

**SSB 5931** - H COMM AMD

By Committee on Environment & Energy

ADOPTED AND ENGROSSED 02/29/2024

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that 6PPD is a  
4 chemical commonly used in motor vehicle tires to keep them flexible  
5 and prevent them from degrading quickly. 6PPD works by moving to the  
6 surface of the tire and forming a film that protects the tire. As the  
7 film breaks down, it produces 6PPD-quinone. When it rains, tire  
8 particles containing 6PPD-quinone are washed into streams, rivers,  
9 and other water bodies through stormwater runoff.

10 (2) The legislature also finds that 6PPD-quinone is directly  
11 linked to urban runoff mortality syndrome, a condition where Coho  
12 salmon die prior to spawning. 6PPD-quinone is known to be toxic to  
13 aquatic species and is the primary causal toxicant for Coho salmon.  
14 In June 2023, the department of ecology identified 6PPD as a draft  
15 priority chemical under safer products for Washington, cycle 2.  
16 Additionally, 6PPD has been identified as a hazardous substance under  
17 the model toxics control act and as a chemical of concern for  
18 sensitive populations and sensitive species.

19 (3) The legislature finds it important to reduce sources and uses  
20 of 6PPD in Washington to protect aquatic life, particularly salmon.  
21 Since 6PPD is ubiquitous in motorized vehicle tires, the legislature  
22 intends to identify 6PPD as a priority chemical and certain motorized  
23 vehicle tires containing 6PPD as priority consumer products under  
24 safer products for Washington.

25 **Sec. 2.** RCW 70A.350.010 and 2020 c 20 s 1451 are each amended to  
26 read as follows:

27 The definitions in this section apply throughout this chapter  
28 unless the context clearly requires otherwise.

29 (1) "6PPD" means the chemical compound N-(1,3-dimethylbutyl)-N'-  
30 phenyl-p-phenylenediamine.

1        (2) "Consumer product" means any item, including any component  
2 parts and packaging, sold for residential or commercial use.

3        ~~((2))~~ (3) "Department" means the department of ecology.

4        ~~((3))~~ (4) "Director" means the director of the department.

5        ~~((4))~~ (5) "Electronic product" includes personal computers,  
6 audio and video equipment, calculators, wireless phones, game  
7 consoles, and handheld devices incorporating a video screen that are  
8 used to access interactive software, and the peripherals associated  
9 with such products.

10       ~~((5))~~ (6) "Inaccessible electronic component" means a part or  
11 component of an electronic product that is located inside and  
12 entirely enclosed within another material and is not capable of  
13 coming out of the product or being accessed during any reasonably  
14 foreseeable use or abuse of the product.

15       ~~((6))~~ (7) "Manufacturer" means any person, firm, association,  
16 partnership, corporation, governmental entity, organization, or joint  
17 venture that produces a product or is an importer or domestic  
18 distributor of a product sold or offered for sale in or into the  
19 state.

20       ~~((7))~~ (8)(a) "Motorized vehicle" means, for purposes of 6PPD as  
21 a priority chemical, a motorized vehicle intended for on-highway or  
22 off-highway use.

23       (b) "Motorized vehicle" does not include, for purposes of 6PPD as  
24 a priority chemical, the tires equipped on the vehicle nor tires sold  
25 separately for replacement purposes.

26       (9) "Organohalogen" means a class of chemicals that includes any  
27 chemical containing one or more halogen elements bonded to carbon.

28       ~~((8))~~ (10) "Perfluoroalkyl and polyfluoroalkyl substances" or  
29 "PFAS chemicals" means a class of fluorinated organic chemicals  
30 containing at least one fully fluorinated carbon atom.

31       ~~((9))~~ (11) "Phenolic compounds" means alkylphenol ethoxylates  
32 and bisphenols.

33       ~~((10))~~ (12) "Phthalates" means synthetic chemical esters of  
34 phthalic acid.

35       ~~((11))~~ (13) "Polychlorinated biphenyls" or "PCBs" means  
36 chemical forms that consist of two benzene rings joined together and  
37 containing one to ten chlorine atoms attached to the benzene rings.

38       ~~((12))~~ (14) "Priority chemical" means a chemical or chemical  
39 class used as, used in, or put in a consumer product including:

40       (a) Perfluoroalkyl and polyfluoroalkyl substances;

- 1 (b) Phthalates;
- 2 (c) Organohalogen flame retardants;
- 3 (d) Flame retardants, as identified by the department under
- 4 chapter 70A.430 RCW;
- 5 (e) Phenolic compounds;
- 6 (f) Polychlorinated biphenyls; (~~(e)~~)
- 7 (g) 6PPD; or
- 8 (h) A chemical identified by the department as a priority
- 9 chemical under RCW 70A.350.020.

10 (~~(13)~~) (15) "Safer alternative" means an alternative that is  
11 less hazardous to humans or the environment than the existing  
12 chemical or chemical process. A safer alternative to a particular  
13 chemical may include a chemical substitute or a change in materials  
14 or design that eliminates the need for a chemical alternative.

15 (~~(14)~~) (16) "Sensitive population" means a category of people  
16 that is identified by the department that may be or is  
17 disproportionately or more severely affected by priority chemicals,  
18 such as:

- 19 (a) Men and women of childbearing age;
- 20 (b) Infants and children;
- 21 (c) Pregnant women;
- 22 (d) Communities that are highly impacted by toxic chemicals;
- 23 (e) Persons with occupational exposure; and
- 24 (f) The elderly.

25 (~~(15)~~) (17) "Sensitive species" means a species or grouping of  
26 animals that is identified by the department that may be or is  
27 disproportionately or more severely affected by priority chemicals,  
28 such as:

- 29 (a) Southern resident killer whales;
- 30 (b) Salmon; and
- 31 (c) Forage fish.

32 **Sec. 3.** RCW 70A.350.050 and 2022 c 264 s 2 are each amended to  
33 read as follows:

34 (1)(a) By June 1, 2020, and consistent with RCW 70A.350.030, the  
35 department shall identify priority consumer products that are a  
36 significant source of or use of priority chemicals specified in RCW  
37 70A.350.010(~~(12)~~) (14) (a) through (f).

38 (b) By June 1, 2022, and consistent with RCW 70A.350.040, the  
39 department must determine regulatory actions regarding the priority

1 chemicals and priority consumer products identified in (a) of this  
2 subsection. The deadline of June 1, 2022, does not apply to the  
3 priority consumer products identified in RCW 70A.350.090.

4 (c) By June 1, 2023, the department must adopt rules to implement  
5 regulatory actions determined under (b) of this subsection.

6 (2)(a) By June 1, 2024, and every five years thereafter, the  
7 department shall select at least five priority chemicals specified in  
8 RCW 70A.350.010(~~((12))~~) (14) (a) through (~~((g))~~) (h) that are  
9 identified consistent with RCW 70A.350.020.

10 (b) By June 1, 2025, and every five years thereafter, the  
11 department must identify priority consumer products that contain any  
12 new priority chemicals after notifying the appropriate committees of  
13 the legislature, consistent with RCW 70A.350.030.

14 (c) By June 1, 2027, and every five years thereafter, the  
15 department must determine regulatory actions for any priority  
16 chemicals in priority consumer products identified under (b) of this  
17 subsection, consistent with RCW 70A.350.040.

18 (d) By June 1, 2028, and every five years thereafter, the  
19 department must adopt rules to implement regulatory actions  
20 identified under (c) of this subsection.

21 (3)(a) The designation of priority chemicals by the department  
22 does not take effect until the adjournment of the regular legislative  
23 session immediately following the identification of chemicals, in  
24 order to allow an opportunity for the legislature to add to, limit,  
25 or otherwise amend the list of priority chemicals to be considered by  
26 the department.

27 (b) The designation of priority consumer products by the  
28 department does not take effect until the adjournment of the regular  
29 legislative session immediately following the identification of  
30 priority consumer products, in order to allow an opportunity for the  
31 legislature to add to, limit, or otherwise amend the list of priority  
32 consumer products to be considered by the department.

33 (c) The determination of regulatory actions by the department  
34 does not take effect until the adjournment of the regular legislative  
35 session immediately following the determination by the department, in  
36 order to allow an opportunity for the legislature to add to, limit,  
37 or otherwise amend the regulatory determinations by the department.

38 (d) Nothing in this subsection (3) limits the authority of the  
39 department to:

1 (i) Begin to identify priority consumer products for a priority  
2 chemical prior to the effective date of the designation of a priority  
3 chemical;

4 (ii) Begin to consider possible regulatory actions prior to the  
5 effective date of the designation of a priority consumer product; or

6 (iii) Initiate a rule-making process prior to the effective date  
7 of a determination of a regulatory action.

8 (4)(a) When identifying priority chemicals and priority consumer  
9 products under this chapter, the department must notify the public of  
10 the selection, including the identification of the peer-reviewed  
11 science and other sources of information that the department relied  
12 upon, the basis for the selection, and a draft schedule for making  
13 determinations. The notice must be published in the Washington State  
14 Register. The department shall provide the public with an opportunity  
15 for review and comment on the regulatory determinations.

16 (b)(i) By June 1, 2020, the department must create a stakeholder  
17 advisory process to provide expertise, input, and a review of the  
18 department's rationale for identifying priority chemicals and  
19 priority consumer products and proposed regulatory determinations.  
20 The input received from a stakeholder process must be considered and  
21 addressed when adopting rules.

22 (ii) The stakeholder process must include, but is not limited to,  
23 representatives from: Large and small business sectors; community,  
24 environmental, and public health advocacy groups; local governments;  
25 affected and interested businesses; an expert in scientific data  
26 analysis; and public health agencies.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 70A.350  
28 RCW to read as follows:

29 For the purposes of the regulatory process established in this  
30 chapter, a motorized vehicle tire containing 6PPD that is equipped on  
31 or intended to be installed as a replacement tire on a motorized  
32 vehicle for on-highway use is a priority consumer product. For these  
33 priority products, the department must determine regulatory actions  
34 and adopt rules to implement those regulatory determinations  
35 consistent with the process established in RCW 70A.350.040 and  
36 70A.350.050. In determining regulatory actions under this section,  
37 the department must specifically consider the effect of the  
38 regulatory actions on driver and passenger safety."

1 Correct the title.

--- **END** ---