It is enacted by the General Assembly as follows:

SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby amended by adding thereto the following chapter:

CHAPTER 13.4

HAZARDOUS CHEMICALS -- CONTAMINATION OF BREAST MILK AND ENVIRONMENT

23-13.4-1. Legislative findings. -- The legislature finds and declares all of the following:

(a) Chemicals known as brominated flame retardants (BFRs) are widely used in Rhode Island. To meet stringent fire standards, manufacturers add BFRs to a multitude of products, including plastic housing of electronics and computers, circuit boards, and the foam and textiles used in furniture.

(b) Polybrominated diphenyl ether (PBDE), which is a subcategory of BFRs, has increased fortyfold in human breast milk since the 1970s.

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

(d) Substantial efforts to eliminate BFRs from products have been made throughout the world, including private and public sectors. These efforts have made available numerous alternatives safe to human health while meeting stringent fire standards. To meet market demand, it is in the interest of Rhode Island manufacturers to eliminate the use of BFRs.
(e) In order to protect the public health and the environment, the legislature believes it is necessary for the state to develop a precautionary approach regarding the production, use, storage, and disposal of products containing brominated fire retardants.

23-13.4-2. Definitions. – For purposes of this chapter, the following words shall have the following meanings:

(a) "DecaBDE" means decabromodiphenyl ether.

(b) "OctaBDE" means octabrominated diphenyl ether or any technical mixture in which octabrominated diphenyl ether is a predominate congener.

(c) "PBDE" means polybrominated diphenyl ether.

(d) "PentaBDE" means pentabrominated diphenyl ether or any technical mixture in which pentabrominated diphenyl ether is a predominate congener including, but not limited to, metal furniture, machinery, major appliances, electronic products, and wood-burning stoves.

23-13.4-3. Manufacturing, processing or distribution. – (a) Effective January 1, 2007, a person may not manufacture, process, or distribute in commerce a product or a flame-retardant part of a product containing more than one-tenth (1/10%) of one percent (1%) of pentaBDE or octaBDE.

(b) Subsection (a) of this section does not apply to the following:

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

2. The distribution in commerce of original equipment manufacturer replacement service parts manufactured prior to the effective date of this act.

3. The processing of recycled material containing pentaBDE or octaBDE in compliance with applicable state and federal laws.

4. Use of products containing small quantities of PBDEs that are produced or used or used for scientific research on the health or environmental effects of PBDEs.

23-13.4-4. "DecaBDE" Study. – By January 2, 2007, the department of environmental management, shall submit to the general assembly a report that reviews the latest available scientific research to address the following issues:

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

(b) how are humans exposed to decaBDE;

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

(d) whether decaBDE breaks down into more harmful chemicals that could damage public health; and
(e) whether effective flame retardants are available for decaBDE uses, and whether the use of available alternatives reduce health risks while still maintaining an adequate level of flame retardant performance.

23-13.4-5. Review of "decaBDE" Study – By February 28, 2007, the department of health, shall submit to the general assembly a report that reviews the department of environmental management's decaBDE study. In addition to a review of any public health implications the department of health believes would result from exposure to decaBDE, it shall also comment on the following:

(a) the known exposure pathways for humans to decaBDE;

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

(c) what research and analysis exists on the potential human health effects of flame retardants that could be used as alternative to decaBDE.

23-13.465. Transportation of products containing PBDEs. – Nothing in this chapter restricts a manufacturer, importer, or distributor from transporting products containing PBDEs through this state or storing PBDEs in this state for further distribution.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N   A C T
RELATING TO HEALTH AND SAFETY

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1 This act would prohibit the manufacture and sale of products containing more than one-tenth of one percent of pentaBDE or octaBDE and more than one percent of the "deca" mixture.

2 This act would take effect upon passage.

LC01634/SUB A