

108TH CONGRESS
2D SESSION

H. R. 4076

To prohibit the manufacture, processing, or distribution in commerce of pentabrominated diphenyl ethers and octabrominated diphenyl ethers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Ms. SOLIS (for herself, Ms. DEGETTE, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the manufacture, processing, or distribution in commerce of pentabrominated diphenyl ethers and octabrominated diphenyl ethers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Toxic Flame Retardant
5 Prohibition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Chemicals known as brominated flame
9 retardants are widely used throughout the United

1 States. To meet stringent fire standards, manufac-
2 turers add brominated flame retardants to a mul-
3 titude of products, including plastics used in tele-
4 visions, and foam and textiles used in furniture.

5 (2) While flame retardants make a valuable
6 contribution to fire safety, it is imperative to under-
7 stand the potential effects on human health and the
8 environment that their use brings.

9 (3) Initial studies indicate that
10 pentabrominated diphenyl ethers and
11 octabrominated diphenyl ethers, which are subcat-
12 egories of brominated flame retardants, disrupt thy-
13 roid hormone balance and contribute to a variety of
14 developmental deficits, including low intelligence and
15 learning disabilities in laboratory animals.

16 (4) In particular, it is recognized that there is
17 a high level of public concern over scientific findings
18 of certain polybrominated diphenyl ethers in the en-
19 vironment and in human breast milk. Certain
20 polybrominated diphenyl ethers have increased 40-
21 fold in human breast milk since the 1970s. Chemi-
22 cals found in breast milk are somewhat reflective of
23 the chemicals found throughout the body of those
24 tested, including in a fetus.

1 (5) The American Academy of Pediatrics
2 strongly recommends breastfeeding despite potential
3 exposure to toxic chemicals, as breast milk helps
4 protect infants against certain diseases and infec-
5 tions. In addition, several studies point to the im-
6 provement of cognitive development in children who
7 breastfeed.

8 (6) The State of California and several coun-
9 tries have phased out products containing
10 pentabrominated diphenyl ethers and
11 octabrominated diphenyl ethers in order to protect
12 human health and the environment.

13 (7) To improve the end-of-life management of
14 articles made with polybrominated diphenyl ethers, a
15 tracking and labeling system should be incorporated
16 in the manufacturing, processing, and distribution of
17 products containing pentabrominated diphenyl
18 ethers, octabrominated diphenyl ethers, or
19 decabrominated diphenyl ethers.

20 **SEC. 3. PROHIBITION.**

21 (a) AMENDMENT.—Section 15 of the Toxic Sub-
22 stances Control Act (15 U.S.C. 2614) is amended—

23 (1) by striking “or” at the end of paragraph
24 (3);

1 (2) by striking the period at the end of para-
2 graph (4) and inserting “; or”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(5) manufacture, process, or distribute in com-
6 merce a product, or a flame-retarded part of a prod-
7 uct, containing more than 1 percent of
8 pentabrominated diphenyl ethers or octabrominated
9 diphenyl ethers by mass.”.

10 (b) **EFFECTIVE DATE.**—The amendments made by
11 subsection (a) shall take effect 2 years after the date of
12 enactment of this Act.

13 **SEC. 4. REGULATION.**

14 Section 6 of the Toxic Substances Control Act (15
15 U.S.C. 2605) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(f) **POLYBROMINATED DIPHENYL ETHERS.**—

18 “(1) **DETERMINATION AND IDENTIFICATION OF**
19 **PRECURSORS.**—The Administrator shall determine
20 whether pentabrominated diphenyl ethers or
21 octabrominated diphenyl ethers are formed in the
22 environment as a result of chemical degradation of
23 any other material, and shall identify any such pre-
24 cursors that are found to exist.

1 “(2) PHASE OUT.—If the Administrator identi-
2 fies any precursor under paragraph (1), the Admin-
3 istrator shall take appropriate actions under this
4 section or section 5 to ensure that products and
5 processes that introduce such precursor into the en-
6 vironment are phased out within 3 years after the
7 date of enactment of this subsection, unless the Ad-
8 ministrator finds that to do so would endanger
9 human health and the environment.

10 “(3) LABELING REQUIREMENT.—Not later than
11 1 year after the date of enactment of this sub-
12 section, the Administrator shall issue regulations re-
13 quiring any product containing pentabrominated di-
14 phenyl ethers, octabrominated diphenyl ethers, or
15 decabrominated diphenyl ethers, that is manufac-
16 tured 18 months or more after the date of enact-
17 ment of this subsection to bear a label that meets—

18 “(A) the requirements of standard ISO
19 11469, subsection 1043–4, established by the
20 International Organization for Standardization,
21 as in effect on the date of enactment of this
22 subsection, including subsequent revisions
23 thereto that have been certified by the Adminis-
24 trator; or

1 “(B) alternative requirements that the Ad-
2 ministrators certify convey the same informa-
3 tion as is required under subparagraph (A).”.

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