

# LEGAL SERVICES

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## MEMORANDUM

February 9, 2011

**SUBJECT:** CSSB 27( ) relating to flame retardants and bioaccumulative toxic chemicals (Work Order No. 27-LS0300\M)

**TO:** Senator Bill Wielechowski  
Attn: Karla Hart

**FROM:**  Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Adds a new article on toxic chemicals in products.

Sec. 18.31.600. Prohibits a person from manufacturing, selling, or distributing certain products that contain a specified percentage of the brominated flame retardants pentaBDE, octaBDE, or decaBDE. Prohibits a person from manufacturing, selling, or distributing a product that the Department of Environmental Conservation prohibits under sec. 18.31.610.

Sec. 18.31.610. Authorizes the department to prohibit the manufacture, sale, and distribution of certain products that contain a flame retardant that is not already prohibited under sec. 18.31.600(a) - (c) if the department makes certain determinations regarding public health, the environment, and alternatives to the flame retardant. Requires the department to consult with the Department of Health and Social Services (DHSS). Requires the state fire marshal to determine whether an alternative satisfies fire safety standards.

Sec. 18.31.620. Lists five exemptions from the prohibitions in sec. 18.31.600.

Sec. 18.31.630. Requires a person who manufactures products whose sale and distribution are prohibited by sec. 18.31.600 to inform its retailers in the state of the prohibition and the penalty.

Sec. 18.31.640. Directs the department to develop a program to assist retailers to identify products that violate sec. 18.31.600.

Sec. 18.31.650. Authorizes the department to request that the manufacturer of a product it suspects of being sold in violation of sec. 18.31.600 either (1) provide the department with a sworn certificate indicating the sale does not violate sec. 18.31.600, or (2) notify its retailers in the state that the sale is prohibited and provide the department with a list of the retailers notified.

Sec. 18.31.660. Establishes a civil penalty for violating secs. 18.31.600 - 18.31.650.

Sec. 18.31.670. Directs the department and DHSS to review the hazards, risks, and certain federal findings and rulings related to brominated flame retardants and their possible alternatives.

Sec. 18.31.680. Directs the department to establish and update every three years a list of persistent bioaccumulative toxic chemicals in products. Lists some sources of information for the department to consider.

Sec. 18.31.690. Authorizes the department to participate in the establishment and implementation of a regional multistate clearinghouse to help the department carry out its duties under these sections and to help coordinate educational and outreach activities related to brominated flame retardants.

Sec. 18.31.700. Authorizes the department to adopt regulations to implement the new sections.

Sec. 18.31.790. Defines terms for the new sections.

**Section 2.** Authorizes the department to begin adopting regulations for these provisions.

**Section 3.** Directs the department to establish by February 1, 2014, the first list of persistent bioaccumulative toxic chemicals used in products.

**Section 4.** Directs the Revisor of Statutes to make a conforming change to the existing statutes in AS 18.31.

**Section 5.** Gives bill sec. 2 an immediate effective date.

**Section 6.** Gives the Act (except sec. 2) an effective date of January 1, 2013.

If I may be of further assistance, please advise.

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