

Multiple Agency Fiscal Note Summary

| | |
|-------------------------------|---|
| Bill Number: 1488 S HB | Title: Brominated flame retardants |
|-------------------------------|---|

Estimated Cash Receipts

| Agency Name | 2005-07 | | 2007-09 | | 2009-11 | |
|-----------------|-----------|-------|-----------|-------|-----------|-------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| | | | | | | |
| | | | | | | |
| Total \$ | | | | | | |

| | | | | | | |
|---------------------|--|--|--|--|--|--|
| Local Gov. Courts * | | | | | | |
| Local Gov. Other ** | | | | | | |
| Local Gov. Total | | | | | | |

Estimated Expenditures

| Agency Name | 2005-07 | | | 2007-09 | | | 2009-11 | | |
|--------------------------------------|---------|-----------|-----------|---------|----------|----------|---------|----------|----------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Department of General Administration | .2 | 0 | 24,126 | .0 | 0 | 0 | .0 | 0 | 0 |
| Department of Health | .8 | 170,000 | 170,000 | .1 | 24,000 | 24,000 | .1 | 24,000 | 24,000 |
| Department of Ecology | 1.1 | 0 | 297,574 | .3 | 0 | 63,660 | .3 | 0 | 63,660 |
| Total | 2.1 | \$170,000 | \$491,700 | 0.4 | \$24,000 | \$87,660 | 0.4 | \$24,000 | \$87,660 |

| | | | | | | | | | |
|---------------------|--|--|--|--|--|--|--|--|--|
| Local Gov. Courts * | | | | | | | | | |
| Local Gov. Other ** | | | | | | | | | |
| Local Gov. Total | | | | | | | | | |

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|--|-------------------------------|---|
| Prepared by: Ann-Marie Sweeten, OFM | Phone: 360-902-0538 | Date Published: Final 3/10/2005 |
|--|-------------------------------|---|

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

Individual State Agency Fiscal Note

| | | |
|-------------------------------|---|---|
| Bill Number: 1488 S HB | Title: Brominated flame retardants | Agency: 150-Dept of General Administration |
|-------------------------------|---|---|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

| | | | | | |
|-----------------|--|--|--|--|--|
| FUND | | | | | |
| | | | | | |
| Total \$ | | | | | |

Estimated Expenditures from:

| | | | | | |
|---|---------|---------|---------|---------|---------|
| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
| FTE Staff Years | 0.3 | 0.0 | 0.2 | 0.0 | 0.0 |
| Fund | | | | | |
| General Administration Service Account-Non-Appropriated 422-6 | 24,126 | 0 | 24,126 | 0 | 0 |
| Total \$ | 24,126 | 0 | 24,126 | 0 | 0 |

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

| | | |
|----------------------------------|---------------------|------------------|
| Legislative Contact: | Phone: | Date: 03/02/2005 |
| Agency Preparation: Howard Cox | Phone: 360-902-7403 | Date: 03/02/2005 |
| Agency Approval: Grant Fredricks | Phone: 360-902-7203 | Date: 03/03/2005 |
| OFM Review: Tristan Wise | Phone: 360-902-0546 | Date: 03/03/2005 |

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 4 (1) requires the Department of General Administration (GA) to (a) give priority and preference to the purchase of equipment and products that contain no polybrominated diphenyl ethers (PBDE); and (b) Make available for purchase only products that do not contain PDBE.

As written it is assumed that after January 1, 2006 no product made available to state agencies for purchase may contain PBDE. While PBDE use in manufacturing is phasing out we have no information on the inventory levels of products or component parts that may still be in use after January 2006. Some products that state government uses may be unobtainable after that date because they contain PBDE. We do not have the means to assess that potential impact.

Section 4 (2) requires that GA revise purchasing and contracting rules, policies and guidelines to implement the purposes of this chapter.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Section 4 (2) requires GA to revise rules, policies and guidelines by January 1, 2006. The revisions are assumed to be done by a WMS Band 2 employee and a Contract Specialist 3. The one-time FY2006 cost includes salary, benefits, supplies, printing, communication, and attorney general consulting expenses.

Section 4 (1) requires GA to give priority and preference to products that contain no PBDE. This would add an additional step in the procurement process for a wide range of commodity contracts but would not be a measurable additional cost.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|--------------------------------------|----------|---------|----------|---------|---------|
| FTE Staff Years | 0.3 | | 0.2 | | |
| A-Salaries and Wages | 18,086 | | 18,086 | | |
| B-Employee Benefits | 3,840 | | 3,840 | | |
| C-Personal Service Contracts | | | | | |
| E-Goods and Services | 2,200 | | 2,200 | | |
| G-Travel | | | | | |
| J-Capital Outlays | | | | | |
| M-Inter Agency/Fund Transfers | | | | | |
| N-Grants, Benefits & Client Services | | | | | |
| P-Debt Service | | | | | |
| S-Interagency Reimbursements | | | | | |
| T-Intra-Agency Reimbursements | | | | | |
| Total: | \$24,126 | \$0 | \$24,126 | \$0 | \$0 |

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

| Job Classification | Salary | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|---------------------------|---------------|----------------|----------------|----------------|----------------|----------------|
| State Procurement Off 3 | 51,864 | 0.1 | | 0.1 | | |
| WMS Band 2 | 64,500 | 0.2 | | 0.1 | | |
| Total FTE's | | 0.3 | | 0.2 | | 0.0 |

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Revision of rules required per Section 4, paragraph 2.

Individual State Agency Fiscal Note

| | | |
|-------------------------------|---|---|
| Bill Number: 1488 S HB | Title: Brominated flame retardants | Agency: 303-Department of Health |
|-------------------------------|---|---|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

| | | | | | |
|-----------------|--|--|--|--|--|
| FUND | | | | | |
| | | | | | |
| Total \$ | | | | | |

Estimated Expenditures from:

| | | | | | |
|--------------------------|---------|---------|---------|---------|---------|
| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
| FTE Staff Years | 1.3 | 0.3 | 0.8 | 0.1 | 0.1 |
| Fund | | | | | |
| General Fund-State 001-1 | 143,000 | 27,000 | 170,000 | 24,000 | 24,000 |
| Total \$ | 143,000 | 27,000 | 170,000 | 24,000 | 24,000 |

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

| | | |
|-----------------------------------|-----------------------|------------------|
| Legislative Contact: | Phone: | Date: 03/02/2005 |
| Agency Preparation: Dave Bartruff | Phone: 360-236-3006 | Date: 03/07/2005 |
| Agency Approval: Carla Delducco | Phone: (360) 236-3927 | Date: 03/09/2005 |
| OFM Review: Elise Greef | Phone: 360-902-0539 | Date: 03/10/2005 |

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This Bill bans the sale of products containing polybrominated diphenyl ether (PBDE) flame retardants beginning July 1, 2006. The Bill allows exemptions for certain products and allows exemptions of the ban for other products under a petition process through Dept. of Ecology (Ecology). The Bill grants the Governor the authority to delay the ban on Deca-BDE until July 1, 2008.

The Bill calls for two stakeholder processes, both jointly managed by DOH and Ecology to: 1. develop a proposal for a ban on deca-BDE in transportation vehicles and, 2. to develop a ban or management of used and recycled products containing PBDEs. Ecology and DOH are directed to report findings of stakeholder groups to legislature by Dec. 15, 2005 and June 30, 2006, respectively.

The Bill directs Ecology and DOH to examine approaches to education assistance to retailers regarding products containing PBDEs as part of the stakeholder processes, with a report on findings of this examination due to the legislature Dec. 15, 2005. The Bill directs DOH and Ecology to review issues around labeling of products containing brominated flame retardants, with a report on findings due to the legislature by Dec. 15, 2006. Bill directs GA to purchase equipment without PBDEs under state contracts and describes penalties to manufacturers for violation of the ban.

Main assumptions used in describing fiscal impact:

- DOH will provide technical support on the potential harm to public health when Ecology reviews petitions for exemption to PBDE bans. This will consist of the review of the safety assessment of alternatives to deca-BDE, penta-BDE and octa-BDE provided by manufacturer or user seeking exemption. The petition process will begin July 1, 2006 and will be ongoing (no end date of petition review is given).
- DOH will be asked to provide technical support to any review of potential harm to public health of alternatives to deca-BDE as requested by the Governor under his/her authority to delay the ban of deca-BDE. These activities would begin July 1, 2005 and end June 30, 2006.
- DOH will provide staff and technical support to stakeholder process for ban on deca-BDE in transportation vehicles. DOH and Ecology will develop a report to the legislature from this stakeholder process. This stakeholder process will end December 31, 2005.
- DOH will provide staff and technical support to stakeholder process for ban or management of used and recycled products containing PBDEs. DOH and Ecology will develop a report to the legislature from this stakeholder process. This process ends June 30, 2006.
- DOH assumes a facilitator will be hired for each of the 2 stakeholder processes.
- DOH and Ecology will examine and develop a report of findings of approaches for retailer education. DOH technical support and staffing of this examination process will end Dec. 15, 2005.
- DOH and Ecology will conduct a review of issues regarding labeling of brominated flame retardants sold in WA beginning January 1, 2006 and ending December 15, 2006.
- DOH and Ecology will develop a report of the review of issues regarding labeling of brominated flame retardants due to the legislature by December 15, 2006.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Section 2, (4) and (5). DOH assumes that it will provide technical support on the potential harm to public health when Ecology reviews petitions for exemption to the bans. This would include such activities as a literature review of alternatives, obtaining non-published reports on toxicity of alternatives from companies and other agencies, evaluating the toxicity, human exposure data, and other health information on alternatives, and making a public health determination of the relative safety of alternatives compared to deca-BDE. (Petition review activities to begin July 1, 2006 and will be ongoing; 0.1 FTE Toxicologist 2 annually beginning July 2006).

Section 2, (6). DOH would support any review of potential harm to public health of alternatives to deca-BDE as requested by the Governor under his/her authority to allow for the manufacture, sale, and distribution of products containing deca-BDE. This would include such activities as a literature review of alternatives, obtaining non-published reports on toxicity of alternatives from companies and other agencies, evaluating the toxicity, human exposure data, and other health information on alternatives, and making a public health determination of the relative safety of alternatives compared to deca-BDE. (Activities projected to begin July 2005 and last one year; 0.4 FTE Toxicologist 2).

Section 3, (1)(a) and (2). DOH will support stakeholder process to develop a proposal for a ban on the use of deca-BDE in transportation vehicles. DOH will be required to participate in planning, managing and supporting activities of stakeholder process. DOH activities will include identifying stakeholder members, managing stakeholder meetings, preparing meeting materials, and providing literature review of toxicity, human exposure information, and other health information required by stakeholders. DOH and Ecology will prepare a report of the findings of this stakeholder process due to the legislature by Dec. 15, 2005. DOH activities will include compiling stakeholder meeting materials, synthesizing stakeholder findings and preparing written report or other written materials to report to legislature. If funding is not available for facilitation of stakeholder group, DOH will co-facilitate stakeholder meetings, which will require additional DOH FTEs than what is estimated here. (2005 activities only beginning July 1 ending Dec. 2005; Total Annual FTE; 0.13 FTE Public Health Advisor 3 (PHA3), 0.13 FTE Toxicologist 2).

Section 3, (1)(b) and (2). DOH will conduct (with Ecology) a stakeholder process to develop a proposal for a ban on the use of deca-BDE in transportation vehicles. DOH will be required to participate in planning, managing and supporting activities of stakeholder process. DOH activities will include identifying stakeholder members, managing stakeholder meetings, preparing meeting materials, and providing literature review of toxicity, human exposure information, and other health information required by stakeholders. DOH and Ecology will prepare a report of the findings of this stakeholder process due to the legislature by Dec. 15, 2005. DOH activities will include compiling stakeholder meeting materials, synthesizing stakeholder findings and preparing written report or other written materials to report to legislature. If funding is not available for facilitation of stakeholder group, DOH will co-facilitate stakeholder meetings, which will require additional DOH FTEs than what is estimated here. (Activities beginning September 2005 and ending June 30, 2006; Total Annual FTE; 0.13 FTE PHA3, 0.13 FTE Toxicologist 2).

Section 3, (1)(c) and (2). As part of the two stakeholder processes, DOH will provide support the examination of approaches to education that would assist retailers in identifying products containing PBDEs in their inventory. This will require tasks such as identifying potential retailers for education, identifying products containing PBDEs, conducting background research on the effectiveness of different approaches for education and preparing background documents for stakeholder processes. DOH and Ecology will prepare a report on the findings of the stakeholder processes on the

education assistance for retailers by Dec. 15, 2005. (Activities July 2005 – Dec. 15, 2005; Total Annual 0.1 FTE PHA3)

Section 3 (3). This section directs Ecology and DOH to conduct a review of the issues and potential timeline for a requirement to label brominated flame retardants. This review is to include the type of information required on the label and guidance on proper waste management of product. DOH activities will include gathering background information the different brominated flame retardants, their use in products sold in Washington and an evaluation of issues around waste management of products and potential human health impacts. DOH and Ecology will prepare a report to the legislature on this review due by Dec. 15, 2006. (Activities January 2006 – December 15, 2006; Total Annual FTE; 0.2 FTE PHA3, 0.1 FTE Toxicologist 2 split between the first two years of the biennium).

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|--------------------------------------|------------------|-----------------|------------------|-----------------|-----------------|
| FTE Staff Years | 1.3 | 0.3 | 0.8 | 0.1 | 0.1 |
| A-Salaries and Wages | 81,000 | 15,000 | 96,000 | 14,000 | 14,000 |
| B-Employee Benefits | 18,000 | 3,000 | 21,000 | 2,000 | 2,000 |
| C-Personal Service Contracts | | | | | |
| E-Goods and Services | 35,000 | 7,000 | 42,000 | 6,000 | 6,000 |
| G-Travel | 3,000 | 1,000 | 4,000 | | |
| J-Capital Outlays | 4,000 | | 4,000 | | |
| M-Inter Agency/Fund Transfers | | | | | |
| N-Grants, Benefits & Client Services | | | | | |
| P-Debt Service | | | | | |
| S-Interagency Reimbursements | | | | | |
| T-Intra-Agency Reimbursements | 2,000 | 1,000 | 3,000 | 2,000 | 2,000 |
| Total: | \$143,000 | \$27,000 | \$170,000 | \$24,000 | \$24,000 |

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

| Job Classification | Salary | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|-------------------------|--------|------------|------------|------------|------------|------------|
| Public Health Advisor 3 | 53,136 | 0.5 | 0.1 | 0.3 | | |
| Toxicologist 2 | 66,372 | 0.8 | 0.2 | 0.5 | 0.1 | 0.1 |
| Total FTE's | | 1.3 | 0.3 | 0.8 | 0.1 | 0.1 |

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

| | | |
|-------------------------------|---|--|
| Bill Number: 1488 S HB | Title: Brominated flame retardants | Agency: 461-Department of Ecology |
|-------------------------------|---|--|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

| | | | | | |
|-----------------|--|--|--|--|--|
| FUND | | | | | |
| | | | | | |
| Total \$ | | | | | |

Estimated Expenditures from:

| | | | | | |
|-----------------|---------|---------|---------|---------|---------|
| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
| FTE Staff Years | 1.5 | 0.7 | 1.1 | 0.3 | 0.3 |
| Fund | | | | | |
| State 173-1 | 223,303 | 74,271 | 297,574 | 63,660 | 63,660 |
| Total \$ | 223,303 | 74,271 | 297,574 | 63,660 | 63,660 |

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

| | | |
|------------------------------------|-----------------------|------------------|
| Legislative Contact: | Phone: | Date: 03/02/2005 |
| Agency Preparation: Mike Gallagher | Phone: (360) 407-6868 | Date: 03/04/2005 |
| Agency Approval: Nancy Stevenson | Phone: (360) 407-7007 | Date: 03/04/2005 |
| OFM Review: Ann-Marie Sweeten | Phone: 360-902-0538 | Date: 03/04/2005 |

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill would prohibit the sale of products that contain polybrominated diphenyl ethers (PBDEs) effective July 1, 2006. Transportation vehicles, as defined in this bill, would be exempt from this prohibition.

Manufacturers or users of Deca-BDE products would be able to apply for an 'exemption for a specific use of Deca-BDE' by filing a written petition with Ecology. Any exemption granted would not be able to exceed three years.

Manufacturers or users of FAA required 'safety systems' in airplanes would be able to apply for an 'exemption on the specific use of Penta-BDE or Octa-BDE' by filing a written petition with Ecology. Any exemption granted must not exceed 18-months.

The Governor would be able to, by Executive Order, allow for the manufacture, sale, and distribution of products containing Deca-BDE between July 1, 2006 and July 1, 2008 if a technically feasible alternative to the use of Deca-BDE is not found.

This bill would also direct Ecology and Health, subject to available funding, to conduct two stakeholder processes to:

- 1) develop a proposal for a ban on the use of decabromodiphenylether (Deca-BDE) in transportation vehicles (including developing education approaches to assist retailers in identifying products containing PBDEs in their inventories), and
- 2) develop a proposal for the ban or management of used and recycled products containing polybrominated diphenyl ethers.

Ecology would report the stakeholder process findings and recommendations on the proposal for a ban on the use of (Deca-BDE) in transportation vehicles to the appropriate committees of the legislature by December 15, 2005.

Ecology would report the stakeholder process findings and recommendations of the proposal for a ban or management of used and recycled products containing PBDEs to the appropriate committees of the legislature by June 30, 2006.

Ecology and Health would also be directed to conduct an issues review and propose a timeline for a labeling requirement for products with PBDEs sold in Washington. Findings and recommendations would have to be reported to the appropriate committees of the legislature by December 15, 2006.

This bill would direct GA to change to their purchasing practices and rules to allow for preferred purchase of products that do not contain PBDEs by January 1, 2006. It would establish civil penalties for violation of this act of up to \$1,000 for the first offense and up to \$5,000 for each repeat offense. Penalties collected under this provision would be deposited in the state toxics control account.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Exemption Process:

Section 2 of this bill would direct Ecology to review and grant exemptions for specific uses of Deca-BDE. Any exemption granted could not exceed three years. The petition review process, as worded in the bill, is unclear and would likely require Ecology staff to review the safety of available alternatives. Information about alternatives may be difficult to access. Ecology estimates 0.6 FTE to review petitions and evaluate the safety of alternatives initially. This would begin July, 2006. The review of future petitions is expected to be ongoing, with an estimated lower level of activity following the initial years of petition review, down to 0.3 FTE per year for subsequent years.

Section 2 of this bill would also require Ecology to review and grant exemptions on the specific use of Penta-BDE or Octa-BDE that is contained in any FAA required 'Safety systems' in airplanes. Manufacturers or users of FAA required 'safety systems' in airplanes would be permitted to apply for an 'exemption on the specific use of Penta-BDE or Octa-BDE' by filing a written petition with Ecology. Any exemption granted could not exceed 18-months. Ecology estimates 0.1 FTE to review petitions. The estimated number of petitions is expected to be significantly less than petitions received to exempt specific uses of Deca-BDE. Review and approval of any petitions would begin in July, 2006.

The provision that the Governor could, by Executive Order, allow for the manufacture, sale, and distribution of products containing Deca-BDE between July 1, 2006 and July 1, 2008, if a technically feasible alternative to the use of Deca-BDE is not found, is not expected to add any additional workload to Ecology, since Ecology would have already reviewed and approved or denied any petition requests.

Stakeholder Process:

Section 3 of this bill would (subject to available funding) direct Ecology and the Department of Health to conduct two stakeholder processes to:

- 1) develop a proposal for a ban on the use of decabromodiphenylether (Deca-BDE) in transportation vehicles (including developing education approaches to assist retailers in identifying products containing PBDEs in their inventories), and
- 2) develop a proposal for the ban or management of used and recycled products containing polybrominated diphenyl ethers.

Ecology and Health are to report the findings and recommendations of the proposal for a ban on the use of (Deca-BDE) in transportation vehicles stakeholder process to the appropriate committees of the legislature by December 15, 2005.

Ecology and Health are to report the findings and recommendations of the proposal for a ban or management of used and recycled products containing PBDEs stakeholder process to the appropriate committees of the legislature by June 30, 2006.

In addition, Ecology and Health would be required to conduct a review of the issues and a potential timeline for a requirement to label brominated flame retardants sold in Washington. The review would need to include the type of information required on the label, including guidance on the proper waste management of the product in accordance with state and federal law. Ecology and Health would report the findings and recommendations to the appropriate committees of the legislature by December 15, 2006.

Coordination/Facilitation of the two Stakeholder Processes

0.5 FTE (at the senior environmental policy staff level) would be needed to for 12 months for Ecology to coordinate the two stakeholder processes. This lead coordinator position would be responsible for organization of the stakeholder committees, securing meeting locations, developing meeting agendas, maintaining lead communications with stakeholder committee members, coordinating with neutral facilitator, and follow-up communications with stakeholder committee members and senior Ecology and Health management for both stakeholder committees. It is expected that the proposal for a ban on the use of Deca-BDE in transportation vehicles stakeholder committee would exist from July to December 2005, and the proposal for the ban or management of used and recycled products containing PBDEs stakeholder committee would exist from January to July 2006.

In addition, Ecology estimates that it would cost approximately \$50,000 to contract with a qualified neutral facilitator to facilitate the two stakeholder processes. This estimate is based on the costs Ecology incurred with an earlier stakeholder process held during 2004 as the Ecology/Health PBDE 'Interim' Chemical Action Plan was being developed, as directed by Executive Order 04-01.

Technical Support of Stakeholder Process

An additional 1.0 FTEs of senior environmental/technical staff would be needed to provide technical support to the stakeholder process. This would consist of 0.2 FTE (of toxicological support) and 0.8 FTE (senior environmental technical support) for the timeframe of July 1, 2005 to June 30, 2006. Toxicological support would be needed in the areas of toxicology and review of safety of available alternatives. Environmental technical support would be needed to thoroughly examine and analyze issues relating to the reuse and recycling of PBDE containing products and methods of management and disposal of such products

FTE Detail: Toxicological support is estimated at the Toxicologist 3 level. Senior environmental policy technical staff are estimated at the Environmental Specialist 5 level.

Salaries and Wages Detail: Direct program salaries are calculated at step K.

Employee Benefits for direct program staff are calculated at the agency average of 23.6% of salaries.

Goods and Services are calculated at the agency average of \$3,454 per direct FTE. Standard agency administrative overhead costs are also included.

Travel Expenditures are calculated at the agency average rate of \$1,438 per direct program FTE.

Equipment Detail: \$6,067 for start-up equipment is budgeted for each new direct FTE, based on current costs for an office chair, 1/5 motor pool vehicle, and basic computer equipment.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|-----------------|-----------|----------|-----------|----------|----------|
| FTE Staff Years | 1.5 | 0.7 | 1.1 | 0.3 | 0.3 |
| A- | 90,912 | 41,059 | 131,971 | 35,194 | 35,194 |
| B- | 21,455 | 9,690 | 31,145 | 8,306 | 8,306 |
| C- | 50,000 | | 50,000 | | |
| E- | 49,678 | 22,515 | 72,193 | 19,298 | 19,298 |
| G- | 2,157 | 1,007 | 3,164 | 862 | 862 |
| J- | 9,101 | | 9,101 | | |
| N- | | | | | |
| P- | | | | | |
| S- | | | | | |
| Total: | \$223,303 | \$74,271 | \$297,574 | \$63,660 | \$63,660 |

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

| Job Classification | Salary | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|--------------------|--------|---------|---------|---------|---------|---------|
| Env. Specialist 5 | 58,656 | 1.3 | 0.7 | 1.0 | 0.3 | 0.3 |
| Toxicologist 3 | 73,296 | 0.2 | | 0.1 | | |
| Total FTE's | | 1.5 | 0.7 | 1.1 | 0.3 | 0.3 |

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.