



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2572

Introduced 02/18/05, by Rep. Elaine Nekritz - Paul D. Froehlich - Elizabeth Coulson - John A. Fritchey - Robin Kelly, et al.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Brominated Flame Retardant Prevention Act. Provides that effective January 1, 2006 a person may not manufacture, process, or distribute in commerce a product, or a flame-retarded part of a product containing more than one-tenth of 1% of pentaBDE or octaBDE by mass. Provides that effective January 1, 2008 a person may not manufacture, process, or distribute in commerce a product, or a flame-retarded part of a product containing more than one-tenth of 1% of decaBDE. Provides penalties for a violation of the Act.

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FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Brominated Fire Retardant Prevention Act.

6 Section 5. Legislative findings.

7 (a) Chemicals known as brominated flame retardants (BFR's)
8 are widely used in the United States. To meet stringent fire
9 standards, manufacturers add BFR's to a multitude of products,
10 including plastic housing of electronics and computers,
11 circuit boards, and the foam and textiles used in furniture.

12 (b) Polybrominated diphenyl ether (PBDE), which is a
13 subcategory of BFR's, has increased forty-fold in human breast
14 milk since the 1970s.

15 (c) PBDE has the potential to disrupt thyroid hormone
16 balance and contribute to a variety of developmental deficits,
17 including low intelligence and learning disabilities. PBDE may
18 also have the potential to cause cancer.

19 (d) Substantial efforts to eliminate BFR's from products
20 have been made throughout the world, including private and
21 public sectors. These efforts have made available numerous
22 alternatives safe to human health while meeting stringent fire
23 standards. To meet market demand, it is in the interest of
24 State manufacturers to eliminate the use of BFR's.

25 (e) In order to protect the public health and the
26 environment, the General Assembly believes it is necessary for
27 the State to develop a precautionary approach regarding the
28 production, use, storage, and disposal of products containing
29 brominated fire retardants.

30 Section 10. Definitions. In this Act:

31 "DecaBDE" means decabromodiphenyl ether.

1 "OctaBDE" means octabromodiphenyl ether.

2 "PBDE" means polybrominated diphenyl ether.

3 "PentaBDE" means pentabromodiphenyl ether.

4 "Process" does not include the processing of metallic
5 recyclables containing pentaBDE or octaBDE that is conducted in
6 compliance with all applicable federal, State, and local laws.

7 Section 15. Regulation of brominated flame retardant.

8 (a) Effective January 1, 2006, a person may not
9 manufacture, process, or distribute in commerce a product, or a
10 flame-retarded part of a product containing more than one-tenth
11 of 1% of pentaBDE or octaBDE by mass.

12 (b) Effective January 1, 2008, a person may not
13 manufacture, process, or distribute in commerce a product, or a
14 flame-retarded part of a product, containing more than
15 one-tenth of 1% of decaBDE by mass.

16 Section 20. Penalty. A person who violates Section 15 of
17 this Act is guilty of a business offense and upon conviction
18 shall be subject to a fine of not less than \$10,000 and not
19 more than \$25,000 for each violation.