HOUSE DOCKET, NO. 265 FILED ON: 1/13/2011

HOUSE . . . . . No. 586

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	*1st Essex*
Kenneth J. Donnelly	☐ *[District]* ☐
Michael O. Moore	☐ *[District]* ☐
Frank I. Smizik	*15th Norfolk*
Peter J. Koutoujian	*10th Middlesex*
Vincent A. Pedone	*15th Worcester*
James E. Timilty	☐ *[District]* ☐
Bradley H. Jones, Jr.	*20th Middlesex*
George N. Peterson, Jr.	*9th Worcester*

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HOUSE . . . . . No. 586

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 586) of Michael A. Costello and others for legislation to include decabrominated diphenyl ether as a banned hazardous substance. Public Health.

The Commonwealth of Massachusetts

An Act relative to public safety.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to Whereas, decabrominated diphenyl ether is a flame retardant used in plastic shipping pallets;Whereas, when plastic shipping pallets containing decabrominated diphenyl ether burn they emit hydrogen bromide and other toxic gases;Whereas hydrogen bromide is a highly toxic, corrosive gas that penetrates the protective breathing apparatus used by firefighters;Whereas, studies have indicated the presence of these toxic materials during post-fire operations can be absorbed into the body through inhalation and/or the skin;Whereas firefighters across the United States have lobbied to prohibit the use of decabrominated diphenyl ether in plastic shipping pallets in favor of less toxic flame retardant alternatives;Whereas, the presence of decabrominated diphenyl ether in plastic shipping pallets pose a significant public safety threat to firefighters and the citizens of the Commonwealth of Massachusetts, therefore it is hereby necessary to prohibit the use of decabrominated diphenyl ether in plastic shipping pallets., therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1:

Section 1 of Chapter 94B is hereby amended by inserting in line 2, after the word "hazards" in the definition of "banned hazardous substance", the following words:-

"or any plastic shipping pallet that contains more than one-tenth of 1% by mass of decabrominated diphenyl ether."

SECTION 2:

Section 2 of Chapter 94B is hereby amended by inserting after subsection (g), the following new section:-

(h) Notwithstanding any other section or clause to the contrary, this section shall not apply to:

(1) the manufacture, sale, repair, distribution, maintenance, refurbishment or modification of any new raw material or component part used in a motor vehicle, as defined by Section 1 of Chapter 90 of the General Laws, or an airplane with component parts, including but not limited to original spare parts, that contain decabrominated diphenyl ether; or

(2) the use of commercial decabrominated diphenyl ether in the maintenance, refurbishment or modification of equipment used for purposes related to transportation, except a plastic shipping pallet that contains more than one-tenth of 1% by mass of decabrominated diphenyl ether.

SECTION 3:

Section 5 of Chapter 94B is hereby amended by inserting after clause (b), the following new clause:-

(c) Manufacturers of plastic shipping pallets that contain more than one-tenth of 1% of decabrominated diphenyl ether shall notify all persons that sell, possess, distribute, introduce or deliver for introduction into commerce the product of the requirements of this section no later than January 1, 2012.

SECTION 4:

This Act shall take effect on January 1, 2013.