75th OREGON LEGISLATIVE ASSEMBLY - 2009 Regular Session **MEASURE: SB 596 A**
STAFF MEASURE SUMMARY **CARRIER: Sen. Hass**
Senate Committee on Environment & Natural Resources

REVENUE: No revenue impact
FISCAL: No fiscal impact

Action:		Do Pass as Amended and Be Printed Engrossed
Vote:		5 - 0 - 0
	Yeas:	Atkinson, Boquist, Hass, Prozanski, Dingfelder
	Nays:	0
	Exc.:	0
Prepared By:		Beth Herzog, Administrator
Meeting Dates:		3/5, 3/17

WHAT THE MEASURE DOES: Expands the list of brominated flame retardant chemicals designated as hazardous substances to include decabrominated diphenyl ether (decaBDE). Prohibits the introduction of any product containing more than one-tenth of one percent by mass of decaBDE into commerce, unless it is a replacement part for a product that entered into commerce before January 1, 2011. Provides an exemption for the manufacture, sale, repair, distribution, maintenance, refurbishment or modification of any new raw material or component part used in a motor vehicle or airplane. Establishes that the Act take effect January 1, 2011. Authorizes the Director of Human Services to adopt rules that are necessary to carry out the Act before January 1, 2011.

ISSUES DISCUSSED:
- Governments in Washington, Maine, and Europe have passed legislation addressing the use of decaBDE
- Availability of safe viable alternatives
- Benefit of stopping contamination rather than fixing damage
- Request for more scientific information before legislation is passed

EFFECT OF COMMITTEE AMENDMENT: Provides an exemption for the manufacture, sale, repair, distribution, maintenance, refurbishment or modification of any new raw material or component part used in a motor vehicle or airplane. Exempts replacement parts for products that enter into commerce before January 1, 2011. Extends the effective date of the Act to January 1, 2011.

BACKGROUND: Polybrominated diphenyl ethers (PBDEs) are members of a broader class of brominated chemicals used as flame retardants. They are often added to products such as computers, televisions, furniture, and carpet pads to reduce the risk of fire. There are three main types of PBDEs used in consumer products: pentabromodiphenyl ether (pentaBDE), octabromodiphenyl ether (octaBDE), and decabrominated diphenyl ether (decaBDE). PBDEs have been found in human blood, fat, and breast milk around the world. In 2005, the Legislature passed SB 962 which banned pentaDBE and octaBDE from being introduced into commerce. Although decaBDE is the least toxic of the three, several new studies indicate that it is likely to degrade into the more toxic PBDEs found in pentaBDE or octaBDE products. Current science suggests that decaBDE is a persistent environmental contaminant with a low to moderate ability to bioaccumulate in people and wildlife. New research suggests that decaBDE may be an endocrine disruptor and developmental neurotoxicant.