



## State Responses to BFRs Towards an Integrated Chemicals Policy

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## California

- 2003 California Legislature enacts AB 302
  - "...believing it is necessary for the state to develop a precautionary approach..."
  - prohibits the manufacture or sales of products containing <0.1% penta- or octa-brominated diphenyl ether (BDE) by 2008
  - new bill (AB 2587) would amend law to add deca-BDE

## Maine

2003 Maine Legislature passes LD 1790 "An Act to Reduce Contamination of the Environment from Brominated Chemicals in Consumer Products"

- phases out the use of penta- and octa-BDE by January 2008
- charges State DEP to study the possibility of phasing out deca-BDE by January 2008 if there are safer alternatives available
- Maine DEP releases draft report in 2005 concluding that "...safe and applicable alternatives for deca-BDE are available for all current uses."

## Washington

2002 Washington establishes a "PBT Elimination Strategy" which includes PBDEs

2004 Governor puts priority on PBDEs

2004 Washington Department of Ecology releases "Draft Action Plan on PBDEs"

- covers penta-, octa- and deca-BDEs
- proposes phase out of deca-BDE in electronics

## Other States Initiatives

2004 New York legislature calls for a study of PBDEs

- New York DEC establishes a "Task Force on Flame Retardant Safety" with a charge to report back in 2005

2004 Hawaii legislature passes law requiring phase out of penta- and octa-BDEs by 2006

2004 Michigan legislature passes law requiring phase out of penta- and octa-BDEs by 2007

## Other State Efforts

- Phase out legislation, pending or defeated in:
  - Maryland (defeated)
  - Minnesota (defeated)
  - New York (pending)

### State Options on BFRs

- Establish a study of hazards and risks
- Establish a study of alternatives and options
- Regulate substance under current public health authority
- Regulate substance by Executive Order
- Enact law regulating substance

### Beyond BFRs

- BFRs are the current chemical of high attention
- Mercury, lead, arsenic and several pesticides are of equal public concern
- On the horizon of concern are perfluorinated esters, perchlorates, pharmaceuticals, cosmetics
- Further out are new industrial solvents: bromopropane, n-methyl-perrolidone, 1,2 trans-dichloroethylene, decamethylcyclotrisiloxane

### The Chemicals Problem for the States

- States are expected to assure public health and environmental protection
- Information on chemical uses, life cycles, health effects and environmental impacts is typically limited to no-existent
- State and federal budgets are severely constrained
- States need to consider more integrated approaches to chemicals policy

### State Capacities for Chemical Policy

- environmental protection departments
- public health departments
- occupational health departments
- pesticide boards
- emergency response agencies
- local public health boards

### Options for State Integrated Chemicals Policy

- Create cross agency dialogues
- Establish periodic cross agency seminars
- Establish cross agency agreements on testing and data sharing
- Establish cross agency priorities with delegated tasks (testing, labeling, regulating releases, etc.)

### Options for State Integrated Chemicals Policy

- Canvass HPV and VCCEP data for potential state response
- Create state chemical tracking systems
- Establish coordinated chemicals management board