

ESHB 1294 - S AMD **625**
By Senator Ericksen

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, decabromodiphenyl
13 ether, chemical abstracts service number 1163-19-5, as of the effective
14 date of this section, and hexabromocyclododecane, chemical abstracts
15 service number 25637-99-4, as of the effective date of this section, in
16 amounts greater than one hundred parts per million in any product
17 component.

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

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

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

28 (3) A manufacturer of children's products in violation of this
29 chapter is subject to a civil penalty not to exceed five thousand

1 dollars for each violation in the case of a first offense.
2 Manufacturers who are repeat violators are subject to a civil penalty
3 not to exceed ten thousand dollars for each repeat offense. Penalties
4 collected under this section must be deposited in the state toxics
5 control account created in RCW 70.105D.070.

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

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

12 NEW SECTION. Sec. 3. A new section is added to chapter 70.240 RCW
13 to read as follows:

14 (1)(a) The department must collaborate with other states,
15 governmental and nongovernmental entities, industry, scientific
16 experts, and the public to carry out its duty under the children's safe
17 products act to promote the development of safer children's products
18 through the use of sound, scientific principles.

19 (b) The department, through the collaborative process as identified
20 under (a) of this subsection, must review tetrabromobisphenol A,
21 chemical abstracts service number 79-94-7 and antimony, chemical
22 abstracts service number 7440-36-0 to:

23 (i) Increase its understanding and use of available, credible,
24 scientific data on chemicals of concern in children's products,
25 including available information on assessments that consider: Uses;
26 exposures; hazards; risks; and potential health and environmental
27 concerns; and

28 (ii) Ascertain existing state and federal regulatory programs for
29 chemicals of concern in children's products and scientific information
30 and data developed by other nations, governments, industry,
31 nongovernmental organizations, and authoritative bodies.

32 (2) The department must use data and information gathered or
33 developed through the collaborative process as authorized in subsection
34 (1) of this section to:

35 (a) Provide technical assistance to businesses and consumers
36 regarding safer alternatives for specific uses of chemicals of concern
37 in children's products; and

1 (b) Disseminate information on safer alternatives to chemicals used
2 in children's products based on both exposure and hazard information
3 for each chemical as used in a product.

4 (3) The department shall reference and use, to the maximum extent
5 feasible, available information from other nations, governments,
6 industry, nongovernmental organizations, and authoritative bodies so as
7 to leverage the work and costs already incurred by those entities and
8 to minimize costs.

9 (4) By December 31, 2016, the department must provide to the
10 appropriate committees of the senate and the house of representatives
11 a summary of the data and information gathered, and recommendations
12 made through the collaborative process."

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13 On page 1, line 1 of the title, after "Relating to" strike the
14 remainder of the title and insert "banning tris(1,3-dichloro-2-
15 propyl)phosphate, tris(2-chloroethyl)phosphate, decabromodiphenyl
16 ether, and hexabromocyclododecane flame retardants in children's
17 products and residential upholstered furniture; amending RCW
18 70.240.050; and adding new sections to chapter 70.240 RCW."

EFFECT: Prohibits the manufacture, sale, and distribution of
children's products and residential upholstered furniture containing
the flame retardants decabromodiphenyl ether (decaBDE), and
hexabromocyclododecane (HBCD).

Requires Ecology to work in a collaborative process with other
states, governmental and nongovernmental entities, industry, and
scientific experts to review antimony and TBBPA.

Requires Ecology to use information gathered through the
collaborative process for technical assistance and information on safer
alternatives.

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