
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1472

State of Washington

64th Legislature

2015 Regular Session

By House Appropriations (originally sponsored by Representatives Fitzgibbon, Peterson, Goodman, McBride, Springer, Fey, Farrell, Hudgins, Kagi, Walkinshaw, Gregerson, S. Hunt, Jinkins, Tharinger, and Pollet; by request of Governor Inslee)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to using chemical action plans to require safer
2 chemicals in Washington; amending RCW 43.21B.110 and 43.21B.110;
3 adding a new section to chapter 39.26 RCW; adding new sections to
4 chapter 43.131 RCW; adding a new chapter to Title 70 RCW; creating
5 new sections; prescribing penalties; providing an effective date; and
6 providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Alternatives assessment" means a process for identifying and
12 comparing chemical and nonchemical alternatives currently in
13 existence that can be practicably and economically used to replace
14 the use of a chemical. The objective of an alternatives assessment is
15 to assess less toxic chemicals or nonchemical alternatives to replace
16 the use of a chemical in a product and to avoid the unintended
17 consequence of switching to a substitute that presents an equivalent
18 or greater concern. An alternatives assessment must follow the
19 guidelines issued by the interstate chemicals clearinghouse, the
20 national academy of sciences, or equivalent methodology. At a
21 minimum, an alternatives assessment includes: An evaluation of

1 chemical hazard, exposure, performance, cost, and availability;
2 information for each alternative considered; and the identification
3 of alternatives.

4 (2) "Biomonitoring" means assessment of human exposures to
5 chemicals by measuring the chemicals or their metabolites in human
6 tissues or specimens, such as blood, breast milk, and urine.

7 (3) "Chemical" means a substance, including metals, with a
8 distinct molecular composition or a group of structurally related
9 substances and includes the breakdown products of the substance or
10 substances that form through decomposition, degradation, or
11 metabolism.

12 (4) "Chemical action plan" means a plan that identifies,
13 characterizes, and evaluates uses and releases of a specific chemical
14 or group of chemicals and identifies actions needed to protect human
15 health and the environment.

16 (5) "Department" means the department of ecology.

17 (6) "Director" means the director of the department of ecology or
18 the director's designee.

19 (7) "Manufacturer" means any person, firm, association,
20 partnership, corporation, governmental entity, organization, or joint
21 venture that produces a product or is an importer or domestic
22 distributor of a product sold or offered for sale in or into the
23 state. "Manufacturer" does not include small businesses as defined in
24 RCW 19.85.020.

25 (8) "Product" means any item sold for residential or commercial
26 use including any component or product packaging. "Product" does not
27 include the following items, but does include their packaging:

28 (a) Food or beverage;

29 (b) Tobacco products;

30 (c) Drug or biological products regulated by the United States
31 food and drug administration;

32 (d) Products produced under military specifications;

33 (e) Finished products regulated by the federal aviation
34 administration;

35 (f) Chemical products used to produce an agricultural commodity,
36 as defined in RCW 17.21.020; and

37 (g) Any previously owned product sold in casual or isolated sales
38 as defined in RCW 82.04.040 or products sold by nonprofit
39 organizations.

1 (9) "Product component" means a uniquely identifiable material or
2 coating that is included as a part of a finished product.

3 (10) "Safer alternative" means an alternative that is less
4 hazardous to humans or the environment than the existing chemical or
5 chemical process. A safer alternative to a particular chemical may
6 include a chemical substitute or a change in materials or design that
7 eliminates the need for a chemical alternative.

8 (11) "Summary report" means a report prepared by the department
9 summarizing available alternatives assessments and includes a
10 determination regarding the existence of a safer alternative. The
11 summary report also includes a determination of the completeness of
12 the alternatives assessments reviewed and identifies unsuitable
13 alternatives.

14 (12) "Unsuitable alternative" means an alternative identified
15 through the alternatives assessment process that does not meet the
16 hazard, exposure, cost, performance, and availability criteria of a
17 safer alternative.

18 NEW SECTION. **Sec. 2.** (1) Beginning January 1, 2016, and every
19 two years thereafter, the department, in consultation with the
20 department of health, must select up to four chemicals for the
21 development of chemical action plans as specified in section 4 of
22 this act from the following:

23 (a) Chemicals identified by the United States environmental
24 protection agency in section 304(a)(1) of the clean water act, water
25 quality criteria for human health, that impact Washington state clean
26 water bodies as identified under section 303(d) of the clean water
27 act; or

28 (b) Chemicals that meet the criteria of a high priority chemical
29 as defined in RCW 70.240.010 as applied to humans, plants, or
30 wildlife, and either:

31 (i) Meet the criteria for a high priority chemical of high
32 concern for children as described in RCW 70.240.030(1) (a) through
33 (c); or

34 (ii) Have been shown through environmental monitoring studies to
35 be present in fish, wildlife, air, water, soil, or sediment.

36 (2) The department may conduct environmental monitoring or,
37 subject to the availability of amounts appropriated for this specific
38 purpose, may request the department of health to conduct
39 biomonitoring of a chemical to verify the chemical is present in the

1 state's environment or population or to better understand
2 environmental or human exposures in the state. Environmental
3 monitoring and biomonitoring conducted pursuant to this chapter must
4 be of a minimum scope necessary to adequately inform a chemical
5 action plan.

6 (3)(a) At least two of the first four chemicals selected for a
7 chemical action plan must be chosen from the chemicals identified in
8 subsection (1)(a) of this section.

9 (b) When selecting chemicals for the development of chemical
10 action plans, the director shall notify the public of the selection,
11 the basis for the selection, and a draft schedule. The notice must be
12 published in the Washington State Register. The department shall
13 provide the public with an opportunity for review and comment before
14 finalizing the schedule.

15 (c) When selecting chemicals for the development of chemical
16 action plans, the department must consider:

17 (i) Opportunities for reducing or phasing out uses, production,
18 or releases of a chemical;

19 (ii) Scientific evidence on the combined effects of exposure to
20 the chemical and other substances commonly present in the Washington
21 environment;

22 (iii) Scientific evidence on the susceptibility of sensitive
23 population groups and environmental media from exposure to the
24 chemical, as well as cumulative effects of multiple exposures; and

25 (iv) Existing plans or regulatory requirements to reduce or phase
26 out the use and releases of the chemical.

27 (d) The department must identify the sources of information it
28 relied upon in selecting chemicals for the development of chemical
29 action plans under this section, including peer-reviewed science.

30 NEW SECTION. **Sec. 3.** (1) The department may require information
31 from manufacturers of products that contain a chemical selected for a
32 chemical action plan under section 2 of this act. Prior to requesting
33 information from a manufacturer under this subsection, the department
34 must consult with a chemical action plan external advisory committee,
35 if one has been formed yet, to evaluate the particular chemical that
36 is the subject of the information request. The department may only
37 make reasonable requests of manufacturers that are limited in their
38 scope and frequency and that are focused on:

1 (a) The most common and prevalent uses of the chemicals or
2 products containing the chemicals, based on the department's existing
3 knowledge about the chemical;

4 (b) Areas where there is an identified gap in public or
5 department knowledge about a chemical; and

6 (c) Chemical uses or products that the department has reason to
7 believe are likely to be responsible for or associated with a
8 significant portion of releases into the environment or public health
9 exposures.

10 (2) Within six months of a request by the department,
11 manufacturers shall report the following:

12 (a) The name and address of the manufacturer and the name,
13 address, and phone number of a contact person for the manufacturer;

14 (b) The name of the chemical used or produced and its chemical
15 abstracts service registry number;

16 (c) A brief description of the product or product component
17 containing the substance;

18 (d) A description of the function of the chemical in the product;

19 (e) The amount of the chemical used in each unit of the product
20 or product component, which may be reported in ranges, rather than
21 the exact amount;

22 (f) An estimate of average daily, weekly, or monthly commercial
23 consumption of the chemical by businesses or the public; and

24 (g) Any other information the manufacturer deems relevant to the
25 appropriate use of the product.

26 (3) In response to an information request from the department
27 under this section, a manufacturer may extrapolate amounts and
28 estimates from national data. The resulting submission must include
29 the information in subsection (2)(a) of this section for each
30 manufacturer. However, the information required by subsection (2)(b)
31 through (g) of this section is not required to be provided in a
32 manner that identifies individual manufacturers.

33 (4) The department shall specify the required format for
34 submission of the information required under subsection (2) of this
35 section. The format should be generally consistent with the format
36 specified in other states with substantially similar reporting
37 requirements.

38 (5) Multiple businesses, or a business association, may
39 collaborate and submit a single submission on a chemical found in
40 similar products.

1 (6) Where information submitted by a manufacturer under chapter
2 70.240 RCW is the same as the information required to be submitted by
3 the manufacturer in subsection (2) of this section, that manufacturer
4 is not required to submit the same information again.

5 (7) The department may, by order, require a manufacturer subject
6 to the reporting requirement in subsection (2) of this section to
7 provide additional information that is relevant to the development of
8 a chemical action plan under section 4 of this act. An order by the
9 department must also meet the reasonableness criteria of subsection
10 (1) of this section.

11 NEW SECTION. **Sec. 4.** (1) When developing a chemical action
12 plan, the department shall convene an external advisory committee to
13 provide stakeholder input, expertise, and additional information. All
14 advisory committee meetings must be open to the public. The
15 department must invite representatives from, at minimum, the
16 following organizations and entities to serve as external advisory
17 committee members: Large and small business sectors; a representative
18 of a statewide business association with over one thousand total
19 members and that represents multiple business sectors; community,
20 environmental, and public health advocacy groups; local governments;
21 affected and interested businesses; and public health agencies. State
22 agencies and technical experts may be requested to participate.

23 (2) All chemical action plans must include the following types of
24 information, evaluations, and recommendations:

25 (a) Chemical name, properties, uses, and manufacturers;

26 (b) An analysis of the available information on the production,
27 unintentional production, uses, and disposal of the chemical;

28 (c) Information on the known or potential impacts on human health
29 and the environment associated with the use and release of the
30 chemical; and

31 (d) An evaluation of the regulatory and nonregulatory approaches
32 that influence production, uses, releases, and management of the
33 chemical.

34 (3)(a) All chemical action plans must identify actions, if
35 needed, to eliminate or reduce threats to human health and the
36 environment and include recommendations for managing, reducing, or
37 phasing out the different uses and releases of the chemical to
38 minimize exposure.

1 (b) Recommendations must be based on an evaluation of the
2 following factors:

3 (i) Environmental and human health benefits;

4 (ii) Economic and social impacts;

5 (iii) Feasibility;

6 (iv) Availability and effectiveness of safer substitutes for uses
7 of the chemical; and

8 (v) Consistency with existing federal and state regulatory
9 requirements.

10 (4) The department must include in the chemical action plan a
11 summary of any dissenting views held by external advisory committee
12 members regarding the recommendations contained in the plan.

13 (5) The department must identify the sources of information it
14 relied upon in completing a chemical action plan under this section,
15 including peer-reviewed science.

16 NEW SECTION. **Sec. 5.** (1)(a) Consistent with a recommendation in
17 a chemical action plan, the department is authorized to require
18 manufacturers, by order, to conduct alternatives assessments, as
19 detailed in this section. The department may not require
20 manufacturers to complete an alternatives assessment for a greater
21 breadth of uses or products, nor require alternatives assessments to
22 be completed by a greater number of manufacturers, than is necessary
23 to address significant sources of environmental or public health
24 exposures to the chemical.

25 (b) The scope of an alternatives assessment must be:

26 (i) A single type of use of a chemical in a specific type of
27 manufacturing process; or

28 (ii) The inclusion of a chemical in a specific type of product.

29 (2)(a) If ordered by the department, a manufacturer of a product
30 that contains a chemical for which a chemical action plan has been
31 completed under section 4 of this act or under chapter 173-333 WAC
32 must submit an alternatives assessment to the department for each use
33 of the chemical specified by the department.

34 (b) The manufacturer must submit the alternatives assessment to
35 the department within one year of receipt of the department's order;
36 however, the department may grant an extension on a case-by-case
37 basis for good cause if the manufacturer shows that additional time
38 is necessary to complete an alternatives assessment or would
39 substantially improve the quality of the alternatives assessment.

1 Multiple businesses, or a business association, may collaborate and
2 submit a single alternatives assessment on a chemical found in
3 similar products.

4 (c) In lieu of an alternatives assessment, a manufacturer may
5 submit a certificate of compliance, as described in (d) of this
6 subsection, if:

7 (i) The manufacturer has ceased using the chemical for which it
8 would be required to do an alternatives assessment; or

9 (ii) The manufacturer can demonstrate its plans to phase out the
10 use of the chemical within a time frame that is reasonable based on
11 the manufacturing process used to produce the product and the use of
12 the product.

13 (d) A certificate of compliance must include the following:

14 (i) Chemical names and chemical abstracts service registry
15 numbers for all chemicals that currently contribute to the specific
16 function previously served by the prohibited chemical;

17 (ii) How the manufacturer is meeting the function of the
18 prohibited chemical with a safer alternative; and

19 (iii) The signature of an authorized official of the
20 manufacturer.

21 (3) If the department determines that a submitted alternatives
22 assessment does not meet the definition or required objectives of an
23 alternatives assessment, or the department does not identify a
24 manufacturer that may be required to submit an alternatives
25 assessment, the department may contract with an independent
26 scientific organization to conduct an independent alternatives
27 assessment in consultation with the chemical action plan advisory
28 committee. Any alternatives assessment conducted by the independent
29 contractor must include a process to involve interested parties.

30 (4) The department may rely on existing information indicating
31 that a safer alternative for a chemical exists if that information is
32 equivalent to an alternatives assessment.

33 NEW SECTION. **Sec. 6.** (1)(a) The department, in consultation
34 with the department of health, shall prepare a summary report of all
35 reviewed alternatives assessments and other relevant information
36 assembled under section 5 of this act. The summary report must
37 include a determination of whether a safer alternative exists and
38 identify unsuitable alternatives.

1 (b) In making its determination, the department shall evaluate
2 whether the alternatives assessment submitted by manufacturers:

3 (i) Follows the guidelines on alternatives assessment issued by
4 the interstate chemicals clearinghouse, the national academy of
5 sciences, or equivalent methodology;

6 (ii) Identifies safer alternatives as defined in section 1 of
7 this act; and

8 (iii) Identifies unsuitable alternatives as defined in section 1
9 of this act.

10 (2) If the department determines that a safer alternative exists,
11 based on a completed alternatives assessment or equivalent
12 information, the department must submit a recommendation to prohibit
13 specific uses of the chemical, in the form of draft legislation, to
14 the appropriate committees of the house of representatives and
15 senate.

16 (3) If the department determines that a safer alternative does
17 not exist, then the department may reevaluate information on the
18 availability of safer alternatives not more often than once every
19 five years.

20 NEW SECTION. **Sec. 7.** (1) A manufacturer violating a requirement
21 of this chapter, a rule adopted under this chapter, or an order
22 issued under this chapter, is subject to a civil penalty not to
23 exceed five thousand dollars for each violation in the case of a
24 first offense. Manufacturers who are repeat violators are subject to
25 a civil penalty not to exceed ten thousand dollars for each repeat
26 offense.

27 (2) Any penalty provided for in this section, and any order
28 issued by the department under this chapter, maybe appealed to the
29 pollution control hearings board.

30 (3) All penalties collected under this chapter shall be deposited
31 in the state toxics control account created in RCW 70.105D.070.

32 NEW SECTION. **Sec. 8.** Manufacturers submitting information or
33 records to the department may request that the information or records
34 be made available only for the confidential use of the director, the
35 department, or the appropriate division of the department. The
36 director shall give consideration to the request and if such action
37 would not be detrimental to the public interest and is otherwise
38 within accord with the policies and purposes of chapter 43.21A RCW,

1 the director must grant the request for the information to remain
2 confidential as authorized in RCW 43.21A.160. Under the procedures
3 established under RCW 43.21A.160, the department must keep
4 confidential any records furnished by a manufacturer under this
5 chapter that relate to proprietary manufacturing processes or
6 chemical formulations used in products or processes.

7 NEW SECTION. **Sec. 9.** The department may adopt rules as
8 necessary for the purpose of implementing, administering, and
9 enforcing this chapter.

10 NEW SECTION. **Sec. 10.** A new section is added to chapter 39.26
11 RCW to read as follows:

12 (1) The department shall establish purchasing and procurement
13 policies that provide a preference for products and products in
14 packaging that do not contain:

15 (a) Persistent, bioaccumulative, and toxic chemicals as defined
16 in chapter 173-333 WAC as of the effective date of this section; and

17 (b) Chemicals that have been addressed by a completed chemical
18 action plan that has included a recommendation that the state adopt a
19 purchasing and procurement policy for products and products in
20 packaging that do not contain the chemical.

21 (2) No agency may knowingly purchase products or products in
22 packaging containing chemicals identified in subsection (1) of this
23 section unless there is no cost-effective and technologically
24 feasible alternative. When all available products contain a chemical
25 identified in subsection (1) of this section, a preference must be
26 given to alternative products that contain lesser amounts of
27 chemicals identified in subsection (1) of this section.

28 (3) Nothing in this section requires the department or any other
29 state agency to breach an existing contract or dispose of stock that
30 has been ordered or is in the possession of the department or other
31 state agency as of the effective date of this section.

32 (4) This section does not require the department or any other
33 agency to test every product procured.

34 (5) The department or any other agency may request suppliers of
35 products to provide testing data from an accredited laboratory or
36 testing facility documenting levels of a chemical identified in
37 subsection (1) of this section in products or product packaging.
38 Requested or voluntarily received testing data from businesses,

1 manufacturers, organizations, and individuals must be submitted for
2 review to the department of ecology.

3 **Sec. 11.** RCW 43.21B.110 and 2013 c 291 s 33 are each amended to
4 read as follows:

5 (1) The hearings board shall only have jurisdiction to hear and
6 decide appeals from the following decisions of the department, the
7 director, local conservation districts, the air pollution control
8 boards or authorities as established pursuant to chapter 70.94 RCW,
9 local health departments, the department of natural resources, the
10 department of fish and wildlife, the parks and recreation commission,
11 and authorized public entities described in chapter 79.100 RCW:

12 (a) Civil penalties imposed pursuant to RCW 18.104.155,
13 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250,
14 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
15 90.64.102.

16 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
17 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
18 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

19 (c) A final decision by the department or director made under
20 chapter 183, Laws of 2009.

21 (d) Except as provided in RCW 90.03.210(2), the issuance,
22 modification, or termination of any permit, certificate, or license
23 by the department or any air authority in the exercise of its
24 jurisdiction, including the issuance or termination of a waste
25 disposal permit, the denial of an application for a waste disposal
26 permit, the modification of the conditions or the terms of a waste
27 disposal permit, or a decision to approve or deny an application for
28 a solid waste permit exemption under RCW 70.95.300.

29 (e) Decisions of local health departments regarding the grant or
30 denial of solid waste permits pursuant to chapter 70.95 RCW.

31 (f) Decisions of local health departments regarding the issuance
32 and enforcement of permits to use or dispose of biosolids under RCW
33 70.95J.080.

34 (g) Decisions of the department regarding waste-derived
35 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
36 decisions of the department regarding waste-derived soil amendments
37 under RCW 70.95.205.

38 (h) Decisions of local conservation districts related to the
39 denial of approval or denial of certification of a dairy nutrient

1 management plan; conditions contained in a plan; application of any
2 dairy nutrient management practices, standards, methods, and
3 technologies to a particular dairy farm; and failure to adhere to the
4 plan review and approval timelines in RCW 90.64.026.

5 (i) Any other decision by the department or an air authority
6 which pursuant to law must be decided as an adjudicative proceeding
7 under chapter 34.05 RCW.

8 (j) Decisions of the department of natural resources, the
9 department of fish and wildlife, and the department that are
10 reviewable under chapter 76.09 RCW, and the department of natural
11 resources' appeals of county, city, or town objections under RCW
12 76.09.050(7).

13 (k) Forest health hazard orders issued by the commissioner of
14 public lands under RCW 76.06.180.

15 (l) Decisions of the department of fish and wildlife to issue,
16 deny, condition, or modify a hydraulic project approval permit under
17 chapter 77.55 RCW.

18 (m) Decisions of the department of natural resources that are
19 reviewable under RCW 78.44.270.

20 (n) Decisions of an authorized public entity under RCW 79.100.010
21 to take temporary possession or custody of a vessel or to contest the
22 amount of reimbursement owed that are reviewable by the hearings
23 board under RCW 79.100.120.

24 (o) Decisions regarding a restriction, order, or penalty issued
25 under chapter 70.--- RCW (the new chapter created in section 14 of
26 this act).

27 (2) The following hearings shall not be conducted by the hearings
28 board:

29 (a) Hearings required by law to be conducted by the shorelines
30 hearings board pursuant to chapter 90.58 RCW.

31 (b) Hearings conducted by the department pursuant to RCW
32 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
33 90.44.180.

34 (c) Appeals of decisions by the department under RCW 90.03.110
35 and 90.44.220.

36 (d) Hearings conducted by the department to adopt, modify, or
37 repeal rules.

38 (3) Review of rules and regulations adopted by the hearings board
39 shall be subject to review in accordance with the provisions of the
40 administrative procedure act, chapter 34.05 RCW.

1 **Sec. 12.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to
2 read as follows:

3 (1) The hearings board shall only have jurisdiction to hear and
4 decide appeals from the following decisions of the department, the
5 director, local conservation districts, the air pollution control
6 boards or authorities as established pursuant to chapter 70.94 RCW,
7 local health departments, the department of natural resources, the
8 department of fish and wildlife, the parks and recreation commission,
9 and authorized public entities described in chapter 79.100 RCW:

10 (a) Civil penalties imposed pursuant to RCW 18.104.155,
11 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250,
12 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
13 90.64.102.

14 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
15 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
16 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

17 (c) Except as provided in RCW 90.03.210(2), the issuance,
18 modification, or termination of any permit, certificate, or license
19 by the department or any air authority in the exercise of its
20 jurisdiction, including the issuance or termination of a waste
21 disposal permit, the denial of an application for a waste disposal
22 permit, the modification of the conditions or the terms of a waste
23 disposal permit, or a decision to approve or deny an application for
24 a solid waste permit exemption under RCW 70.95.300.

25 (d) Decisions of local health departments regarding the grant or
26 denial of solid waste permits pursuant to chapter 70.95 RCW.

27 (e) Decisions of local health departments regarding the issuance
28 and enforcement of permits to use or dispose of biosolids under RCW
29 70.95J.080.

30 (f) Decisions of the department regarding waste-derived
31 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
32 decisions of the department regarding waste-derived soil amendments
33 under RCW 70.95.205.

34 (g) Decisions of local conservation districts related to the
35 denial of approval or denial of certification of a dairy nutrient
36 management plan; conditions contained in a plan; application of any
37 dairy nutrient management practices, standards, methods, and
38 technologies to a particular dairy farm; and failure to adhere to the
39 plan review and approval timelines in RCW 90.64.026.

1 (h) Any other decision by the department or an air authority
2 which pursuant to law must be decided as an adjudicative proceeding
3 under chapter 34.05 RCW.

4 (i) Decisions of the department of natural resources, the
5 department of fish and wildlife, and the department that are
6 reviewable under chapter 76.09 RCW, and the department of natural
7 resources' appeals of county, city, or town objections under RCW
8 76.09.050(7).

9 (j) Forest health hazard orders issued by the commissioner of
10 public lands under RCW 76.06.180.

11 (k) Decisions of the department of fish and wildlife to issue,
12 deny, condition, or modify a hydraulic project approval permit under
13 chapter 77.55 RCW.

14 (l) Decisions of the department of natural resources that are
15 reviewable under RCW 78.44.270.

16 (m) Decisions of an authorized public entity under RCW 79.100.010
17 to take temporary possession or custody of a vessel or to contest the
18 amount of reimbursement owed that are reviewable by the hearings
19 board under RCW 79.100.120.

20 (n) Decisions regarding a restriction, order, or penalty issued
21 under chapter 70.--- RCW (the new chapter created in section 14 of
22 this act).

23 (2) The following hearings shall not be conducted by the hearings
24 board:

25 (a) Hearings required by law to be conducted by the shorelines
26 hearings board pursuant to chapter 90.58 RCW.

27 (b) Hearings conducted by the department pursuant to RCW
28 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
29 90.44.180.

30 (c) Appeals of decisions by the department under RCW 90.03.110
31 and 90.44.220.

32 (d) Hearings conducted by the department to adopt, modify, or
33 repeal rules.

34 (3) Review of rules and regulations adopted by the hearings board
35 shall be subject to review in accordance with the provisions of the
36 administrative procedure act, chapter 34.05 RCW.

37 NEW SECTION. Sec. 13. If specific funding for the purposes of
38 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2015, in the omnibus appropriations act, this
2 act is null and void.

3 NEW SECTION. **Sec. 14.** Sections 1 through 9 of this act
4 constitute a new chapter in Title 70 RCW.

5 NEW SECTION. **Sec. 15.** A new section is added to chapter 43.131
6 RCW to read as follows:

7 The authority of the department of ecology to do the following
8 under the authority of chapter 70.--- RCW (the new chapter created in
9 section 14 of this act) expires June 30, 2025: Require manufacturers
10 to provide information on chemicals and conduct alternatives
11 assessments; prepare summary reports on alternatives assessments;
12 prohibit the use of chemicals and the sale, offer for sale, or
13 distribution of a product containing a prohibited chemical; and
14 assess penalties.

15 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.131
16 RCW to read as follows:

17 The following acts or parts of acts, as now existing or hereafter
18 amended, are each repealed, effective June 30, 2026:

- 19 (1) Section 1 of this act;
20 (2) Section 2 of this act;
21 (3) Section 3 of this act;
22 (4) Section 4 of this act;
23 (5) Section 5 of this act;
24 (6) Section 6 of this act;
25 (7) Section 7 of this act;
26 (8) Section 8 of this act; and
27 (9) Section 9 of this act.

28 NEW SECTION. **Sec. 17.** This act may be known and cited as the
29 toxics reduction act.

30 NEW SECTION. **Sec. 18.** Section 11 of this act expires June 30,
31 2019.

32 NEW SECTION. **Sec. 19.** Section 12 of this act takes effect June
33 30, 2019.

1 NEW SECTION. **Sec. 20.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

--- END ---