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SB ST 15

BSEF Statement to the Montana House of Representatives
Human Services Committee

Opposition to Senate Joint Resolution No. 15

March 23, 2005

Madame Chairman, Vice Chairmen and members of the committee, thank you for allowing me the opportunity to testify before you today. My name is Glade E. Squires and I am a chemist with 22 years of industrial experience, with 20 of those years, directly involved with flame retardants. I have held positions in Research & Development, Commercial Development, Sales, and Marketing and for the past eight years an executive position within my company. Today, I represent the Bromine Science and Environmental Forum, known as BSEF. BSEF is dedicated to working with regulatory authorities to generate the highest quality scientific data in order to address issues concerning brominated flame retardants (BFRs). Accessing and understanding this kind of data will allow regulatory bodies to make sound, scientific assessments and decisions. The member companies of BSEF are the major, global BFR producers. However, I would like to emphasize that these same companies have a broad portfolio of flame retardant chemicals, including those based on phosphorus, nitrogen, aluminum, magnesium, and antimony. We thus have a very solid understanding of the relative strengths and weaknesses of the various technologies used to flame retard products.

In 2003, the National Fire Protection Association's annual report showed that there were an estimated 388,500 reported home structure fires and 3,145 associated civilian deaths in the United States. According to the U.S. Fire Administration, the national fire death rate is 12.9 deaths per million of population; Montana's death rate is 7.7 per million, well below the national average. However, with an estimated population of just under one million in 2005, eight residents of Montana, according to statistics, will still likely die in house fires in 2005.

The Montana State Fire Marshal's office reports that during the period of January 1997 to January 2004, 96 people died in fires in Montana, 68 of them in residential settings – homes and apartment buildings. What is not known, nor will we be able to report in these statistics, is the number of Montana residents who did not die or will not die in 2005 and beyond due to house fires **that never get started or grow to become life-threatening**. Many of these lives spared will be the direct result of the use of flame retardant materials and, specifically, materials flame-retarded with bromine-based flame retardants.

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Many Americans believe that they have approximately 30 minutes before a fire in their home would become life-threatening. The actual time available is much less and the consequences are lethal. In fact, the National Institute of Standards and Technology (NIST), recently reported that escape times have decreased from 17 minutes in 1975 to just 3 minutes in certain cases today.

It is against this backdrop that the National Association of State Fire Marshals has recognized and publicly stated that the need to increase fire safety through the use of more ignition-resistant and flame-retarded goods in our homes. The Fire Marshals' strong position regarding the need for home furniture flammability regulations, which can reduce the number of deaths related to furniture fires in our homes, led to the introduction of U.S. Senate Bill 1798, The American Home Fire Safety Act, last year. Although this bill is not yet law, it more than served its intended purpose by energizing the U.S. Consumer Product Safety Commission to develop, for the first time, national flammability standards for home furnishings.

Flame retardants, in most cases, are voluntarily added to materials to make items fire safe. By slowing the rate of ignition and combustion, they provide additional escape time for occupants, while also increasing the response time for fire fighters to arrive, thus reducing fire damage and property destruction. Bromine-based flame retardants are widely used due to their efficiency, availability and ability to preserve the basic properties of the material from which the flame-retarded goods are made.

SJ 15 calls for the complete phase out in Montana of polybrominated diphenyl ethers (PBDEs) "that are harmful to humans.". There are three commercial flame retardants that are classified as PBDEs. These are known as "Penta," "Octa," and "Deca" brominated flame retardants. These three products are distinctly different in their chemical composition and, as such, it would be inappropriate and scientifically unjustified to group these three products as identical and treat them as one.

Due to environmental concerns, Penta and Octa products are no longer produced by our industry, and their phase out has been required in the European Union and a number of states, including California, Maine, and Michigan.

By contrast, the Deca product has not been restricted or banned in any country or state, and there is no credible scientific evidence that Deca is "harmful to humans," as the resolution before you requires. To restrict or ban Deca, absent tangible scientific evidence of a cause for concern, would be to throw out the baby with the bathwater.

Several independent evaluations have been conducted, and all support the continued use of Deca as a highly-effective flame retardant. The European Union's risk assessment of

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Deca that was completed at the end of 2004 is undoubtedly the most comprehensive and rigorous human health and environmental evaluation of any flame retardant ever conducted, whether brominated or not. Over a period of 10 years, technical experts appointed by each of the EU's member states evaluated existing information about Deca, and had additional scientific information developed to fill any significant data. During that time, more than 100 detailed, Deca-specific experiments were run, in addition to the existing information. These experiments were run, and the data was generated, largely at independent test laboratories following the highest standards of scientific protocol outlined in the EU's technical guidance document. The overall Rrisk Assessment examined the use of Deca under a wide range of scenarios, including its impact on water, land and air, as well as worker and consumer exposure. Appropriate factors were applied to ensure that proper safety margins were built into all the cases. The end result of this exhaustive assessment is that there were no human or environmental risks associated with the use of Deca as a flame retardant. Industry has agreed to undertake additional monitoring and further experimentation to address some remaining questions, but the bottom line is that after ten years of close and detailed study, no risk was identified and no action was recommended.

BSEF would be happy to provide the Committee with the results of the EU Risk Assessment.

The conclusions of the EU risk assessment are in accord with other independent evaluations. The U.S. National Academy of Science, the Consumer Product Safety Commission, and the United Kingdom's Department of Trade and Industry have all examined the use of Deca in various applications and concluded that any risks are low and are more than outweighed by the benefits of its use. No state in the United States has banned or restricted the use of Deca in any way.

Deca makes a very significant contribution to fire safety. Its use directly results in lives saved and the reduction of some of the most distressing injuries imaginable - burns from fire – as well as reduced economic loss. Deca is the most researched and most well-understood of all flame retardants – all of them - and, as discussed above, it presents minimal, if any, risk to the environment or human health. To propose the blanket elimination of Deca and, by necessity the substitution of less well-understood chemicals, is an approach that we believe is not scientifically or factually justified, and has the potential to create problems for the future.

In those applications where Deca is now used, there are no alternatives that combine its effectiveness as a flame retardant together with its economic efficiency. The benefits to society in using Deca are significant and must be carefully considered.

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We believe that the concerns surrounding PBDEs are almost totally associated with the components of the Penta product. Since the Penta and Octa products are no longer being produced by the sole domestic producer, these issues are being effectively addressed. In the case of Deca, however, a wealth of independent, scientific data and analysis shows that there is no identifiable risk that would warrant a phase out or restriction of its use. Deca is not bio-accumulative, and it is not toxic.

SJ 15. is not based on sound science and does not take into consideration the extensive and recent information supporting the continued use of Deca as a highly-effective flame retardant. The resolution also fails to consider the economic hardship that could result from the loss of domestically and internationally mass-produced goods and appliances. One thing is absolutely clear - restricting or banning the use or Deca will result in reduced levels of fire safety for the citizens of Montana. For these reasons, we urge the Committee to vote against SJ 15.

Respectfully submitted,

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