



Environmental Health Committee

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LRB095 09000 LCT 34007 a

1 AMENDMENT TO HOUSE BILL 1421

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1421 by replacing  
3 everything after the enacting clause with the following:

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,

1 including plastic housing of electronics and computers,  
2 circuit boards, and the foam and textiles used in furniture.

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

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

10 (d) Substantial efforts to eliminate PBDE ~~BFR's~~ from  
11 products have been made throughout the world, ~~including private~~  
12 ~~and public sectors~~. These efforts have made available numerous  
13 alternative flame retardants that meet alternatives safe to  
14 ~~human health while meeting~~ stringent fire standards. To meet  
15 market demand, it is in the interest of State manufacturers to  
16 eliminate the use of PBDE ~~BFR's~~.

17 (e) In order to protect the public health and the  
18 environment, the General Assembly believes it is necessary for  
19 the State to develop a precautionary approach regarding the  
20 production, use, storage, and disposal of products containing  
21 brominated fire retardants.

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

23 (410 ILCS 48/10)

24 Sec. 10. Definitions. In this Act:

25 "Agency" means the Illinois Environmental Protection

1 Agency.

2 "Brominated flame retardant" and "BFR" mean any chemical  
3 containing the element bromine that may be added to a plastic,  
4 foam, or textile to inhibit flame formation.

5 "DecaBDE" means decabromodiphenyl ether.

6 "OctaBDE" means octabromodiphenyl ether.

7 "PBDE" means polybrominated diphenyl ether.

8 "PentaBDE" means pentabromodiphenyl ether.

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

10 (410 ILCS 48/15)

11 Sec. 15. Regulation of brominated flame retardant.

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

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

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

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

23 (3) The processing of recycled material containing  
24 pentaBDE or octaBDE in compliance with applicable State and  
25 federal laws.

1       (c) Beginning January 1, 2008, a person may not  
2 manufacture, process, or knowingly sell, offer for sale,  
3 distribute for sale, or distribute for use a mattress, mattress  
4 pad, an article of furniture, or any other product intended for  
5 indoor residential use if the product has a textile component  
6 containing decaBDE.

7       (d) Beginning January 1, 2011, a person may not  
8 manufacture, process, or knowingly sell, offer for sale,  
9 distribute for sale, or distribute for use a television,  
10 computer, or other electronic device if the exterior casing of  
11 the devices contains decaBDE.

12       (e) Subsections (c) and (d) of this Section do not apply to  
13 the following:

14           (1) Any sale of any used product that contains decaBDE.

15           (2) The processing of recycled material containing  
16 decaBDE in compliance with applicable State and federal  
17 laws.

18           (3) Vehicles used for transportation or products or  
19 parts used in such vehicles.

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

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

23 (410 ILCS 48/17 new)

24 Sec. 17. Manufacturer responsibilities.

25 (a) A manufacturer of a product restricted under subsection

1 (c) of Section 15 of this Act must notify persons that sell or  
2 distribute the manufacturer's product of the requirements of  
3 this Act no later than 90 days prior to the effective date of  
4 the restriction.

5 (b) A manufacturer of a product restricted under subsection  
6 (d) of Section 15 of this Act must notify persons that sell or  
7 distribute the manufacturer's product of the requirements of  
8 this Act no later than January 1, 2008.

9 (c) Effective January 1, 2010, a person who manufactures a  
10 product or product component that contains decaBDE and is not  
11 regulated under subsection (d) of Section 15 of this Act must  
12 provide written notice to the Agency in accordance with this  
13 subsection. A product or a component of a product containing  
14 decaBDE may not be knowingly offered for final sale, use, or  
15 distribution after the effective date of this subsection unless  
16 the notice has been provided to the Agency. A trade association  
17 representing manufacturers of products may act to fulfill the  
18 responsibilities of individual manufacturers under this  
19 subsection. The notice must include the following information  
20 on a form provided by the Agency:

21 (1) a brief description of the product or product  
22 component;

23 (2) the amount of decaBDE in each unit of the product  
24 or product component, reported as an exact number, as an  
25 average per product or component with an upper or lower  
26 limit, or as falling within a range approved by the Agency;

1           (3) the total amount of decaBDE in all units of the  
2           product or product components sold in the United States  
3           during the most recent calendar year for which sales  
4           figures are available, reported either for the units or  
5           components sold by the manufacturer or as aggregated by a  
6           manufacturer trade association for all units of the product  
7           or components made by the industry; and

8           (4) the name and address of the manufacturer and the  
9           name, address, and phone number of a contact person for the  
10           manufacturer.

11           (d) With the approval of the Agency, the manufacturer may  
12           supply the information required in this Section for a product  
13           category rather than an individual product. The manufacturer  
14           shall update and revise the information in the notification  
15           whenever there is significant change in the information or when  
16           requested by the Agency. The information required under item  
17           (3) of subsection (c) of this Section must be updated and  
18           provided to the Agency every 3 years.

19           (e) Notwithstanding item (2) of subsection (c) of this  
20           Section, the manufacturer of a product containing one or more  
21           components containing decaBDE is not required to include  
22           information on the amount of decaBDE in the component in the  
23           notice to the Agency, if the component manufacturer has  
24           provided that information to the Agency and the manufacturer of  
25           the product that contains the component identifies the  
26           component and component manufacturer in the notice.

1       (f) An importer of a product or product component from a  
2 foreign country may not sell, use, or distribute the product or  
3 product component in the State unless the manufacturer of the  
4 product or product component is in compliance with this  
5 Section, except that this prohibition does not apply to  
6 retailers for whom importing is not a primary business.

7           (410 ILCS 48/19 new)

8       Sec. 19. Interstate clearinghouse. The Agency may  
9 participate in the establishment and implementation of a  
10 regional, multistate clearinghouse to assist in carrying out  
11 the requirements of this Act and to help coordinate education  
12 and outreach activities, review hazard and alternatives  
13 assessments, and any other activities related to the  
14 administration of this Act. The Agency may provide the  
15 interstate clearinghouse with product information submitted to  
16 the Agency under Section 17 of this Act and the Agency and the  
17 interstate clearinghouse may compile or publish analyses or  
18 summaries of the information.

19       Section 99. Effective date. This Act takes effect upon  
20 becoming law.".