

Rule-Making Fact Sheet

(5 M.R.S.A. § 8057-A)

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

Chapter 889: Designation of Two Flame Retardants as Priority Chemicals

STATUTORY AUTHORITY: 5 M.R.S. §8055(3), 38 M.R.S. §341-H, and 38 M.R.S. §1694

DATE AND PLACE OF PUBLIC HEARING: November 1, 2016 at 1:00 p.m. in the DEP Response Training Room at 4 Blossom Lane, Augusta, Maine 04330.

COMMENT DEADLINE:

The public comment period will close at 5:00 p.m. on November 14, 2016.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

The proposed rule would designate three chemicals of high concern as priority chemicals and require reporting for certain product categories that contain one or more of these regulated chemicals. The proposed rule applies to manufacturers of specified product categories that contain intentionally added amounts of decabromodiphenyl ether (deca BDE) or hexabromocyclododecane (HBCD), which are used in the non-polymeric, additive form as a flame retardant. The rule seeks to gather information which would clarify the prevalence of such uses of the listed flame retardants.

This public notice provides an opportunity for public review and comment regarding those changes.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed rule would designate two chemicals of high concern as priority chemicals, to the proposed rule also requires manufacturers or distributors of certain children's products and consumer products, which are available for sale in the State of Maine, to report this use when any of the three flame retardants are intentionally added to product categories specified in the rule.

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FISCAL IMPACT OF THE RULE:

Because the proposed rule applies to manufacturers or distributors of certain products, the fiscal impacts will fall mainly on manufacturers of consumer products which contain intentionally added amounts of the three proposed priority chemicals. Filing the required report information with the Department is expected to cost a complying entity nominal time and effort. Regulated entities are also expected to pay a one-time reporting fee to the Department to cover the costs associated with information management, at this time that amount is yet to be determined. The impact of this reporting fee will be dependent on the regulated entity's ability to absorb such a cost, which had not been planned for in annual preparation for the budgetary impacts of government compliance.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.