

**ESHB 1294** - S COMM AMD

By Committee on Energy, Environment & Telecommunications

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.240  
4 RCW to read as follows:

5 Beginning July 1, 2015, no manufacturer, wholesaler, or retailer  
6 may manufacture, knowingly sell, offer for sale, distribute for sale,  
7 or distribute for use in this state children's products or residential  
8 upholstered furniture, as defined in RCW 70.76.010, containing TDCPP  
9 (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts service  
10 number 13674-87-8, as of the effective date of this section, or TCEP  
11 (tris(2-chloroethyl)phosphate), chemical abstracts service number 115-  
12 96-8, as of the effective date of this section, in amounts greater than  
13 one hundred parts per million in any product component.

14 **Sec. 2.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read  
15 as follows:

16 (1) A manufacturer of products that are restricted under this  
17 chapter must notify persons that sell the manufacturer's products in  
18 this state about the provisions of this chapter no less than ninety  
19 days prior to the effective date of the restrictions.

20 (2) A manufacturer that produces, sells, or distributes a product  
21 prohibited from manufacture, sale, or distribution in this state under  
22 this chapter shall recall the product and reimburse the retailer or any  
23 other purchaser for the product.

24 (3) A manufacturer of children's products in violation of this  
25 chapter is subject to a civil penalty not to exceed five thousand  
26 dollars for each violation in the case of a first offense.  
27 Manufacturers who are repeat violators are subject to a civil penalty  
28 not to exceed ten thousand dollars for each repeat offense. Penalties

1 collected under this section must be deposited in the state toxics  
2 control account created in RCW 70.105D.070.

3 (4) Retailers who unknowingly sell products that are restricted  
4 from sale under this chapter are not liable under this chapter.

5 (5) The sale or purchase of any previously owned product containing  
6 a chemical restricted under this chapter made in casual or isolated  
7 sales as defined in RCW 82.04.040, or by a nonprofit organization, is  
8 exempt from this chapter."

**ESHB 1294** - S COMM AMD

By Committee on Energy, Environment & Telecommunications

9 On page 1, line 1 of the title, after "Relating to" strike the  
10 remainder of the title and insert "banning tris(1,3-dichloro-2-  
11 propyl)phosphate and tris(2-chloroethyl)phosphate flame retardants in  
12 children's products and residential upholstered furniture; amending RCW  
13 70.240.050; and adding a new section to chapter 70.240 RCW."

EFFECT: Prohibits the manufacture, sale, and distribution of  
children's products and residential upholstered furniture containing  
the flame retardants TDCPP or TCEP in amounts greater than 100 ppm.

Provides an exemption for used products sold in casual or isolated  
sales.

Removes the restriction on children's products and residential  
upholstered furniture containing flame retardants that are identified  
as chemicals of high concern for children as identified by Ecology.

Removes the authority for Ecology to request certificates of  
compliance from manufacturers of children's products or residential  
upholstered furniture.

--- END ---