S-1673.2

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**SUBSTITUTE SENATE BILL 5456**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Keiser, Conway, Hunt, and Nguyen)

AN ACT Relating to requiring the use of American or recycled steel products on certain public works; and adding a new section to chapter 39.04 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 39.04 RCW to read as follows:

(1) The legislature intends to protect the public health and safety, protect and preserve the environment of this state, and to recover resources that have the potential for usefulness in the most environmentally safe, economically feasible, and cost-effective manner by encouraging the use of American or recycled steel products.

(2) Except as provided in subsection (3) of this section, contracts for public works under this chapter must include a provision requiring that all steel products used or supplied in the performance of the contract and in any related subcontract must be:

(a) Produced in the United States, at a facility regulated by the United States environmental protection agency; or

(b) Produced in a country where more than sixty-five percent of that country's total crude steel output is produced by means of electric arc furnaces that use postconsumer scrap steel material as the major feedstock.

(3) This section does not apply if the state or municipality entering into the contract determines, in writing, that the steel products required in subsection (2) of this section:

(a) Are not produced in, or available in, sufficient quantity to meet the requirements of the contract;

(b) Will increase the total cost of the project by more than twenty percent;

(c) Are part of a temporary structure used for transportation projects and purchased before the effective date of this section. Replacement of temporary structures used for transportation projects must meet the requirements in subsection (2) of this section; or

(d) De minimis incidental components that comprise no more than five percent of the total cost of the materials used in and incorporated into a project, the cost of an individual item may not exceed one percent of the total cost of materials used and incorporated into a project. Incidental components include but may not be limited to small washers, nails, screws, fasteners, or hinges.

(4) This section does not impair or otherwise affect the state's existing obligations under international agreements.

(5) For the purposes of this section, "produced in the United States" means, with respect to iron and steel products, a product for which all manufacturing processes, including fabrication, from initial melting through application of coatings, occur in the United States, other than metallurgical processes to refine steel additives.

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