



Maine DEP

- Safer Chemicals in Consumer Products
- Evolving public policy
- <http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280027552&LD=2048&Type=1&SessionID=7>



Maine DEP Product Bans

- 38 MRSA §1601 After Jan. 1979, Aerosol spray which contains a saturated chlorofluorocarbon compound not containing hydrogen
- 38 MRSA §1602 After Sept. 1981, Chemical solvent containing halogenated hydrocarbon compounds as septic tank cleaners or degreasers
- 38 MRSA §1603 After Jan. 1989, Extruded polystyrene foam sheets and foam board using any fully halogenated chlorofluorocarbons found by USEPA to be ozone depleting
- 38 MRSA §1608 After Jan. 1, 1992, Ozone depleting products including
 - CFC cleaning sprays for noncommercial or nonindustrial usage in cleaning electronic and photographic equipment
 - Hand-held halon fire extinguishers for residential use
 - Party streamers and noisemakers in aerosol containers that contain CFC
- 38 MRSA §1609 Effective Jan. 1 2006, Product containing 0.1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers
 - Effective Jan. 1, 2008 The following products that have plastic fibers containing the "deca" mixture of polybrominated diphenyl ethers
 - Mattress or mattress pad
 - Upholstered furniture intended for use in the home or residential occupancy
- Effective Jan. 1, 2010 a television or computer that has a plastic housing containing the "deca" mixture of polybrominated diphenyl ethers.
- 38 MRSA §1661-C
 - Effective Jan. 1, 2002 Mercury fever thermometer.
 - Effective Jan. 1, 2002 Mercury manometer (used in milking machines on dairy farms).
 - Effective Jan. 1, 2002 Bulk elemental or chemical mercury or mercury compounds for primary or secondary school classrooms.
 - After Jan. 1 2006 Mercury-added thermostat.
 - Effective Jul. 1 2006 mercury added products including barometer, esophageal dilator, bougie tube or gastrointestinal tube, flow meter, hydrometer, hygrometer or psychrometer, manometer, pyrometer, sphygmomanometer, thermometer (a mixture of consumer and other uses).
 - Effective Jul. 1, 2006 a mercury switch or relay individually or as a product component (a mixture of consumer and other uses).
 - Effective Jun. 30, 2011 Mercury-added button cell battery.
- 38 MRSA §1665-A
 - Effective Jan. 1, 2003 a Motor vehicle if it contains a mercury switch.
- 38 MRSA §1681 Beginning April 1, 2004, arsenic-treated wood or wood products for residential use (not included as permitted uses in a notice of cancellation order issued by USEPA)



1st In the Nation Product Bans—Mercury

- Maine enacted 1st in the nation laws effective in 2006 banning the sale of
 - Mercury switches and relays
 - Mercury measuring devices including fever thermometers and barometers
- These banned products collectively account for over 70% of the historical use of mercury in products



Brominated Flame Retardant Ban

- effective Jan. 1 2006 ban of product containing 0.1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers
- effective Jan. 1, 2008 ban of the following products that have plastic fibers containing the "deca" mixture of polybrominated diphenyl ethers
 - Mattress or mattress pad
 - Upholstered furniture intended for use in the home or residential occupancy
- State agency authority to ban any flame retardant



Chemical Policy Reform

- **2006 EU RoHS directive** Restriction of 6 Hazardous Substances lead, Hg, Cadmium, Hexavalent Chromium, PBB's, Deca in electronics; includes many consumer products; becoming the de facto world standard. 46 additional substances under consideration
- **2007 EU REACH regulation** Registration, Evaluation & Authorization of Chemicals. Will impact U.S. importers to EU. Shift to precautionary chemicals policy; Shift to manufacturer responsibility for environmental and health information, Increased information available to the public including supply chain information. Listing of substances of very high concern (2009) expected to reduce their global availability in the supply chain.
- **2008 State Laws: Washington, Maine, Connecticut, California** (Michigan Action Plan but not statute also issued in 08)
- **2008 US Consumer Product Safety Reform** – lowers lead thresholds in toys and new thresholds for 6 Phthalates including 3 that are precautionary bans pending outcome of testing. The precautionary Phthalates ban is considered a new direction in US chemicals policy.
- **2009 Congressional hearings on US TSCA**



Toxic Chemicals In Children's Product

- Signed into Maine law April 2008
- Overwhelming support from Governor Baldacci and both legislative bodies
- Outcome of Governor's Task Force to Promote Safer Chemicals in Consumer Products
- Some commonalities with Washington State statute signed into law also in April 2008



Chemicals of High Concern

- ID and publish list of *chemicals of high concern* by Jan 2010
- ID based on hazards
 - Carcinogen, reproductive or developmental toxicant, endocrine disruptor;
 - Persistent, bioaccumulative, toxic
 - Very persistent, very bioaccumulative
- To be included must be ID'd by authoritative governmental entity on the basis of credible scientific evidence



Priority Chemicals

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- Designate at least 2 *priority chemicals* by Jan 2010
- If the Commissioner & CDC find:
 - Through biomonitoring in human tissue or fluids;
 - Through sampling and analysis in the home environment;
 - Through monitoring in fish wildlife or natural environment;
 - Present in consumer products used or present in the home
 - ID'd as high production volume chemical by EPA or
 - Sale or use banned elsewhere in the US;



Priority Chemicals

- Commissioner shall seek recommendations on *priority chemicals* from a stakeholder group
- Designation as a *priority chemical* triggers mandatory disclosure of chemical info by mfg/distributor at discretion of MDEP
- MDEP may assess a fee to cover cost of managing collected info



Sales Prohibition

- The Board may adopt rules prohibiting the manufacture, sale or distribution in State of a children's product containing a priority chemical where:
 - Distribution directly or indirectly exposes children and vulnerable populations
 - One or more safer alternatives available at comparable cost



Interstate Clearinghouse States Working Together

- Maine authorized in statute to participate in an interstate clearinghouse to promote safer chemicals in consumer products
- Conn 08 statute authorizes participation in an interstate clearinghouse
- Washington State has a similar chemicals policy statute signed into law in April 2008. Maine and Washington are sharing information. Some of the work to date by Washington State is expected to save Maine staff research time on our task to identify Chemicals of High Concern. Valuable Me/Wash chemical info sharing was already in place from our mutual and successful efforts to ban the brominated flame retardant deca.
- Existing chemicals lists from California and Washington State can be used as authoritative credible government sources to build Maine's list of Chemicals of High Concern