

Columbia River Toxics Reduction Workshop Feb. 25, 2010



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Washington's PBT program



- PBT rule issued in 2006
- Requires the development of Chemical Action Plans (CAPs)
- Purpose of CAP is to characterize and evaluate uses and releases of specific PBTs and recommend actions to protect human health and the environment
- Mercury Chemical Action Plan – 2003
- PBDE CAP- 2006
- Lead CAP- 2009

PBDE CAP Recommendations



- Prohibit the sale of new products containing penta and octa-BDE
- Ban deca-BDE provided safer alternatives are available
- Establish appropriate disposal and recycling practices for products containing PBDEs
- Develop methods and materials for educating the public on how to minimize exposure to PBDEs.

PBDE CAP Recommendations



- Engage interested parties in a dialogue toward improving U.S. chemical policy
- Restrict the state's purchase of products containing PBDEs, consistent with Executive Order 04-01.
- Investigate the feasibility of implementing a workplace exposure study in collaboration with the federal Center for Disease Control and Prevention.

PBDE legislation-RCW 70.76



- Effective January 1, 2008, no person may manufacture, knowingly sell, or distribute for in-state use products containing polybrominated diphenyl ethers (PBDEs).
- Except products containing Deca-BDE
- Except mattresses containing Deca-BDE- ban effective January 1, 2008
- Off-ramp
 - Ban on sales of TVs, computers and residential upholstered furniture containing Deca-BDE effective January 1, 2011, **IF** a safer and technically feasible alternative that meets applicable fire safety standards is available

Exemptions



- Used vehicles manufactured before 2008
- New vehicle parts manufactured before January, 2008
- Military and space program applications
- FAA requirements
- Used products manufactured before the effective date
- New products made from recycled materials containing Deca-BDE
- Garage sales and non-profit sales
- Carpet cushion
- Medical devices

Finding a Safer Alternative



- Report to the legislature
 - Ecology identifies viable alternatives
 - DOH determines if the alternatives are safer
- Fire safety committee
 - Convened in September, 2009
 - Found that alternatives identified by Ecology and DOH meet applicable fire safety standards

Deca alternatives



- Mattresses
 - Melamine
 - Naturally flame retardant fibers
- TVs and computers
 - RDP -Resorcinol bis(diphenyl phosphate)
- Residential upholstered furniture
 - Naturally flame retardant fibers

Effective dates



- Mattresses
 - January 1, 2008
- TVs and computers
 - January 21, 2011
- Residential upholstered furniture
 - January 21, 2011

Deminimis Guidance



- PBDEs still used in the industrial market
- New products may contain residual PBDEs
- Washington's Law does not include a de minimis amount
- Zero is not a number with regulatory meaning
- Ecology won't enforce when PBDEs < 0.1% by weight

Next steps



- Notify manufactures of TVs, computers and residential upholstered furniture of upcoming prohibitions.
- Review emerging science regarding alternatives to the use of commercial Deca-BDE in products not directly addressed in this chapter.
- Reconvene the fire safety committee if safer alternatives are available for additional products.
- Review emerging science regarding the potential effect of PBDEs in the waste stream.
- Report findings to the legislature as appropriate.

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