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An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1609, sub-§5-A is enacted to read:

5-A. "Deca" mixture of polybrominated diphenyl ethers in shipping pallets. Effective January 1, 2011, a person may not manufacture, sell or offer for sale or distribute for sale or use in the State any of the following items containing the "deca" mixture of polybrominated diphenyl ethers:

- A. Shipping pallets; or
- B. Any product manufactured from recycled shipping pallets.

Sec. 2. 38 MRSA §1609, sub-§7, as enacted by PL 2007, c. 296, §1, is amended to read:

7. Manufacturer responsibility. Effective January 1, 2008, a manufacturer of a product containing polybrominated diphenyl ethers restricted under subsection 1, 4 or 5 must notify persons that sell the manufacturer's product of the requirements of this section. Effective January 1, 2011, a manufacturer of a product containing polybrominated diphenyl ethers restricted under subsection 5-A must notify persons that sell the manufacturer's product of the requirements of this section.

Sec. 3. 38 MRSA §1609, sub-§14 is enacted to read:

14. Safer alternatives. It is the policy of the State that the "deca" mixture of polybrominated diphenyl ethers be replaced with safer alternatives. A person subject to the restriction under subsection 5-A, paragraph A may not replace the "deca" mixture of polybrominated diphenyl ethers in shipping pallets with a chemical alternative that the commissioner, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, determines is a persistent, bioaccumulative and toxic chemical.

SUMMARY

This bill bans the manufacture and sale of shipping pallets and products manufactured from recycled shipping pallets that contain the "deca" mixture of polybrominated diphenyl ethers, effective January 1, 2011.