
SENATE BILL 6396

State of Washington

65th Legislature

2018 Regular Session

By Senators Wellman, Carlyle, McCoy, Van De Wege, Billig, Chase, Keiser, and Kuderer

Read first time 01/15/18. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to the use of perfluorinated chemicals in food
2 packaging; amending RCW 70.95G.010 and 70.95G.040; and adding a new
3 section to chapter 70.95G RCW.

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

5 **Sec. 1.** RCW 70.95G.010 and 1991 c 319 s 107 are each amended to
6 read as follows:

7 (~~Unless the context clearly requires otherwise,~~) The
8 definitions in this section apply throughout this chapter unless the
9 context clearly requires otherwise.

10 (1) "Package" means a container providing a means of marketing,
11 protecting, or handling a product and shall include a unit package,
12 an intermediate package, and a shipping container. "Package" also
13 means and includes unsealed receptacles such as carrying cases,
14 crates, cups, pails, rigid foil and other trays, wrappers and
15 wrapping films, bags, and tubs.

16 (2) "Manufacturer" means a person, firm, association,
17 partnership, government entity, organization, joint venture, or
18 corporation that applies a package to a product for distribution or
19 sale.

20 (3) "Packaging component" means an individual assembled part of a
21 package such as, but not limited to, any interior or exterior

1 blocking, bracing, cushioning, weatherproofing, exterior strapping,
2 coatings, closures, inks, and labels.

3 (4) "Food package" means a package or packaging component that is
4 intended for the marketing, protection, or handling of a product
5 intended for food contact or used to store food and foodstuffs for
6 sale.

7 (5) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS
8 chemicals" means, for the purposes of food packaging, a class of
9 fluorinated organic chemicals containing at least one fully
10 fluorinated carbon atom.

11 (6) "Safer alternative" means an alternative substance or
12 chemical, demonstrated by an alternatives assessment, that meets
13 improved hazard and exposure considerations and can be practicably
14 and economically substituted for the original chemical.

15 NEW SECTION. Sec. 2. A new section is added to chapter 70.95G
16 RCW to read as follows:

17 (1) Beginning January 1, 2021, no person may manufacture,
18 knowingly sell, offer for sale, distribute for sale, or distribute
19 for use in this state food packaging to which PFAS chemicals have
20 been intentionally added in any amount. This prohibition may not take
21 effect until the department of ecology completes the following: (a)
22 Identifies that a safer alternative is available; and (b) publishes
23 findings, as required under subsection (3) of this section.

24 (2) To determine whether safer alternatives to PFAS chemicals
25 exist, the department of ecology must conduct an alternatives
26 assessment that:

27 (a) Evaluates less toxic chemicals and nonchemical alternatives
28 to replace the use of a chemical;

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

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

33 (3) By January 1, 2020, the department of ecology must publish
34 its findings in the Washington State Register on whether a safer
35 alternative to PFAS chemicals in food packaging is available and
36 submit a report with the findings to the appropriate committees of
37 the legislature.

38 (4) The prohibition on the use of PFAS chemicals in food
39 packaging:

1 (a) Becomes effective January 1, 2021, if the report required
2 under subsection (3) of this section finds that a safer alternative
3 is available;

4 (b) Does not take effect January 1, 2021, if the report required
5 under subsection (3) of this section does not find that a safer
6 alternative is available.

7 (5) If the department of ecology does not find that a safer
8 alternative is available, beginning January 1, 2021, and each year
9 following, the department of ecology must review and report on
10 alternatives as described in subsection (2) of this section. The
11 prohibition in this section takes effect one year after a report
12 submitted to the legislature required under subsection (3) of this
13 section finds that a safer alternative is available.

14 **Sec. 3.** RCW 70.95G.040 and 1991 c 319 s 110 are each amended to
15 read as follows:

16 (~~By July 1, 1993,~~) A certificate of compliance stating that a
17 package or packaging component is in compliance with the requirements
18 of this chapter shall be developed by its manufacturer. For food
19 packaging, a manufacturer shall develop a compliance certificate
20 within one year of the prohibition becoming effective as required
21 under section 2 of this act. If compliance is achieved under the
22 exemption or exemptions provided in RCW 70.95G.030 (~~((3) or (4))~~),
23 the certificate shall state the specific basis upon which the
24 exemption is claimed. The certificate of compliance shall be signed
25 by an authorized official of the manufacturing company. The
26 certificate of compliance shall be kept on file by the manufacturer
27 for as long as the package or packaging component is in use, and for
28 three years from the date of the last sale or distribution by the
29 manufacturer. Certificates of compliance, or copies thereof, shall be
30 furnished to the department of ecology upon request within sixty
31 days. If manufacturers are required under any other state statute to
32 provide a certificate of compliance, one certificate may be developed
33 containing all required information.

34 If the manufacturer or supplier of the package or packaging
35 component reformulates or creates a new package or packaging
36 component, the manufacturer shall develop an amended or new

1 certificate of compliance for the reformulated or new package or
2 packaging component.

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