

1 S.109

2 Introduced by Committee on Natural Resources and Energy

3 Date:

4 Subject: Environmental health; brominated flame retardants

5 Statement of purpose: This bill proposes to ban the manufacture, sale, and
6 distribution of certain products containing brominated flame retardants.

7 An act relating to brominated flame retardants

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. 9 V.S.A. chapter 80 is added to read:

10 CHAPTER 80. FLAME RETARDANTS

11 § 2971. BROMINATED FLAME RETARDANTS

12 (a) As used in this section:

13 (1) "Brominated flame retardant" means any chemical containing the
14 element bromine that is added to plastic, foam, or textile to inhibit flame
15 formation.

16 (2) "Congener" means a specific PBDE molecule.

17 (3) "DecaBDE" means decabromodiphenyl ether or any technical
18 mixture in which decabromodiphenyl ether is a congener.

19 (4) "Flame retardant" means any chemical that is added to a plastic,
20 foam, or textile to inhibit flame formation.

1 (5) “Manufacturer” means any person who manufactures a final product
2 containing a regulated brominated flame retardant or any person whose
3 brand-name is affixed to a product containing a regulated brominated flame
4 retardant.

5 (6) “OctaBDE” means octabromodiphenyl ether or any technical
6 mixture in which octabromodiphenyl ether is a congener.

7 (7) “PentaBDE” means pentabromodiphenyl ether or any technical
8 mixture in which a pentabromodiphenyl ether is a congener.

9 (8) “PBDE” means polybrominated diphenyl ether.

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

13 (b) As of July 1, 2010, no person may sell, offer for sale, distribute for sale,
14 or distribute for promotional purposes a product containing octaBDE or
15 pentaBDE.

16 (c) As of July 1, 2010, a person may not manufacture, sell, offer for sale, or
17 distribute for sale either of the following products containing decaBDE:

18 (1) A mattress or mattress pad;

19 (2) Upholstered furniture.

1 (d) As of July 1, 2011, a person may not manufacture, sell, offer for sale, or
2 distribute for sale a television or computer with a plastic housing containing
3 decaBDE.

4 (e) This section shall not apply to the sale or resale of used products.

5 (f) As of July 1, 2010, a manufacturer of a product containing decaBDE,
6 octaBDE, or pentaBDE shall notify persons that sell the manufacturer's
7 product of the requirements of this section.

8 (g) A manufacturer shall not replace decaBDE, pursuant to this section,
9 with a chemical that is:

10 (1) Classified as "known to be a human carcinogen" or "reasonably
11 anticipated to be a human carcinogen" in the most recent report on carcinogens
12 by the National Toxicology Program in the U.S. Department of Health and
13 Human Services;

14 (2) Classified as a "human carcinogen" or "probable human carcinogen"
15 in the U.S. Environmental Protection Agency's most recent list of chemicals
16 evaluated for carcinogenic potential; or

17 (3) Identified by the U.S. Environmental Protection Agency as causing
18 birth defects, hormone disruption, or harm to reproduction or development.

19 (h) A violation of this section shall be deemed a violation of the Consumer
20 Fraud Act, chapter 63 of Title 9. The attorney general has the same authority
21 to make rules, conduct civil investigations, enter into assurances of

- 1 discontinuance, and bring civil actions, and private parties have the same rights
- 2 and remedies as provided under subchapter 1 of chapter 63 of Title 9.