



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5298

by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

410 ILCS 48/1  
410 ILCS 48/5  
410 ILCS 48/10  
410 ILCS 48/15  
410 ILCS 48/17 new  
410 ILCS 48/19 new

Amends the Brominated Fire Retardant Prevention Act. Changes the short title of the Act to the Toxic Fire Retardant Prevention Act. Makes changes to the legislative findings. Defines "Agency" and "brominated flame retardant". Provides that beginning January 1, 2011, a person may not manufacture, process, or knowingly sell, offer for sale, distribute for sale, or distribute for use any of the following: (1) A mattress, mattress pad, an article of furniture, or any other product intended for indoor residential use if the product has a textile component containing decaBDE; or (2) A television, computer, or other electronic device if the exterior casing of the devices contains decaBDE. Provides that this prohibition does not apply to certain items. Sets forth manufacturer and retailer responsibilities with respect to such products. Provides that the Agency may participate in the establishment and implementation of a regional, multistate clearinghouse to assist in carrying out the requirements of the Act and to help coordinate education and outreach activities, review hazard and alternatives assessments, and any other activities related to the administration of the Act. Makes other changes. Effective immediately.

LRB095 19707 KBJ 46070 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Brominated Fire Retardant Prevention Act is  
5 amended by changing Sections 1, 5, 10, and 15 and by adding  
6 Sections 17 and 19 as follows:

7 (410 ILCS 48/1)

8 Sec. 1. Short title. This Act may be cited as the Toxic  
9 ~~Brominated~~ Fire Retardant Prevention Act.

10 (Source: P.A. 94-100, eff. 7-1-05.)

11 (410 ILCS 48/5)

12 Sec. 5. Legislative findings.

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

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

21 (c) PBDE has the potential to disrupt thyroid hormone  
22 balance and contribute to a variety of developmental deficits,

1 including low intelligence and learning disabilities. PBDE may  
2 also have the potential to cause cancer.

3 (d) Substantial efforts to eliminate PBDE and BFR's from  
4 products have been made throughout the world, including private  
5 and public sectors. These efforts have made available numerous  
6 alternatives safe to human health while meeting stringent fire  
7 standards. To meet market demand, it is in the interest of  
8 State manufacturers to eliminate the use of PBDE and BFR's.

9 (e) In order to protect the public health and the  
10 environment, the General Assembly believes it is necessary for  
11 the State to develop a precautionary approach regarding the  
12 production, use, storage, and disposal of products containing  
13 brominated fire retardants.

14 (Source: P.A. 94-100, eff. 7-1-05.)

15 (410 ILCS 48/10)

16 Sec. 10. Definitions. In this Act:

17 "Agency" means the Illinois Environmental Protection  
18 Agency.

19 "Brominated flame retardant" (BFR) means any chemical  
20 containing the element bromine that may be added to a plastic,  
21 foam, or textile to inhibit flame formation.

22 "DecaBDE" means decabromodiphenyl ether.

23 "OctaBDE" means octabromodiphenyl ether.

24 "PBDE" means polybrominated diphenyl ether.

25 "PentaBDE" means pentabromodiphenyl ether.

1 (Source: P.A. 94-100, eff. 7-1-05.)

2 (410 ILCS 48/15)

3 Sec. 15. Regulation of brominated flame retardant.

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

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

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

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

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

18 (c) Beginning January 1, 2011, a person may not  
19 manufacture, process, or knowingly sell, offer for sale,  
20 distribute for sale, or distribute for use any of the  
21 following:

22 (1) A mattress, mattress pad, an article of furniture,  
23 or any other product intended for indoor residential use if  
24 the product has a textile component containing decaBDE.

25 (2) A television, computer, or other electronic device

1 if the exterior casing of the devices contains decaBDE.

2 (d) Subsection (c) of this Section does not apply to any of  
3 the following:

4 (1) The processing of recycled material containing  
5 decaBDE in compliance with applicable State and federal  
6 laws.

7 (2) The sale of used products by a person who is not  
8 engaged in the business of selling the type of product  
9 involved.

10 (3) Vehicles used for transportation or products or  
11 parts used in such vehicles.

12 (4) Medical devices used to help diagnose, care, treat,  
13 or prevent a disease or other health concern.

14 (Source: P.A. 94-100, eff. 7-1-05.)

15 (410 ILCS 48/17 new)

16 Sec. 17. Manufacturer and retailer responsibilities.

17 (a) A manufacturer of a product restricted under  
18 subsections (c) and (d) of Section 15 of this Act must notify  
19 persons that sell or distribute the manufacturer's product of  
20 the requirements of this Act no later than January 1, 2009.

21 (b) A retailer who unknowingly sells products in violation  
22 of Section 15 of this Act is not liable under this Act. A  
23 manufacturer who unknowingly produces, sells, or distributes a  
24 product prohibited by this Act must recall the product and  
25 reimburse the retailer or any other purchaser for the product

1 and any applicable shipping and handling for returning the  
2 product.

3 (410 ILCS 48/19 new)

4 Sec. 19. Interstate clearinghouse. The Agency may  
5 participate in the establishment and implementation of a  
6 regional, multistate clearinghouse to assist in carrying out  
7 the requirements of this Act and to help coordinate education  
8 and outreach activities, review hazard and alternatives  
9 assessments, and any other activities related to the  
10 administration of this Act.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.