

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1488 E 2S HB	<b>Title:</b> Brominated flame retardants
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## Estimated Cash Receipts

Agency Name	2005-07		2007-09		2009-11	
	GF- State	Total	GF- State	Total	GF- State	Total
<b>Total \$</b>						

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	.0	0	0	.0	0	0	.0	0	0
Department of Health	.1	23,000	23,000	.2	27,000	27,000	.1	16,000	16,000
Department of Ecology	.4	0	107,158	.5	0	100,280	.3	0	50,790
<b>Total</b>	0.5	\$23,000	\$130,158	0.7	\$27,000	\$127,280	0.4	\$16,000	\$66,790

Local Gov. Courts *									
Local Gov. Other **									
Local Gov. Total									

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<b>Prepared by:</b> Ann-Marie Sweeten, OFM	<b>Phone:</b> 360-902-0538	<b>Date Published:</b> Final 2/23/2006
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID: 14196

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1488 E 2S HB	<b>Title:</b> Brominated flame retardants	<b>Agency:</b> 150-Dept of General Administration
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## Part I: Estimates

☒ **No Fiscal Impact**

*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: 02/15/2006
Agency Preparation: Howard Cox	Phone: 360-902-7403	Date: 02/22/2006
Agency Approval: Tristan Wise	Phone: 360-902-7456	Date: 02/22/2006
OFM Review: Ann-Marie Sweeten	Phone: 360-902-0538	Date: 02/23/2006

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1488 E 2S HB	<b>Title:</b> Brominated flame retardants	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.0	0.2	0.1	0.2	0.1
<b>Fund</b>					
General Fund-State 001-1	0	23,000	23,000	27,000	16,000
<b>Total \$</b>	0	23,000	23,000	27,000	16,000

*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: 02/15/2006
Agency Preparation: Ed Baker	Phone: 360-236-3015	Date: 02/16/2006
Agency Approval: Patty Steele	Phone: 360-236-4530	Date: 02/17/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/21/2006

## 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.*

The bill bans the manufacture, sale, and distribution of products containing more than one percent of pentabromodiphenyl ether (penta-bde) and octabromodiphenyl ether (octa-bde) beginning January 1, 2007.

Section 3 provides for an exemption process, in the ban of penta-bde and octa-bde, for aviation-related products in order to meet federal aviation administration standards.

Section 4 directs the Department of Ecology and the Department of Health to submit a report to the appropriate committees of the Legislature on or about December 15, 2007, to include a review and update of the available scientific research on decabromodiphenyl ether (deca-bde) and its uses.

### 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 3 (2). One condition of the exemption of the ban on penta-bde and octa-bde requires the petitioner to demonstrate that the potential harm to public health posed by an alternative is greater than penta-bde and octa-bde. Department of Ecology oversees the exemption process. Consistent with the Department of Health's (DOH) role in the development of the PBDE Chemical Action Plan, it is assumed that DOH would review petitions submitted to Ecology relative to the potential harm to public health of alternatives. For the purposes of this review, DOH would require 0.05 FTE of a Toxicologist 2 beginning Jan. 1, 2007, and 0.05 FTE of a Toxicologist 2 in fiscal year 2008, and each year thereafter. DOH's activities would include the review of any toxicology studies or assessments submitted by the petitioner and the preparation of written comments to the Department of Ecology on this review.

Section 4. The report described in this section will require DOH staff to collect and review pertinent published and unpublished research papers and other reports. This will require searches of the published medical/toxicology literature as well as contacting other agencies and entities to identify and obtain existing reports and risk assessments. The report requires DOH to conduct risk assessment-type calculations related to current levels of exposures. DOH will be required to prepare a written report of the findings. To comply with the legislation and complete the report by mid December, 2007, DOH would require 0.10 FTE of a Toxicologist 2 in fiscal years 2007 and 2008. This project would be a one time cost spanning two fiscal years.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		0.2	0.1	0.2	0.1
A-Salaries & Wages		10,000	10,000	13,000	6,000
B-Employee Benefits		3,000	3,000	4,000	2,000
C-Personal Serv Contr					
E-Goods and Services		6,000	6,000	7,000	5,000
G-Travel		1,000	1,000	1,000	
J-Capital Outlays		2,000	2,000		1,000
M-Inter Agency Fund Transfers					
N-Grants, Benefits Services					
P-Debt Service					
S-Interagency Reimbursement					
T-Intra-Agency Reimbursement		1,000	1,000	2,000	2,000
<b>Total:</b>	\$0	\$23,000	\$23,000	\$27,000	\$16,000

**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
Toxicologist 2	69,592		0.2	0.1	0.2	0.1
<b>Total FTE's</b>			0.2	0.1	0.2	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

Revised

<b>Bill Number:</b> 1488 E 2S HB	<b>Title:</b> Brominated flame retardants	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.0	0.9	0.4	0.5	0.3
<b>Fund</b>					
STCA-State 173-1	0	107,158	107,158	100,280	50,790
<b>Total \$</b>	0	107,158	107,158	100,280	50,790

*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: 02/15/2006
Agency Preparation: Mike Gallagher	Phone: (360) 407-6868	Date: 02/22/2006
Agency Approval: Pat McLain	Phone: 360-407-7005	Date: 02/23/2006
OFM Review: Ann-Marie Sweeten	Phone: 360-902-0538	Date: 02/23/2006

## 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 directs that after, January 1, 2007, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state noncomestible products containing more than one percent of pentabromodiphenylether (Penta-BDE) or octabromodiphenylether (Octa-BDE).

However, products containing:

Decabromodiphenylether (Deca-BDE),

original equipment manufacturer replacement parts,

recyclables containing Penta-BDE or Octa-BDE,

the manufacture of FAA required safety systems,

the manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any raw material or component part used in a transportation vehicle or any new or used transportation vehicle with component parts, including original parts and spare parts,

the manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment used primarily for military or federally funded space program applications; (However, this exemption does not cover consumer-based goods with broad applicability),

the sale or distribution by a business, charity, or private party of any used product containing polybrominated diphenyl ethers, or

medical monitoring and control instruments and systems, medical devices, and products as defined in the federal food, drug, and cosmetic act,

are exempted from the ban.

In-state retailers in possession of products on January 1, 2007, that are banned for sale under subsection (1) of this section may exhaust their stock through sales to the public.

#### Section 3

A manufacturer or user of safety systems required by the FAA may apply for an exemption for a specific use of Penta-BDE or Octa-BDE by filing a written petition with Ecology. Such uses may include the repair or replacement by a manufacturer or user of safety systems required by the FAA. The exemption may be granted for a term not to exceed eighteen months and may be renewed upon written application if Ecology finds that the specific use of Penta-BDE or Octa-BDE continues to meet the criteria of this section and the manufacturer or other persons comply with the conditions of its original approval. Ecology may grant an exemption for a specified use of Penta-BDE or Octa-BDE with or without conditions upon finding that the petitioner has demonstrated that:

(1) A technically feasible alternative to the use of Penta-BDE or Octa-BDE is not available at reasonable cost; or

(2) The potential harm to public health and the environment directly posed by a technically feasible and available alternative is greater than the potential harm posed by Penta-BDE or Octa-BDE.

#### Section 4

By December 15, 2007, Ecology and Health must report to the appropriate committees of the legislature a report that reviews and updates the available scientific research on deca-bde, including relevant risk assessments and relevant findings and rulings by the United States environmental protection agency and the European commission, to address the following issues:

(1) The use of deca-bde in products sold in the state;

(2) What human health effects could result from exposure to deca- bde, and are current levels of exposure at levels that could produce these effects;

(3) Any data available on the human body burden or environmental occurrence of deca-bde;

(4) Whether deca-bde breaks down into other chemicals that could pose public health concerns;

(5) The availability of safer, technically feasible alternatives for deca-bde.

## Section 6

Ecology is to develop a program to assist retailers in identifying potential products containing penta-bde and octa-bde in their inventory.

## Section 7

A manufacturer of products containing penta-bde and octa-bde in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

## 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 3

A manufacturer or user of safety systems required by the FAA may apply for an exemption for a specific use of Penta-BDE or Octa-BDE by filing a written petition with Ecology. Such uses may include the repair or replacement by a manufacturer or user of safety systems required by the FAA. The exemption may be granted for a term not to exceed eighteen months and may be renewed upon written application if Ecology finds that the specific use of Penta-BDE or Octa-BDE continues to meet the criteria of this section and the manufacturer or other persons comply with the conditions of its original approval. Ecology may grant an exemption for a specified use of Penta-BDE or Octa-BDE with or without conditions upon finding that the petitioner has demonstrated that:

- (1) A technically feasible alternative to the use of Penta-BDE or Octa-BDE is not available at reasonable cost; or
- (2) The potential harm to public health and the environment directly posed by a technically feasible and available alternative is greater than the potential harm posed by Penta-BDE or Octa-BDE.

Ecology estimates 0.05 FTE (at the Environmental Specialist 4 level) would be needed to review/approve petitions and grant exemptions for FY 2007 and in subsequent years.

## Section 4

By December 15, 2007, Ecology and Health must report to the appropriate committees of the legislature a report that reviews and updates the available scientific research on deca-bde, including relevant risk assessments and relevant findings and rulings by the United States environmental protection agency and the European commission, to address the following issues:

- (1) The use of deca-bde in products sold in the state;
- (2) What human health effects could result from exposure to deca-bde, and are current levels of exposure at levels that could produce these effects;
- (3) Any data available on the human body burden or environmental occurrence of deca-bde;
- (4) Whether deca-bde breaks down into other chemicals that could pose public health concerns;
- (5) The availability of safer, technically feasible alternatives for deca-bde.

Ecology estimates that the report due to the Legislature by December 15, 2007 would require:

0.2 FTE (at the Environmental Planner 5 level),

0.2 FTE (at the Toxicologist 3 level),



0.1 FTE at the Chemist 4 level, and  
0.1 FTE (at the Economist 3 level) during FY 2007  
and  
FTE (at the ES-5 level),  
0.1 FTE (at the Tox 3 level),  
0.1 FTE (at the Chem 4 level) and  
0.1 FTE (at the Econ 3 level)  
during FY 2008 to complete this report to the Legislature.

#### Section 6

Ecology is to develop a program to assist retailers in identifying potential products containing penta-bde and octa-bde in their inventory.

Ecology estimates 0.2 FTE would be required annually (at the Environmental Specialist 4 level) would be needed to develop and implement a program to assist retailers in identifying products containing Penta-BDE and Octa-BDE in their inventory.

#### Section 7

A manufacturer of products containing penta-bde and octa-bde in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

Ecology estimates that willful violation of the provisions of this bill would be infrequent, and that enforcement actions would be undertaken with existing resources.

#### FTE Detail:

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 25.7% of salaries.

Goods and Services are calculated at the agency average of \$3,773 per direct FTE. Standard agency administrative overhead costs are also included.

Travel Expenditures are calculated at the agency average rate of \$1,560 per direct program FTE.

Equipment Detail: \$7,293 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		0.9	0.4	0.5	0.3
A-		54,939	54,939	54,401	27,420
B-		14,119	14,119	13,981	7,046
C-					
E-		30,575	30,575	30,494	15,544
G-		1,326	1,326	1,404	780
J-		6,199	6,199		
N-					
P-					
S-					
<b>Total:</b>	\$0	\$107,158	\$107,158	\$100,280	\$50,790

### 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
Chemist 4	65,220		0.1	0.1	0.1	
Economist 4	62,100		0.1	0.1	0.1	
Environmental Planner 5	66,852		0.2	0.1	0.1	
Environmental Specialist 4	54,840		0.3	0.1	0.3	0.3
Toxicologist 3	75,636		0.2	0.1	0.1	
<b>Total FTE's</b>			0.9	0.4	0.5	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.*