

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 83

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Notification” in line 2 down through “Restrictions” in line 3 and substitute “Pentabrominated and Octabrominated Diphenyl Ether - Prohibition”; strike beginning with “prohibiting,” in line 4 down through “manner;” in line 10; in line 10, after “after” insert “a”; in line 11, strike “dates” and substitute “date”; strike beginning with “requiring” in line 14 down through “retardants;” in line 16; and in line 17, after “regulations;” insert “authorizing the Department to enforce certain prohibitions; establishing certain penalties;”.

AMENDMENT NO. 2

On page 1, in line 27, strike “Chemicals” and substitute “To meet stringent fire safety standards, manufacturers add chemicals”; and strike beginning with “are” in line 27 down through “BFRs” in line 28.

On page 2, strike beginning with “Polybrominated” in line 1 down through “BFRs” in line 13 and substitute “Although flame retardants make a valuable contribution to fire safety and save a number of lives every year by preventing the start of fires, delaying the spread of fires, or delaying the time of flashover to provide people time to escape, there has been increasing concern about the health effects of some of these BFRs; and

WHEREAS, There is an increasing level of public concern over the findings of certain polybrominated diphenyl ethers in the environment and in human breast milk; and

WHEREAS, Substantial efforts have been made by industry and users to phase out the manufacture of certain polybrominated diphenyl ethers”.

AMENDMENT NO. 3

On page 2, after line 21, insert:

(Over)

“(B) “OCTABDE” MEANS OCTABROMINATED DIPHENYL ETHER.

“(C) “PENTABDE” MEANS PENTABROMINATED DIPHENYL ETHER.

6-1202.

(A) THIS SECTION DOES NOT APPLY TO THE PROCESSING OF RECYCLABLES CONTAINING PENTABDE OR OCTABDE THAT IS CONDUCTED IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.

(B) ON OR AFTER OCTOBER 1, 2008, A PERSON MAY NOT MANUFACTURE, PROCESS, SELL, OR DISTRIBUTE IN THE STATE A PRODUCT OR FLAME-RETARDANT PART OF A PRODUCT THAT CONTAINS MORE THAN ONE-TENTH OF 1% OF PENTABDE OR OCTABDE BY MASS.

6-1203.

(A) TO ENFORCE THE PROVISIONS OF THIS SUBTITLE, THE DEPARTMENT MAY:

(1) NOTIFY A PERSON THAT THERE ARE GROUNDS FOR SUSPECTING THAT THE PERSON MAY BE IN VIOLATION OF THIS SUBTITLE; AND

(2) REQUEST THAT THE PERSON CERTIFY THAT THE PRODUCT OR FLAME-RETARDANT PART OF THE PRODUCT THAT THE PERSON MANUFACTURED, PROCESSED, SOLD, OR DISTRIBUTED IS IN COMPLIANCE WITH THIS SUBTITLE.

(B) IF THE PERSON FAILS TO CERTIFY THAT THE PRODUCT OR FLAME-RETARDANT PART OF THE PRODUCT IS IN COMPLIANCE, THE DEPARTMENT MAY SEEK AN INJUNCTION UNDER § 6-1204 OF THIS SUBTITLE.

6-1204.

(A) (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE, INCLUDING MAKING A FALSE STATEMENT IN A CERTIFICATE OF COMPLIANCE, SHALL BE LIABLE TO THE

STATE FOR A CIVIL PENALTY OF UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING A TOTAL OF \$10,000 FOR ANY ACTION.

(2) EACH PRODUCT OR FLAME-RETARDANT PART OF A PRODUCT IN VIOLATION CONSTITUTES A SEPARATE VIOLATION.

(3) THE STATE SHALL RECOVER THE CIVIL PENALTIES UNDER THIS SUBSECTION IN A CIVIL ACTION IN ANY COUNTY.

(B) ANY PERSON WHO PREVIOUSLY HAS BEEN ASSESSED A CIVIL PENALTY UNDER THIS SECTION AND WHO WILLFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE, INCLUDING MAKING A FALSE STATEMENT IN A CERTIFICATE OF COMPLIANCE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$20,000.

(C) THE DEPARTMENT MAY SEEK AN INJUNCTION AGAINST ANY PERSON WHO VIOLATES OR THREATENS TO VIOLATE ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE.

6-1205.

THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBTITLE.”.

On pages 2 through 6, strike in their entirety the lines beginning with line 22 on page 2 through line 33 on page 6, inclusive.

On page 7, in lines 3, 5, 7, and 9, in each instance, strike “brominated flame retardants” and substitute “decabrominated diphenyl ether”; and in line 6, after “the” insert “use, sale, and”.