

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Brominated Fire Retardant Prevention Act.

6 Section 5. Legislative findings.

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

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

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

19 (d) Substantial efforts to eliminate BFR's from products  
20 have been made throughout the world, including private and  
21 public sectors. These efforts have made available numerous  
22 alternatives safe to human health while meeting stringent fire  
23 standards. To meet market demand, it is in the interest of  
24 State manufacturers to eliminate the use of BFR's.

25 (e) In order to protect the public health and the  
26 environment, the General Assembly believes it is necessary for  
27 the State to develop a precautionary approach regarding the  
28 production, use, storage, and disposal of products containing  
29 brominated fire retardants.

30 Section 10. Definitions. In this Act:

31 "DecaBDE" means decabromodiphenyl ether.

1 "OctaBDE" means octabromodiphenyl ether.

2 "PBDE" means polybrominated diphenyl ether.

3 "PentaBDE" means pentabromodiphenyl ether.

4 Section 15. Regulation of brominated flame retardant.

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

9 (b) Subsection (a) of this Section does not apply to the  
10 following:

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

13 (2) The distribution in commerce of original equipment  
14 manufacturer replacement service parts manufactured prior  
15 to the effective date of this Act.

16 (3) The processing of recycled material containing  
17 pentaBDE or octaBDE in compliance with applicable State and  
18 federal laws.

19 Section 20. Penalty. A person who violates Section 15 of  
20 this Act is guilty of a business offense and upon conviction  
21 shall be subject to a fine of not less than \$10,000 and not  
22 more than \$25,000 for each violation.

23 Section 25. DecaBDE Study. By January 2, 2006, the Illinois  
24 Environmental Protection Agency, shall submit to the General  
25 Assembly and the Governor a report that reviews the latest  
26 available scientific research to address the following issues:

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

30 (2) how are humans exposed to decaBDE;

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

1           (4) whether decaBDE breaks down into more harmful  
2 chemicals that could damage public health; and

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

7           Section 30. Review of decaBDE study. By February 28, 2006,  
8 the Illinois Department of Public Health, shall submit to the  
9 General Assembly and the Governor a report that reviews the  
10 Illinois Environmental Protection Agency's decaBDE study. In  
11 addition to a review of any public health implications the  
12 Department of Public Health believes would result from exposure  
13 to decaBDE, it shall also comment on the following:

14           (1) the known exposure pathways for humans to decaBDE;

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

18           (3) what research and analysis exists on the potential  
19 human health effects of flame retardants that could be used  
20 as alternatives to decaBDE.

21           Section 35. Transportation of products containing PBDEs.  
22 Nothing in this Act restricts a manufacturer, importer, or  
23 distributor from transporting products containing PBDEs  
24 through this State or storing PBDEs in this State for further  
25 distribution.

26           Section 99. Effective date. This Act takes effect upon  
27 becoming law.