

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 26 (Delegate Hubbard)
Environmental Matters

Environment - Polybrominated Diphenyl Ether - Prohibition

This bill prohibits, beginning October 1, 2008, a person from manufacturing, processing, or distributing a product or a flame-retardant part of a product that contains more than one-tenth of 1% of pentabrominated diphenyl ether (pentaBDE) or octabrominated diphenyl ether (octaBDE). The prohibition would not apply to the processing of metallic recyclables.

Fiscal Summary

State Effect: The bill is not expected to significantly affect State operations or finances.

Local Effect: The bill is not expected to significantly affect local operations or finances.

Small Business Effect: While a significant number of businesses could be affected, the extent to which pentaBDEs and octaBDEs will still be used in 2008 is unknown.

Analysis

Background: PentaBDE and octaBDE are two polybrominated diphenyl ether (PBDE) compounds commonly used in fire retardants. PBDEs have been routinely used in the plastic housing of computers and circuit boards and in the foam and textiles used in furniture. Concerns about the effects of PBDEs on human health and the environment are mounting. PBDEs persist in the environment and are building up rapidly in humans and fish. PBDEs have the potential to disrupt thyroid hormone balance and contribute to a variety of developmental deficits. PBDEs may also have the potential to cause cancer. Some scientists have noted the similarities between PBDEs and polychlorinated biphenyls (PCBs), a chemical that was banned due to its toxicity and persistence.

According to the Maryland Department of the Environment (MDE), the U.S. Environmental Protection Agency is currently analyzing the effects of PBDEs.

Because of the potentially harmful effects of PBDEs, efforts to eliminate them from products have been made throughout the world. The European Union voted in December 2002 to ban the use of PBDEs in electrical and electronic equipment sold in member countries. A growing number of electronics and furniture manufacturers have adopted official policies to phase out their use of PBDEs. In 2003 California enacted legislation to phase out the use of pentaBDE and octaBDE by 2008. This bill is similar to the legislation enacted in California.

Current Law: The use of PBDEs is not prohibited by the State or the federal government. Concern over the toxicity and persistence in the environment of PCBs led Congress to enact the Toxic Substances Control Act in 1976, which, among other things, prohibits the manufacture, processing, and distribution in commerce of PCBs.

Small Business Effect: The bill could affect a variety of businesses (those involved with the manufacture, processing, or distribution of pentaBDEs and octaBDEs and products containing those chemicals) spanning several industries (chemical manufacturing, electronics manufacturing, and furniture manufacturing, among others). Neither MDE nor the Department of Business and Economic Development was able to identify the number of Maryland businesses that could be affected. MDE advises that in areas where pentaBDE and octaBDE have been banned, however, alternative products already exist. Because the extent to which pentaBDE and octaBDE will still be used in 2008 (when the bill's prohibition takes effect) is unknown, the impact to businesses cannot be reliably estimated.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Business and Economic Development, Environment California, U.S. Environmental Protection Agency, Department of Legislative Services

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lc/ljm

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