

A bill for an act
relating to the environment; requiring manufacturers of certain flame retardants
to register with the commissioner of the Pollution Control Agency; creating a
fire safety committee; proposing coding for new law in Minnesota Statutes,
chapter 325E.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325E.390] FLAME RETARDANTS IN CERTAIN PRODUCTS;
REGISTRATION.**

Subdivision 1. Registration process. (a) Effective July 1, 2009, the manufacturer of
a flame retardant to be used in any of the following products shall register the use of the
flame retardant with the commissioner of the Pollution Control Agency: (1) televisions or
computers with an electronic enclosure; (2) upholstered furniture or textiles intended for
indoor use in a home or other residential occupancy; or (3) mattresses and mattress pads to
be manufactured, processed, or distributed in commerce in Minnesota. The registration
shall have a term of one year. The registration is renewable upon a written request.

(b) The initial registration and renewal must include at least the following:

(1) a description of the product in which the flame retardant shall be used, and the
amount and type of the flame retardant contained in the product;

(2) an assessment of an alternative flame retardant available for use in the product
that may perform the same technical function, may be commercially available, and may be
economically practicable;

(3) peer-reviewed environmental health risk assessments of the human health,
solid waste, hazardous waste, and wastewater impacts associated with the production,
use, recycling, and disposal of the flame retardant used, and any alternative identified
in clause (2);

(4) peer-reviewed risk assessments, scientific studies and the relevant findings on the fire safety and health risk to firefighters of the flame retardant used, and any alternatives identified in clause (2);

(5) a listing of alternatives considered not to be technically or economically practicable or commercially available; and

(6) a certification of the accuracy of the information contained in the registration, signed and dated by an official of the registering manufacturer.

(c) If the registration is complete, the registration shall be forwarded to the fire safety committee created under subdivision 2. If the registration is deemed incomplete, the commissioner shall return the registration to the manufacturer with a statement detailing the portions of the registration, which are incomplete.

(d) The registration shall include a payment of \$20,000 and the commissioner shall reserve the right to assess the registrant any additional sums necessary to cover the cost of the review of the registration. The commissioner shall assess the registrant any balance due within 30 days of the date of the Fire Safety Committee's findings and payment shall be due within 60 days after receipt. Revenues from the registration must be deposited in the environmental fund.

Subd. 2. **Fire safety committee.** (a) A Fire Safety Committee is created for the purpose of assessing the registrations filed with the commissioner under subdivision 1.

(b) The Fire Safety Committee consists of the commissioner of the Pollution Control Agency as chair and the following members:

(1) a representative of the commissioner of health;

(2) a representative of the Office of the State Fire Marshal;

(3) a representative of a statewide association representing fire chiefs;

(4) a representative of a recognized statewide council affiliate with an international association representing the interest of professional firefighters; and

(5) a representative of a statewide association representing the interest of volunteer firefighters.

(c) A majority vote of the fire safety committee is required for a finding by the committee that the registrant has demonstrated that there is no alternative flame retardant that performs the same technical function, is commercially available, is economically practicable, provides net health and environmental benefits to the state, and less health risk to firefighters.

(d) The commissioner shall publish the findings of the Fire Safety Committee in the State Register and submit those findings in a report to the appropriate committees of the

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- 3.1 legislature. The commissioner shall report its initial set of findings by January 15, 2010,
- 3.2 and January 15 of each subsequent year.