**5056-S2 AMS MCCO S2395.1 - NOT FOR FLOOR USE**

**2SSB 5056** - S AMD **112**

By Senator McCoy

Beginning on page 5, after line 33, strike all material through "children." on page 6, line 2, and insert the following:

"(1) Beginning July 1, 2016, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state residential upholstered furniture, as defined in RCW 70.76.010, or children's products containing a flame retardant in any product component in amounts greater than one thousand parts per million identified by the department as a high priority chemical of high concern for children as required under RCW 70.240.030.

(2) After January 1, 2015, before a flame retardant may be identified as a high priority chemical of high concern for children, the department must submit a report to the legislature no later than at the time of publication of the notice of a rule-making hearing required under RCW 34.05.320. The report to the legislature must contain:

(a) A determination whether children or vulnerable populations are likely to be exposed to the chemical directly or indirectly from its use in products. The determination of the department must be made after an evaluation of available information on:

(i) Levels of the flame retardants in consumer products;

(ii) Migration of the flame retardants out of products during and after use; and

(iii) Levels of the flame retardants in humans and the environment, including but not limited to the home environment;

(b) A review of available toxicity data to evaluate the health concerns for children or vulnerable populations; and

(c) A determination of whether a safer alternative has been identified to meet applicable fire safety standards for residential furniture and children's products by evaluating existing chemical action plans and assessments of safer alternatives.

(3) Antimony and antimony compounds, chemical abstracts service number 7440-36-0 as of the effective date of this section, are not flame retardants for purposes of this section and are not subject to the restrictions of subsection (1) of this section."

EFFECT: Deletes the chemical action plan process for flame retardants.

Allows the department of ecology to prohibit the use of flame retardants in amounts greater than 1000 ppm after providing a report to the legislature about levels of flame retardants, toxicity data, and a determination if safer alternatives exist.

Provides an exemption for antimony.