

Chapter 70A.335 RCW
BISPHENOL A—RESTRICTIONS ON SALE

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RCW 70A.335.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Metal can" means a single walled container that is manufactured from metal substrate designed to hold or pack food or beverages and sealed by can ends manufactured from metal substrate. The metal substrate for the can and the can ends must be equal to or thinner than 0.0149 inch.

(3) "Sports bottle" means a resealable, reusable container, sixty-four ounces or less in size, that is designed or intended primarily to be filled with a liquid or beverage for consumption from the container, and is sold or distributed at retail without containing any liquid or beverage. [2010 c 140 § 1. Formerly RCW 70.280.010.]

RCW 70A.335.020 Prohibiting the sale or distribution of certain products containing bisphenol A. (1) Beginning July 1, 2011, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, any bottle, cup, or other container, except a metal can, that contains bisphenol A if that container is designed or intended to be filled with any liquid, food, or beverage primarily for consumption from that container by children three years of age or younger and is sold or distributed at retail without containing any liquid, food, or beverage.

(2) Beginning July 1, 2012, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, sports bottles that contain bisphenol A. [2010 c 140 § 2. Formerly RCW 70.280.020.]

RCW 70A.335.030 Notification—Recall of products. (1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product. [2010 c 140 § 3. Formerly RCW 70.280.030.]

RCW 70A.335.040 Penalties. (1) A manufacturer, wholesaler, or retailer that manufactures, knowingly sells, or distributes products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers, wholesalers, or retailers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(2) Retailers who unknowingly sell products that are restricted from sale under this chapter are not subject to the civil penalties under this chapter. [2020 c 20 § 1419; 2010 c 140 § 4. Formerly RCW 70.280.040.]

RCW 70A.335.050 Expenses to cover cost of administering chapter. Expenses to cover the cost of administering this chapter must be paid from the model toxics control operating account under RCW 70A.305.180. [2020 c 20 § 1420; 2019 c 422 § 410; 2010 c 140 § 5. Formerly RCW 70.280.050.]

Effective date—Intent—2019 c 422: See notes following RCW 82.21.010.

RCW 70A.335.060 Rules. The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. [2010 c 140 § 6. Formerly RCW 70.280.060.]