

~~(II) PROTECTIVE MEASURES HAVE BEEN TAKEN TO ENSURE THE HEALTH AND SAFETY OF WORKERS AND CONSUMERS THROUGHOUT THE LIFE OF THE PRODUCT;~~

~~(III) A SYSTEM EXISTS FOR THE PROPER COLLECTION, TRANSPORTATION, AND PROCESSING OF THE PRODUCT AT THE END OF ITS LIFE; AND~~

~~(IV) 1. A TECHNICALLY FEASIBLE ALTERNATIVE TO THE USE OF A BFR, INCLUDING PRODUCT REDESIGN AND SUBSTITUTE FLAME RETARDANTS, IS NOT AVAILABLE AT A COMPARABLE COST; OR~~

~~2. THE RISKS TO THE PUBLIC HEALTH AND THE ENVIRONMENT DIRECTLY POSED BY A TECHNICALLY FEASIBLE AVAILABLE ALTERNATIVE ARE GREATER THAN THE RISKS POSED BY THE BFR.~~

~~(3) AN EXEMPTION GRANTED UNDER THIS SUBSECTION MAY BE:~~

~~(I) GRANTED FOR A TERM NOT TO EXCEED 3 YEARS; AND~~

~~(II) RENEWED ON WRITTEN APPLICATION IF THE DEPARTMENT FINDS THAT:~~

~~1. THE SPECIFIC USE OF THE BFR CONTINUES TO MEET THE CRITERIA OF THIS SUBSECTION; AND~~

~~2. THE PETITIONER AND OTHER RELEVANT PARTIES HAVE COMPLIED WITH THE CONDITIONS OF THE ORIGINAL EXEMPTION.~~

~~(4) AS REQUIRED BY THE DEPARTMENT, A PERSON RECEIVING AN EXEMPTION UNDER THIS SUBSECTION SHALL MAINTAIN AND SUBMIT RECORDS RELATED TO THE USE OF THE BFR.~~

6-1205.

~~(A) ON OR BEFORE JANUARY 1, 2006, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH A FEE, SUFFICIENT TO COVER THE COSTS TO THE DEPARTMENT ASSOCIATED WITH THE IMPLEMENTATION OF THIS SUBTITLE, ON THE SALE OF PRODUCTS CONTAINING BFRS.~~

~~(B) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBTITLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2007, the Department of the Environment shall, in conjunction with interested parties, review and, subject to § 2-1246 of the State Government Article, jointly report to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee on:

(a) The use of ~~brominated flame retardants~~ decabrominated diphenyl ether in products sold in the State;