a) The director may
20 request a manufacturer of upholstered furniture, mattresses,
21 mattress pads, computers, or televisions offered for sale or



1 distributed for sale in this State to provide a certificate of
2 compliance with this chapter with respect to those products.

3 (b) Within thirty days of receipt of the request for a
4 certificate of compliance, a manufacturer shall:

5 (1) Provide the director with a certificate declaring that
6 its product complies with the requirements of this
7 chapter; or

8 (2) Notify persons who sell or distribute in this State a
9 product of the manufacturer's that does not comply
10 with this chapter that sale or distribution of the
11 product is prohibited, and submit to the director a
12 list of the names and addresses of those notified.

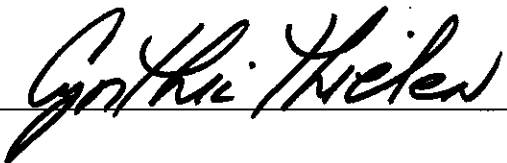
13 (c) The director shall consult with retailers and retailer
14 associations in order to assist retailers in complying with the
15 requirements of this chapter.

16 § -5 Rules. The director shall adopt rules, pursuant to
17 chapter 91, necessary for the purposes of this chapter."

18 SECTION 3. This Act shall take effect upon its approval.

19

INTRODUCED BY:



JAN 13 2010



Report Title:

Brominated Flame Retardants

Description:

Prohibits the sale of products containing brominated flame retardant chemicals.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

