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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 690, L.D. 930, Bill, “An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers”

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law a person may not replace the "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or chlorinated flame retardant; and

Whereas, a manufacturer that wants to replace the "deca" mixture of polybrominated diphenyl ethers with a brominated or chlorinated flame retardant that may be a safer alternative than the "deca" mixture will not be able to move forward with that replacement until this legislation takes effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1609, sub-§14, ¶B, as enacted by PL 2009, c. 610, §7, is amended to read:

B. Effective June 1, 2011, a person subject to the restrictions under this section may not replace the "deca" mixture of polybrominated diphenyl ethers with a chemical alternative that the commissioner, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, determines:

COMMITTEE AMENDMENT

1 (1) Has been identified as or meets the criteria for identification as a persistent,
2 bioaccumulative and toxic chemical by the United States Environmental
3 Protection Agency;

4 (2) Is a brominated or chlorinated flame retardant, unless the person
5 demonstrates to the satisfaction of the commissioner that the flame retardant is a
6 safer alternative; or

7 (3) Creates another chemical as a breakdown product through degradation or
8 metabolism that meets the provisions of subparagraph (1).

9 A replacement to the "deca" mixture of polybrominated diphenyl ethers may contain
10 an amount of the chemicals listed or described in subparagraphs (1), (2) and (3) equal
11 to or less than 0.1%, except that a replacement may contain an amount of a
12 halogenated organic chemical containing the element fluorine equal to or less than
13 0.2%.

14 Upon request by the commissioner, a person subject to the restrictions under this
15 subsection shall provide the commissioner with all existing information about the
16 hazard and exposure characteristics of the replacement chemical that is known to, in
17 the possession or control of or reasonably ascertainable by the person.

18 **Emergency clause.** In view of the emergency cited in the preamble, this
19 legislation takes effect when approved.'

20 **SUMMARY**

21 This amendment replaces the bill. The amendment allows for the replacement of the
22 "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or
23 chlorinated flame retardant if it is demonstrated to the satisfaction of the Commissioner
24 of Environmental Protection that the replacement flame retardant is a safer alternative.
25 The bill allowed the replacement of the "deca" mixture with a brominated or chlorinated
26 flame retardant without the need for the commissioner to determine that the replacement
27 flame retardant is a safer alternative.