

SENATE BILL 353

J1, M3
SB 184/09 – EHE

0lr1202
CF HB 35

By: **Senators Lenett, Forehand, Frosh, Garagiola, Gladden, Glassman, Harrington, Jacobs, Jones, King, Klausmeier, Madaleno, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Brominated Flame Retardants – Decabrominated Diphenyl**
3 **Ether – Prohibition**

4 FOR the purpose of prohibiting, on or after a certain date, the manufacturing,
5 processing, selling, or distributing of certain products that contain a certain
6 amount of decabrominated diphenyl ether; providing that the prohibition does
7 not apply to certain processing of certain recyclables, certain manufacturer
8 replacement service parts or other products, certain vehicles, or certain
9 products, parts, or replacement parts for use in certain vehicles; defining a
10 certain term; providing for a delayed effective date; and generally relating to the
11 use of brominated flame retardants.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 6–1201 and 6–1202
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Environment**

20 6–1201.

21 (a) In this subtitle the following words have the meanings indicated.

22 (B) **“DECABDE” MEANS DECABROMINATED DIPHENYL ETHER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **[(b)] (C)** “OctaBDE” means octabrominated diphenyl ether.

2 **[(c)] (D)** “PentaBDE” means pentabrominated diphenyl ether.

3 6–1202.

4 (a) This section does not apply to the processing of recyclables containing
5 pentaBDE **[or], octaBDE, OR DECA BDE** that is conducted in compliance with all
6 applicable federal, State, and local laws.

7 (b) **(1)** This **[section] SUBSECTION** does not apply to original equipment
8 manufacturer replacement service parts or other products manufactured prior to
9 October 1, 2008, if the parts or products were manufactured in compliance with
10 applicable federal, State, and local laws.

11 **[(c)] (2)** On or after October 1, 2008, a person may not manufacture,
12 process, sell, or distribute in the State a new product or flame–retardant part of a new
13 product that contains more than one–tenth of 1% of pentaBDE or octaBDE by mass.

14 **(c) (1) THIS SUBSECTION DOES NOT APPLY TO:**

15 **(i) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT**
16 **SERVICE PARTS OR OTHER PRODUCTS MANUFACTURED BEFORE JANUARY 1,**
17 **2011, IF THE PART OR PRODUCTS WERE MANUFACTURED IN COMPLIANCE WITH**
18 **APPLICABLE FEDERAL, STATE, AND LOCAL LAWS; AND**

19 **(ii) 1. A VEHICLE, AS DEFINED IN § 11–176 OF THE**
20 **TRANSPORTATION ARTICLE; OR**

21 **2. A PRODUCT, PART, OR REPLACEMENT PART FOR**
22 **USE IN A VEHICLE.**

23 **(2) ON OR AFTER JANUARY 1, 2011, A PERSON MAY NOT**
24 **MANUFACTURE, PROCESS, SELL, OR DISTRIBUTE IN THE STATE A NEW PRODUCT**
25 **OR FLAME–RETARDANT PART OF A NEW PRODUCT THAT CONTAINS MORE THAN**
26 **ONE–TENTH OF 1% OF DECA BDE BY MASS.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 January 1, 2011.