

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2006**

**A N A C T**

**RELATING TO HEALTH AND SAFETY**

Introduced By: Representative Peter T. Ginaitt

Date Introduced: March 21, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

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

3 CHAPTER 13.4

4 HAZARDOUS CHEMICALS -- CONTAMINATION OF BREAST MILK AND  
5 ENVIRONMENT

6 **23-13.4-1. Legislative findings.** – The legislature finds and declares all of the following:

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

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

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

16 (d) Substantial efforts to eliminate BFRs from products have been made throughout the  
17 world, including private and public sectors. These efforts have made available numerous  
18 alternatives safe to human health while meeting stringent fire standards. To meet market demand,  
19 it is in the interest of Rhode Island manufacturers to eliminate the use of BFRs.

1 (e) In order to protect the public health and the environment, the legislature believes it is  
2 necessary for the state to develop a precautionary approach regarding the production, use, storage,  
3 and disposal of products containing brominated fire retardants.

4 **23-13.4-2. Definitions.** – For purposes of this chapter, the following words shall have the  
5 following meanings:

6 (a) "DecaBDE" means decabromodiphenyl ether.

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

9 (c) "PBDE" means polybrominated diphenyl ether.

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

13 **23-13.4-3. Manufacturing, processing or distribution.** – (a) Effective January 1, 2007,  
14 a person may not manufacture, process, or distribute in commerce a product or a flame-retardant  
15 part of a product containing more than one-tenth (1/10%) of one percent (1%) of pentaBDE or  
16 octaBDE.

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

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

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

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

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

25 **23-13.4-4. "DecaBDE" Study** – By January 2, 2007, the department of environmental  
26 management, shall submit to the general assembly a report that reviews the latest available  
27 scientific research to address the following issues:

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

30 (b) how are humans exposed to decaBDE;

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

33 (d) whether decaBDE breaks down into more harmful chemicals that could damage  
34 public health; and

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

4           **23-13.4-5. Review of "decaBDE" Study** – By February 28, 2007, the department of  
5 health, shall submit to the general assembly a report that reviews the department of environmental  
6 management's decaBDE study. In addition to a review of any public health implications the  
7 department of health believes would result from exposure to decaBDE, it shall also comment on  
8 the following:

- 9           (a) the known exposure pathways for humans to decaBDE;
- 10           (b) what scientific evidence exists to demonstrate that decaBDE breaks down into other  
11 chemicals that could pose public health concerns; and
- 12           (c) what research and analysis exists on the potential human health effects of flame  
13 retardants that could be used as alternative to decaBDE.

14           **23-13.465. Transportation of products containing PBDEs.** – Nothing in this chapter  
15 restricts a manufacturer, importer, or distributor from transporting products containing PBDEs  
16 through this state or storing PBDEs in this state for further distribution.

17           SECTION 2. This act shall take effect upon passage.

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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-
- 2 tenth of one percent of pentaBDE or octaBDE and more than one percent of the "deca" mixture.
- 3           This act would take effect upon passage.

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