

HOUSE No. 3881

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to toxic fire retardant prevention..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21K of the General Laws, is hereby amended by adding the
2 following section:-

3 Section 10. A person shall not manufacture, process, or distribute in commerce a product
4 or a flame-retarded part of a product containing more than one-tenth of 1% of pentaBDE
5 (pentabromodiphenyl ether) or octaBDE (octabromodiphenyl ether). This shall not apply to:
6 small amounts of above chemicals being used to study toxic effects, distribution of original
7 equipment manufacturer replacement service part manufactured prior to date of this legislation,
8 processing of recycled material containing chemicals in compliance with state and federal laws.

9 No person shall manufacture, process or knowingly sell, offer for sale, distribute for sale,
10 or distribute for use a mattress, mattress pad, an article of furniture, or any other product
11 intended for indoor residential use if the product has a textile component containing decaBDE
12 (decabromodiphenyl ether)-does not apply to sale of used product, processing of recycled
13 material in compliance with state and federal laws.

14 No person shall manufacture, process or knowingly sell, offer for sale, distribute for sale,
15 or distribute for use a television, computer, or other electronic device if the exterior casing of the
16 devices contain decaBDE-does not apply to sale of used product, processing of recycled material
17 in compliance with state and federal laws.

18 Manufacturers of product containing octaBDE, decaBDE and pentaBDE must notify
19 person(s) that sell or distribute the product of the requirements of this section not later than
20 January 1, 2010. Manufacturers of products containing decaBDE not regulated by this section
21 shall notify the department of environmental protection of the product, how much decaBDE is
22 contained within the product, how many units are sold within the commonwealth, the distributors
23 of the product within the commonwealth.

24 The department of environmental protection shall determine the amount of fines based on
25 severity of violation of this legislation. Individuals may be fined no less than \$5,000 and no
26 more than \$25,000 per incidence of failure to comply with this section.

27 SECTION 2. This act shall take effect as of January 1, 2011.