

ESSB 6413 - H AMD TO ENVI COMM AMD (H-4848.1/18) 1202
By Representative Taylor

WITHDRAWN 02/27/2018

1 On page 1, after line 25 of the amendment, insert the following:

2 "(7) "Safer alternative" means an alternative substance or
3 chemical, demonstrated by an alternatives assessment, that meets
4 improved hazard and exposure considerations and can be practicably
5 and economically substituted for the original chemical."

6 On page 1, beginning on line 26 of the amendment, after "(1)"
7 strike all material through "added." on line 30 and insert "To
8 determine whether safer alternatives exist for class B firefighting
9 foam to which PFAS chemicals have been intentionally added, the
10 department must conduct an alternatives assessment as part of the
11 PFAS chemical action plan that:

12 (a) Evaluates less toxic chemicals and nonchemical alternatives
13 that can be used as replacements;

14 (b) Follows the guidelines for alternatives assessments issued by
15 the interstate chemicals clearinghouse; and

16 (c) Includes, at a minimum, an evaluation of chemical hazards,
17 exposure, performance, cost, and availability.

18 (2) The alternatives assessment required in subsection (1) of
19 this section and any safer alternative determinations must be
20 externally peer-reviewed.

21 (3) By January 1, 2020, the department must publish its findings
22 in the Washington State Register on whether safer alternatives exist
23 and are available to class B firefighting foam to which PFAS
24 chemicals have been intentionally added. By that date, the department
25 must also submit a report with the findings and the feedback from the
26 peer review of the department's alternatives assessment to the
27 appropriate committees of the legislature.

28 (4) The department should bring forward agency request
29 legislation suggesting a ban when they have identified multiple,
30 readily available, economical, safer alternatives to class B
31 firefighting foam to which PFAS chemicals have been intentionally
32 added."

1 Renumber the remaining subsections consecutively and correct any
2 internal references accordingly.

3 On page 2, line 1 of the amendment, after "restrictions" insert
4 "recommended"

5 On page 2, line 1 of the amendment, after "subsection" strike
6 "(1)" and insert "(4)"

7 On page 2, line 1 of the amendment, after "section" strike "do"
8 and insert "must"

9 On page 2, line 12 of the amendment, after "restrictions" insert
10 "recommended"

11 On page 2, line 12 of the amendment, after "subsection" strike
12 "(1)" and insert "(4)"

13 On page 2, line 12 of the amendment, after "section" strike "do"
14 and insert "must"

15 Beginning on page 2, line 32 of the amendment, strike all of
16 section 4

17 Renumber the remaining sections consecutively and correct any
18 internal references accordingly.

19 On page 3, beginning on line 17 of the amendment, after "A"
20 strike all material through "or a" on line 18

EFFECT: Eliminates the restrictions on the manufacture, sale, and distribution of class B firefighting foam containing intentionally-added PFAS chemicals. Requires the Department of Ecology to complete a peer-reviewed alternatives assessment for class B firefighting foam containing intentionally-added PFAS chemicals. Requires the results of the alternatives assessment to be published in the Washington State Register by January 1, 2020, by which date a report must also be submitted to the Legislature that includes the peer-reviewed feedback received on the alternatives assessment. Encourages the department of ecology to bring agency request legislation suggesting a ban on PFAS in class B firefighting foam once multiple, readily-available, economical, safer alternatives to PFAS chemicals in class B firefighting foam have been identified. Prohibits the agency request legislation from recommending restrictions where the inclusion of PFAS chemicals in firefighting foam is required by federal law or from recommending restrictions on manufacture, sale,

and distribution to oil refineries and terminals of class B
firefighting foam containing PFAS chemicals.

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