

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 Section 15. Regulation of brominated flame retardant.

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

9 (b) Subsection (a) of this Section does not apply to the
10 following:

11 (1) The sale by a business, charity, or private party
12 of any used product containing PBDE.

13 (2) The distribution in commerce of original equipment
14 manufacturer replacement service parts manufactured prior
15 to the effective date of this Act.

16 (3) The processing of recycled material containing
17 pentaBDE or octaBDE in compliance with applicable State and
18 federal laws.

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

23 Section 25. DecaBDE Study. By January 2, 2006, the Illinois
24 Environmental Protection Agency, shall submit to the General
25 Assembly and the Governor a report that reviews the latest
26 available scientific research to address the following issues:

27 (1) whether decaBDE is bio-accumulating in humans and
28 the environment, and if so, whether the levels of decaBDE
29 are increasing, decreasing, or staying the same;

30 (2) how are humans exposed to decaBDE;

31 (3) what health effects could result from exposure to
32 decaBDE, and are current levels of exposure at levels that
33 could produce these effects;

1 (4) whether decaBDE breaks down into more harmful
2 chemicals that could damage public health; and

3 (5) whether effective flame retardants are available
4 for decaBDE uses, and whether the use of available
5 alternatives reduce health risks while still maintaining
6 an adequate level of flame retardant performance.

7 Section 30. Review of decaBDE study. By February 28, 2006,
8 the Illinois Department of Public Health, shall submit to the
9 General Assembly and the Governor a report that reviews the
10 Illinois Environmental Protection Agency's decaBDE study. In
11 addition to a review of any public health implications the
12 Department of Public Health believes would result from exposure
13 to decaBDE, it shall also comment on the following:

14 (1) the known exposure pathways for humans to decaBDE;

15 (2) what scientific evidence exists to demonstrate
16 that decaBDE breaks down into other chemicals that could
17 pose public health concerns; and

18 (3) what research and analysis exists on the potential
19 human health effects of flame retardants that could be used
20 as alternatives to decaBDE.

21 Section 35. Transportation of products containing PBDEs.
22 Nothing in this Act restricts a manufacturer, importer, or
23 distributor from transporting products containing PBDEs
24 through this State or storing PBDEs in this State for further
25 distribution.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.