

Councilmember Charles Allen

Councilmember Mary M. Cheh

Chairman Phil Mendelson

Councilmember Anita Bonds

Councilmember Kenyan R. McDuffie

Councilmember Yvette Alexander

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human and Environmental Health Protection Act of 2010 to regulate the manufacture and sale of products containing carcinogenic flame retardants, to prohibit the use of chemicals known to be carcinogenic to humans, and to authorize the Department of Consumer and Regulatory Affairs to request and obtain a certificate of compliance with this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Carcinogenic Flame Retardant Prohibition Amendment Act of 2015".

Sec. 2. The Human and Environmental Health Protection Act of 2010, effective March 31, 2011 (D.C. Law 18-336; D.C. Official Code § 8-108.01 *et seq.*), is amended as follows:

(a) New sections 3a and 3b are added to read as follows:

"Sec. 3a. Prohibitions on chlorinated flame retardants.

"(a) After January 1, 2016, no person or legal entity shall manufacture, sell, offer for sale, or distribute any children's product or residential upholstered furniture containing the following:

"(1) Tris(1,3-dichloro-2-propyl) phosphate (chemical abstract service number 13674-87-8) ("TDCPP");

36                   “(2) Tris(2-chloro-1-methylethyl) phosphate (chemical abstract service number  
37 13674-84-5) (“TCPP”); or

38                   “(3) Tris(2-chloroethyl) phosphate (chemical abstract service number 115-1496-  
39 8) (“TCEP”).

40                   “(b)(1) After January 1, 2017, no person or legal entity shall manufacture, sell, offer for  
41 sale, or distribute any product containing the following:

42                                 “(A) Tris(1,3-dichloro-2-propyl) phosphate (chemical abstract service  
43 number 13674-87-8) (“TDCPP”);

44                                 “(B) Tris(2-chloro-1-methylethyl) phosphate (chemical abstract service  
45 number 13674-84-5) (“TCPP”); or

46                                 “(C) Tris(2-chloroethyl) phosphate (chemical abstract service number  
47 115-1496-8) (“TCEP”).

48                   “(2) The prohibitions contained in paragraph (1) of this subsection shall not apply  
49 to the following:

50                                 “(A) A retailer or lessor in possession of a product prohibited by  
51 paragraph (1) of this subsection who sells, recycles, or otherwise disposes of a prohibited product  
52 acquired before the date of prohibition;

53                                 “(B) A person or legal entity that recycles, donates, or resells a product  
54 that contains a chemical prohibited by this section after the prohibition takes effect; provided,  
55 that the product was acquired before the date of prohibition;

56                                 “(C) Motor vehicles or replacement parts or replacement equipment for  
57 motor vehicles;

58                   “(D) Commercial or residential building insulation or wiring that is used  
59 to support compliance with Title 12 of the Construction Codes;

60                   “(E) Desktop and laptop computers, audio and video equipment,  
61 calculators, wireless telephones, game consoles, handheld devices incorporating a screen that are  
62 used to access interactive software and their associated peripherals, and cable and other similar  
63 connecting devices; or

64                   “(F) Interactive software intended for leisure and entertainment, such as  
65 computer games, and their storage media, such as compact discs.

66           “(c) For the purposes of this section:

67                   “(1) “Children’s product” means a consumer product:

68                           “(A) Marketed for use by children under 12 years of age; or

69                           “(B) The substantial use of which by a child under 12 years of age is  
70 reasonably foreseeable.

71                   “(2) “Residential upholstered furniture” means furniture intended for personal use  
72 that includes cushioning material covered by fabric or similar material.

73           “Sec. 3b. Prohibitions on human carcinogens.

74           “No person or legal entity shall manufacture, sell, offer for sale, or distribute a product  
75 that substitutes a chemical prohibited by this act with a chemical that is:

76                   “(1) Classified as “known to be a human carcinogen” or “reasonably anticipated  
77 to be a human carcinogen” in the most recent report on carcinogens by the National Toxicology  
78 Program in the U.S. Department of Health and Human Services;

79                   “(2) Classified as “carcinogenic to humans” or “likely to be carcinogenic to  
80 humans” in the U.S. Environmental Protection Agency’s most recent list of chemicals evaluated  
81 for carcinogenic potential; or

82                   “(3) Identified by the U.S. Environmental Protection Agency or the National  
83 Institutes of Health as causing birth defects, hormone disruption, neurotoxicity, or harm to  
84 reproduction or development.”.

85           (b) A new section 5a is added to read as follows:

86           “Sec. 5a. Certificate of compliance.

87           “(a) In addition to other remedies and procedures authorized under this act, the  
88 Department of Consumer and Regulatory Affairs (“Department”) may request a manufacturer of  
89 upholstered furniture, mattresses, mattress pads, computers, televisions, or children’s products,  
90 or residential upholstered furniture offered for sale or distributed for sale in the District to  
91 provide the Department with a certificate demonstrating compliance with this act with respect to  
92 these products.

93           “(b) Within 30 days of receipt of a request for a certificate of compliance, a manufacturer  
94 shall:

95                   “(1) Provide the Department with a certificate declaring that its products comply  
96 with the requirements of this act; or

97                   “(2) Notify persons located in the District that sell a product made by the  
98 manufacturer that the product does not comply with this act and that sale of the product is  
99 prohibited, and submit to the Department a list of the names and addresses of those notified.”.

100           Sec. 3. Fiscal impact statement.

101           The Council adopts the fiscal impact statement in the committee report as the fiscal  
102 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
103 approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(3)).

104           Sec. 4. Effective date.

105           This act shall take effect following approval by the Mayor (or in the event of veto by the  
106 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
107 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
108 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
109 Columbia Register.