

JAN 19 2007

A BILL FOR AN ACT

RELATING TO POLYBROMINATED DIPHENYL ETHERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that polybrominated
2 diphenyl ethers, particularly decabromo diphenyl ether, is the
3 most widely used brominated flame retardant in the United
4 States. Decabromo diphenyl ether is used predominantly in
5 furniture and hard plastic consumer products.

6 Chapter 332D, Hawaii Revised Statutes, relating to
7 polybrominated diphenyl ethers, includes two of the three
8 primary forms of commercial mixtures. Decabromo diphenyl ether
9 was not included in the original or in the conference draft of
10 H.B. No. 2013, enacted by Act 146, Session Laws of Hawaii 2004,
11 relating to polybrominated diphenyl ethers.

12 The purpose of this Act is to:

13 (1) Add decabromo diphenyl ether to the prohibition on
14 manufacture or distribution of polybrominated diphenyl
15 ethers, beginning January 1, 2009; and



1 (2) Require the department of health to study whether
2 there is a suitably safe alternative to the use of
3 decabromo diphenyl ether.

4 SECTION 2. Section 332D-1, Hawaii Revised Statutes, is
5 amended by adding three new definitions to be appropriately
6 inserted and to read as follows:

7 "Commercial decabromo diphenyl ether" or "commercial
8 deca-bde" means the chemical mixture of decabromo diphenyl
9 ether, including associated polybrominated diphenyl ether
10 impurities not intentionally added.

11 "DBDPE" means decabromo diphenyl ether.

12 "Electronic enclosure" means the plastic housing that
13 encloses the components of electronic products, including but
14 not limited to, televisions and computers."

15 SECTION 3. Chapter 332D, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§332D- Restriction on manufacture or distribution of
19 commercial DBDPE. (a) Beginning January 1, 2009, a person
20 shall not manufacture, process, or distribute in commerce
21 residential upholstered furniture, or any televisions or



1 computer that has an electronic enclosure containing commercial
2 DBDPE or commercial deca-bde.

3 (b) Violation of this section shall be subject to a civil
4 fine of \$1,000 for each individual furniture, television, or
5 computer.

6 (c) The department of health shall adopt rules pursuant to
7 chapter 91 to enforce this section."

8 SECTION 4. The department of health shall undertake to
9 study whether there is an effective flame retardant, available
10 by January 1, 2009, that is a safer product than one containing
11 decabromo diphenyl ether and that is technically feasible to use
12 in residential upholstered furniture, or televisions, or
13 computers. If no safer product is available, or if any safer
14 product is in violation of any county fire code, the department
15 of health shall not enforce section 3 of this Act until such
16 time as a safer product is available that meets county fire
17 code. The department of health shall give public notice in
18 accordance with section 1-28.5, Hawaii Revised Statutes, when it
19 commences enforcement of section 3 of this Act pursuant to a
20 safer product being found.



1 SECTION 5. New statutory material is underscored.
2 SECTION 6. This Act shall take effect upon its approval.

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Report Title:

Health; Polybrominated Diphenyl Ethers

Description:

Prohibits the use of decabromo diphenyl ether in upholstered furniture, televisions, and computers, beginning January 1, 2009. Requires department of health to study whether there are suitable alternatives to decabromo diphenyl ether.

