
SENATE BILL 5056

State of Washington

64th Legislature

2015 Regular Session

By Senators Ericksen and Chase

Prefiled 01/08/15. Read first time 01/12/15. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to the use of chemical action plans for
2 recommendations of safer chemicals; amending RCW 70.240.050; adding a
3 new section to chapter 70.240 RCW; adding a new section to chapter
4 90.48 RCW; adding a new section to chapter 70.105 RCW; and making an
5 appropriation.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.240
8 RCW to read as follows:

9 Beginning July 1, 2016, no manufacturer, wholesaler, or retailer
10 may manufacture, knowingly sell, offer for sale, distribute for sale,
11 or distribute for use in this state children's products or
12 residential upholstered furniture, as defined in RCW 70.76.010,
13 containing TDCPP (tris(1,3-dichloro-2-propyl)phosphate), chemical
14 abstracts service number 13674-87-8, as of the effective date of this
15 section, TCEP (tris(2-chloroethyl)phosphate), chemical abstracts
16 service number 115-96-8, as of the effective date of this section,
17 decabromodiphenyl ether, chemical abstracts service number 1163-19-5,
18 as of the effective date of this section, or hexabromocyclododecane,
19 chemical abstracts service number 25637-99-4, as of the effective
20 date of this section, in amounts greater than one hundred parts per
21 million in any product component.

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

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

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

11 (3) A manufacturer of children's products in violation of this
12 chapter is subject to a civil penalty not to exceed five thousand
13 dollars for each violation in the case of a first offense.
14 Manufacturers who are repeat violators are subject to a civil penalty
15 not to exceed ten thousand dollars for each repeat offense. Penalties
16 collected under this section must be deposited in the state toxics
17 control account created in RCW 70.105D.070.

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

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

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48
25 RCW to read as follows:

26 (1) Beginning January 1, 2016, the department must select two
27 substances, as identified by the United States environmental
28 protection agency in the clean water act, section 304(a)(1), water
29 quality criteria for human health as applicable to Washington state,
30 for development of a chemical action plan as specified under section
31 4 of this act.

32 (2) Every two years, the department, in consultation with the
33 department of health, must complete and publish a chemical action
34 plan for the substances selected as specified in subsection (1) of
35 this section. In addition to the requirements for developing a
36 chemical action plan under section 4 of this act, the department
37 must:

1 (a) Seek technical expertise from the department of health on
2 human health impacts including: Early childhood and fetal exposure,
3 exposure reduction, and safer substitutes; and

4 (b) Provide recommendations to the legislature on policy options
5 for reducing exposure, designating and developing safer substitutes,
6 and restricting or prohibiting the use of the chemicals in consumer
7 products.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.105
9 RCW to read as follows:

10 (1) The department may develop chemical action plans to identify,
11 characterize, and evaluate uses and releases of chemicals, the levels
12 of the chemical present in the Washington environment, and the levels
13 of the chemical present in Washington residents.

14 (2) When developing a chemical action plan, the department must
15 include the following types of information, evaluations, and
16 recommendations:

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

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

20 (c) Information on the potential impacts on human health and the
21 environment associated with the use and release of the chemical;

22 (d) An evaluation of the regulatory and nonregulatory approaches
23 that influence production, uses, releases, and management of the
24 chemical;

25 (e) Recommendations for:

26 (i) Managing, reducing, and phasing out the different uses and
27 releases of the chemical;

28 (ii) Minimizing exposure to the chemical;

29 (iii) Using safer substitutes; and

30 (iv) Encouraging the development of safer alternatives;

31 (f) Recommendations on an evaluation of the following factors:

32 (i) Environmental and human health benefits;

33 (ii) Economic and social impacts;

34 (iii) Feasibility;

35 (iv) Availability and effectiveness of safer substitutes for uses
36 of the chemical; and

37 (v) Consistency with existing federal and state regulatory
38 requirements.

1 (3)(a) The department must create an external advisory committee
2 for each chemical action plan developed to provide stakeholder input,
3 expertise, and additional information. All advisory committee
4 meetings must be open to the public.

5 (b) The advisory committee membership must include, but not be
6 limited to, representatives from: Large and small business sectors;
7 community, environmental, and public health advocacy groups; local
8 governments; affected and interested businesses; and public health
9 agencies. State agencies and technical experts may be requested to
10 participate.

11 NEW SECTION. **Sec. 5.** The sum of one million dollars, or as much
12 thereof as may be necessary, is appropriated for the fiscal year
13 ending June 30, 2016, from the model toxics control account to the
14 department of ecology for the purposes of this act.

--- END ---