

1
2 Councilmember Tommy Wells

Councilmember Mary M. Cheh

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6
7 A BILL
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11
12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 Councilmembers Mary M. Cheh and Tommy Wells introduced the following bill, which was
18 referred to the Committee on _____.

19
20 To prohibit the manufacture and sale of products containing bisphenol-A, phthalates, propoxur,
21 permethrin, atrazine, and synthetic exfoliants, to phase out the use of perchlorethylene in
22 dry cleaning, and to amend the Phosphate Soap and Detergent Restriction Act of 1985 to
23 reduce the percentage of phosphorus permitted in cleaning agent used for dishwashers
24 from 8.7% by weight to .5% by weight.

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26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 act may be cited as the “Human and Environmental Health Protection Amendment Act of 2009”.

28 Sec. 2. Bisphenol-A.

29 No person shall manufacture, sell, offer for sale, or distribute in commerce any product
30 intended for use by children under the age of 6 that contains bisphenol-A.

31 Sec. 3. Phthalates.

32 No person shall manufacture, sell, offer for sale, or distribute any product intended for
33 use by children under the age of 6 that contains any of the following chemicals in concentrations
34 exceeding 0.1%:

35 (1) diethylhexyl phthalate (DEHP);

36 (2) dibutyl phthalate (DBP);

- 1 (3) butyl benzyl phthalate (BBP);
- 2 (4) diisononyl phthalate (DINP);
- 3 (5) diisodecyl phthalate (DIDP); or
- 4 (6) di-n-octyl phthalate (DnOP).

5 Sec. 4. Polybrominated diphenyl ethers.

6 (a) No person shall manufacture, sell, offer for sale, or distribute any product containing
7 the penta or octa mixtures of polybrominated diphenyl ethers.

8 (b) No person shall manufacture, sell, offer for sale, or distribute any of the following
9 products:

10 (1) a mattress or mattress pad that contains the deca mixture of polybrominated
11 diphenyl ethers;

12 (2) upholstered furniture intended for indoor use in a home or other residential
13 occupancy that contain the deca mixture of polybrominated diphenyl ethers; or

14 (3) a television, monitor, or computer that has a plastic housing which contains
15 the deca mixture of polybrominated diphenyl ethers.

16 (c) The restrictions in subsection (b) of this section do not apply to the following products
17 containing the “deca” mixture of polybrominated diphenyl ethers:

18 (1) Transportation vehicles or products or parts for use in transportation vehicles
19 or transportation equipment;

20 (2) Products or equipment used in industrial or manufacturing processes; or

21 (3) Electronic wiring and cable used for power transmission.

22 Sec. 5. Atrazine.

23 No person shall manufacture, sell, offer for sale, distribute, or use any herbicide or other
24 lawn or garden care product that contains atrazine.

1 Sec. 6. Propoxur and permethrin.

2 (a) No person shall manufacture, sell, offer for sale, distribute, or use on any animal a flea
3 or tick repellent product containing propoxur or permethrin.

4 Sec. 7. Synthetic exfoliants.

5 (a) For purposes of this section, the term “synthetic exfoliant” means a synthetic
6 polymer-based mechanical agent that is applied to the skin to remove dead cells from the
7 surface. The term “synthetic exfoliant” includes small beads or granules made of ethylene,
8 polyethylene, or styrene.

9 (b) No person shall manufacture, sell, offer for sale, or distribute in commerce any
10 personal hygienic product that contains a synthetic exfoliant.

11 Sec. 8. Perchloroethylene.

12 (a) After January 1, 2011, no person shall install a machine designed to use
13 perchloroethylene as a cleaning agent for clothes or other fabrics.

14 (b) After January 1, 2014, no person shall use perchloroethylene as a cleaning agent for
15 clothes or other fabrics.

16 Sec. 9. Phosphates in dishwashing detergent.

17 Section 3(b) of the Phosphate Soap and Detergent Restriction Act of 1985, effective
18 March 25, 1986 (D.C. Law 6-98; D.C. Official Code § 8-107.02(b)), is amended by striking the
19 number “8.7” and inserting the number “0.5” in its place.

20 Sec. 10. Penalties.

21 A violation of this act shall be a civil infraction for purposes of the Department of
22 Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective July 16, 1985 (Law 6-
23 42; D.C. Official Code § 2-1801.01 *et seq.*). Civil fines, penalties, and fees may be imposed as

1 sanctions for any infraction of the provisions of this act, or the rules issued under authority of
2 this act, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of
3 1985, effective July 16, 1985 (Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*). Adjudication
4 of any infractions shall be pursuant to the Department of Consumer and Regulatory Affairs Civil
5 Infractions Act of 1985, effective July 16, 1985 (Law 6-42; D.C. Official Code § 2-1801.01 *et*
6 *seq.*).

7 Sec. 11. Rulemaking.

8 The Mayor shall issue rules to implement the provisions of this act.

9 Sec. 12. Applicability.

10 (a) Sections 2, 3, and 5 through 7 shall apply as of 180 days after the effective date of this
11 act.

12 (b) Sections 4, and 9 shall apply as of October 1, 2011.

13 Sec. 13. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the fiscal
15 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
16 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

17 Sec. 14. Effective date.

18 This act shall take effect following approval by the Mayor (or in the event of veto by the
19 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
20 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
21 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
22 Columbia.