

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6413

65th Legislature
2018 Regular Session

Passed by the Senate March 5, 2018
Yeas 48 Nays 1

President of the Senate

Passed by the House February 27, 2018
Yeas 72 Nays 26

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6413** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6413

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By Senate Energy, Environment & Technology (originally sponsored by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña, and Chase)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to reducing the use of certain toxic chemicals in
2 firefighting activities; adding a new chapter to Title 70 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Class B firefighting foam" means foams designed for
9 flammable liquid fires.

10 (2) "Department" means the department of ecology.

11 (3) "Firefighting personal protective equipment" means any
12 clothing designed, intended, or marketed to be worn by firefighting
13 personnel in the performance of their duties, designed with the
14 intent for the use in fire and rescue activities, including jackets,
15 pants, shoes, gloves, helmets, and respiratory equipment.

16 (4) "Local governments" includes any county, city, town, fire
17 district, regional fire protection authority, or other special
18 purpose district that provides firefighting services.

19 (5) "Manufacturer" includes any person, firm, association,
20 partnership, corporation, organization, joint venture, importer, or
21 domestic distributor of firefighting agents or firefighting

1 equipment. For the purposes of this subsection, "importer" means the
2 owner of the product.

3 (6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS
4 chemicals" means, for the purposes of firefighting agents and
5 firefighting equipment, a class of fluorinated organic chemicals
6 containing at least one fully fluorinated carbon atom.

7 (7) "Chemical plant" has the same meaning as in WAC 296-24-33001,
8 as that section existed as of January 1, 2018.

9 NEW SECTION. **Sec. 2.** Beginning July 1, 2018, a person, local
10 government, or state agency may not discharge or otherwise use for
11 training purposes class B firefighting foam that contains
12 intentionally added PFAS chemicals.

13 NEW SECTION. **Sec. 3.** (1) Beginning July 1, 2020, a manufacturer
14 of class B firefighting foam may not manufacture, knowingly sell,
15 offer for sale, distribute for sale, or distribute for use in this
16 state class B firefighting foam to which PFAS chemicals have been
17 intentionally added.

18 (2) The restrictions in subsection (1) of this section do not
19 apply to any manufacture, sale, or distribution of class B
20 firefighting foam where the inclusion of PFAS chemicals are required
21 by federal law, including but not limited to the requirements of
22 C.F.R. 139.317, as that section existed as of January 1, 2018. In the
23 event that applicable federal regulations change after January 1,
24 2018, to allow the use of alternative firefighting agents that do not
25 contain PFAS chemicals, then the department may adopt rules that
26 restrict PFAS chemicals for the manufacture, sale, and distribution
27 of firefighting foam for uses that are addressed by the federal
28 regulation.

29 (3) The restrictions in subsection (1) of this section do not
30 apply to any manufacture, sale, or distribution of class B
31 firefighting foam to a person for use at a terminal, as defined in
32 RCW 82.23A.010, operated by the person or an oil refinery operated by
33 the person.

34 (4) The restrictions in subsection (1) of this section do not
35 apply to any manufacture, sale, or distribution of class B
36 firefighting foam to a person for use at a chemical plant operated by
37 the person.

1 NEW SECTION. **Sec. 4.** (1) Beginning July 1, 2018, a manufacturer
2 or other person that sells firefighting personal protective equipment
3 to any person, local government, or state agency must provide written
4 notice to the purchaser at the time of sale if the firefighting
5 personal protective equipment contains PFAS chemicals. The written
6 notice must include a statement that the firefighting personal
7 protective equipment contains PFAS chemicals and the reason PFAS
8 chemicals are added to the equipment.

9 (2) The manufacturer or person selling firefighting personal
10 protective equipment and the purchaser of the equipment must retain
11 the notice on file for at least three years from the date of the
12 transaction. Upon the request of the department, a person,
13 manufacturer, or purchaser must furnish the notice, or written
14 copies, and associated sales documentation to the department within
15 sixty days.

16 NEW SECTION. **Sec. 5.** (1) A manufacturer of class B firefighting
17 foam restricted under section 3 of this act must notify, in writing,
18 persons that sell the manufacturer's products in this state about the
19 provisions of this chapter no less than one year prior to the
20 effective date of the restrictions.

21 (2) A manufacturer that produces, sells, or distributes a class B
22 firefighting foam prohibited under section 3 of this act shall recall
23 the product and reimburse the retailer or any other purchaser for the
24 product.

25 NEW SECTION. **Sec. 6.** (1) The department may request a
26 certificate of compliance from a manufacturer of class B firefighting
27 foam or firefighting personal protective equipment. A certificate of
28 compliance attests that a manufacturer's product or products meets
29 the requirements of this chapter.

30 (2) Beginning July 1, 2018, the department shall assist the
31 department of enterprise services, other state agencies, fire
32 protection districts, and other local governments to avoid purchasing
33 or using class B firefighting foams to which PFAS chemicals have been
34 intentionally added. The department shall assist the department of
35 enterprise services, other state agencies, fire protection districts,
36 and other local governments to give priority and preference to the
37 purchase of firefighting personal protective equipment that does not
38 contain PFAS chemicals.

1 NEW SECTION. **Sec. 7.** A manufacturer of class B firefighting
2 foam in violation of section 3 or 5 of this act or a person in
3 violation of section 2 or 4 of this act is subject to a civil penalty
4 not to exceed five thousand dollars for each violation in the case of
5 a first offense. Manufacturers, local governments, or persons that
6 are repeat violators are subject to a civil penalty not to exceed ten
7 thousand dollars for each repeat offense. Penalties collected under
8 this section must be deposited in the state toxics control account
9 created in RCW 70.105D.070.

10 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
11 constitute a new chapter in Title 70 RCW.

--- END ---