

BAN CERTAIN PRODUCTS CONTAINING DECA-BDE

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House Bill 4699

Sponsor: Rep. Deb Kennedy

Committee: Great Lakes and Environment

Complete to 12-9-09

A SUMMARY OF HOUSE BILL 4699 AS INTRODUCED 3-25-09

The bill would amend Part 147 (Chemical Compounds) of the Natural Resources and Environmental Protection Act to prohibit the manufacture, sale, or distribution for sale in Michigan of certain products that contain the flame retardant chemical decabromodiphenyl ether (deca-BDE). **For mattresses and upholstered furniture, the ban would take effect on July 1, 2010; for televisions and computers, on January 1, 2012.** Retailers could continue to sell or otherwise dispose of products containing deca-BDE that were in their possession on those dates. The bill would not restrict the transportation or storage of such products within Michigan for distribution outside of Michigan.

Specific use exemptions. Manufacturers or users of mattresses, upholstered furniture, televisions, or computers that contain deca-BDE could petition the director of the Department of Environmental Quality to exempt a specific use of deca-BDE if certain criteria were met. The DEQ could grant an exemption for a specific use, with or without conditions, for not more than two years. Exemptions could be renewed, upon written petition, if the specific use of deca-BDE continued to meet exemption criteria and the manufacturers or users complied with conditions in the original exemption.

To obtain an exemption, an applicant would have to demonstrate either that (1) no technically-feasible alternative was available at a reasonable cost; or (2) the potential harm to public health and the environment directly posed by an alternative was greater than the potential harm posed by the use of deca-BDE.

PBDE advisory committee. The bill would also amend an existing provision (MCL 324.14724) that allows the DEQ to establish a PBDE advisory committee to help it evaluate the risk to human health and the environment posed by the release of PBDEs. The bill would allow the committee to also look at risks posed by PBDE alternatives.

[Note: This committee was abolished by the Governor's Executive Reorganization Order No. 2009-11, effective May 17, 2009.]

MCL 324.14721, 324.14723a, 147.724

FISCAL IMPACT:

House Bill 4699 may increase expenses to the Department of Environmental Quality by an indeterminate amount because of additional administrative workload related to the bill's provisions concerning the granting of possible exemptions for deca-BDE use. The bill would have no fiscal impact on local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.