

RCW 70A.430.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of June 9, 2016, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(2) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. "Children's cosmetics" includes cosmetics that meet any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(c) Sold in any of the following:

(i) Retail store, catalogue, or online website, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online website, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. "Children's jewelry" includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine;

(ii) Retail store, catalogue, or online website, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) A discrete portion of a retail store, catalogue, or online website, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(4) (a) "Children's product" includes any of the following:

(i) Toys;

(ii) Children's cosmetics;

(iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) Portable infant or child safety seat designed to attach to an automobile seat.

(b) "Children's product" does not include the following:

(i) Batteries;

(ii) Slings and catapults;

(iii) Sets of darts with metallic points;

(iv) Toy steam engines;

(v) Bicycles and tricycles;

- (vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;
 - (vii) Chemistry sets;
 - (viii) Consumer and children's electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals;
 - (ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;
 - (x) BB guns, pellet guns, and air rifles;
 - (xi) Snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;
 - (xii) Sporting equipment, including, but not limited to bats, balls, gloves, sticks, pucks, and pads;
 - (xiii) Roller skates;
 - (xiv) Scooters;
 - (xv) Model rockets;
 - (xvi) Athletic shoes with cleats or spikes; and
 - (xvii) Pocketknives and multitools.
- (5) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.
- (6) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of June 9, 2016.
- (7) "Department" means the department of ecology.
- (8) "HBCD" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of June 9, 2016.
- (9) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:
- (a) Harm the normal development of a fetus or child or cause other developmental toxicity;
 - (b) Cause cancer, genetic damage, or reproductive harm;
 - (c) Disrupt the endocrine system;
 - (d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;
 - (e) Be persistent, bioaccumulative, and toxic; or
 - (f) Be very persistent and very bioaccumulative.
- (10) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of June 9, 2016.
- (11) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces residential upholstered furniture as defined in RCW 70A.405.010 or children's product or an importer or domestic distributor of residential upholstered furniture as defined in RCW 70A.405.010 or children's product. For the purposes of this

subsection, "importer" means the owner of the residential upholstered furniture as defined in RCW 70A.405.010 or children's product.

(12) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(13) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of June 9, 2016.

(14) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of June 9, 2016.

(15) "TCEP" means the chemical (tris(2-chloroethyl)phosphate); chemical abstracts service number 115-96-8, as of June 9, 2016.

(16) "TCPP" means the chemical tris (1-chloro-2-propyl) phosphate); chemical abstracts service number 13674-84-5, as of June 9, 2016.

(17) "TDCPP" means the chemical (tris(1,3-dichloro-2-propyl)phosphate); chemical abstracts service number 13674-87-8, as of June 9, 2016.

(18) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(19) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of June 9, 2016.

(20) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(21) "V6" means the chemical bis(chloromethyl) propane-1,3-diyltetrakis (2-chloroethyl) bisphosphate, chemical abstracts service number 385051-10-4, as of June 9, 2016.

(22) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(23) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days;

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport. [2020 c 20 § 1405. Prior: 2016 c 176 § 1; 2008 c 288 § 2. Formerly RCW 70.240.010.]