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TESTIMONY ON LD 1790
BROMINATED FLAME RETARDANTS

BEFORE THE JOINT COMMITTEE ON
NATURAL RESOURCES

February 17, 2004

Mr. Chairmen and members of the Committee, the National Electrical Manufacturers Association (NEMA) represents manufacturers of electrical products including imaging and therapy systems such as X-ray and ultrasound equipment, industrial automation equipment uninterruptible power sources, wire and cable and light emitting diodes (LEDs). NEMA is testifying against LD 1790 because it is not based on sound science and it will have serious adverse affects to Maine's economy and welfare.

Brominated flame-retardants (BFRs) are a family of 75 substances with different properties, characteristics and performance. The only commonality among the substances is that they all rely on bromine, an element widely found in nature. BFRs are added to plastics in electrical equipment because they slow down or prevent the ignition process and limit the development of a fire fro a short circuit or electrical malfunction in many types of electrical equipment. As a result BFRs have saved thousands of lives and significantly reduced property damage from electrical fires. Small amounts of BFRs are all that is needed to be added to material to provide the highest fire resistance.

Concerns have been raised about polybrominated biphenyls (PBB), which industry stopped using in 2000 and three forms of polybrominated diphenyl ethers, Penta BDE, Octa BDE and Deca BDE. The EU and California have banned the use of penta BDE and Octa BDE and the industry has agreed to stop production of these BFRs in the US by the end of 2004. The European Union recently completed a risk assessment of Deca BDE and concluded that the substance presents an acceptably low risk to the environment and that there is no need for further scientific studies. The EU will make a formal decision on regulation of Deca BDE by the end of this year. Other studies by the National Academy of Sciences and the World Health Organization have similarly found the risk of using Deca BDE to be insignificant.

LD 1790 also singles out Tetrabromobisphenol (TBBPA) for special attention. TBBPA is used in printed circuit boards. The World Health Organization conducted a scientific assessment of TBBPA and found that "the risk for the general population is considered to be insignificant." The European Union currently is conducting a risk assessment for TBBPA.

In summary, at the present time, production of PBB, penta BDE and Octa BDE, has stopped or will stop in the near future. There are no completed risk assessments demonstrating a public health or environmental concern from any of the other BFRs. There is no basis, therefore, for banning or regulating these other BFRs, particularly because their banning could significantly adversely affect fire safety. Such a ban could prohibit the sale in Maine of common electrical and electronic equipment.

LD 1790 proposes to establish an extensive regulatory program with potentially significant adverse impacts on fire safety and the Maine economy. It will overwhelm the already stretched Maine DEP bureaucracy for substances that no other government entity anywhere in the world has regulated and that have not been shown to present any harm. NEMA urges the Committee to reject LD 1790.