

HB 2821 - H AMD 1414

By Representative Short

WITHDRAWN 04/06/2012

1 On page 5, line 5, after "containing" strike all material through
2 "act." on line 7 and insert "tris(1,3-dichloro-2-propyl)phosphate until
3 the department and the department of health identify that a safer and
4 technically feasible alternative is available that provides a level of
5 ignition resistance the same as or greater than that provided by
6 tris(1,3-dichloro-2-propyl)phosphate as specified in section 3 of this
7 act, and the fire safety committee, created in section 4 of this act,
8 determines that the identified alternatives meets applicable fire
9 safety standards."

10 Beginning on page 5, line 14, strike all of sections 3 and 4 and
11 insert the following:

12 "NEW SECTION. **Sec. 3.** A new section is added to chapter 70.240
13 RCW to read as follows:

14 (1) The department and the department of health shall review
15 assessments, scientific studies, and other relevant findings regarding
16 alternatives to the use of tris(1,3-dichloro-2-propyl)phosphate in
17 children's products.

18 (2) If the department and the department of health jointly find
19 that safer and technically feasible alternatives are available that
20 provide a level of ignition resistance the same as or greater than that
21 provided by tris(1,3-dichloro-2-propyl)phosphate, the department shall
22 convene the fire safety committee created in section 4 of this act to
23 determine whether the identified alternatives meet applicable fire
24 safety standards.

25 (3) By majority vote, the fire safety committee created in section
26 4 of this act shall make a finding as to whether an alternative
27 identified under subsection (2) of this section meets applicable fire
28 safety standards. The fire safety committee shall report its finding
29 to the state fire marshal. After reviewing the finding of the fire

1 safety committee, the state fire marshal shall determine whether an
2 alternative identified under subsection (2) of this section meets
3 applicable fire safety standards. The determination of the state fire
4 marshal must be based upon the finding of the fire safety committee.
5 The state fire marshal shall report the determination to the
6 department.

7 (4) The department shall seek public input on its findings, the
8 findings of the fire safety committee, and the determination by the
9 state fire marshal. The department shall publish these findings in the
10 Washington State Register, and submit them in a report to the
11 appropriate committees of the legislature. The department shall
12 initially report these findings by December 31, 2013.

13 (5) If the December 31, 2013, report required in subsection (4) of
14 this section finds that a safer and technically feasible alternative
15 that meets applicable fire safety standards is available, and that
16 alternative provides a level of ignition resistance the same as or
17 greater than that provided by tris(1,3-dichloro-2-propyl)phosphate,
18 then beginning July 1, 2014, no manufacturer, wholesaler, or retailer
19 may manufacture, knowingly sell, offer for sale, distribute for sale,
20 or distribute for use in the state a children's product containing
21 tris(1,3-dichloro-2-propyl)phosphate in amounts greater than one
22 hundred parts per million in any component.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.240 RCW
24 to read as follows:

25 (1) The fire safety committee is created for the exclusive purpose
26 of finding whether an alternative identified by the department and the
27 department of health under section 3 of this act meets applicable fire
28 safety standards.

29 (2) A majority vote of the members of the fire safety committee
30 constitutes a finding that an alternative meets applicable fire safety
31 standards.

32 (3) The fire safety committee consists of the following members:

33 (a) A representative from the department, who shall chair the fire
34 safety committee and serve as an ex officio nonvoting member.

35 (b) Five voting members, appointed by the governor, as follows:

36 (i) A representative of the office of the state fire marshal;

- 1 (ii) A representative of a statewide association representing the
2 interests of fire chiefs;
- 3 (iii) A representative of a statewide association representing the
4 interests of fire commissioners;
- 5 (iv) A representative of a recognized statewide council, affiliated
6 with an international association representing the interests of
7 firefighters; and
- 8 (v) A representative of a statewide association representing the
9 interests of volunteer firefighters."

EFFECT: Removes provisions relating to conducting alternatives assessments, including the provision allowing manufacturers, wholesalers, or retailers to sell children's products containing TRIS until July 1, 2014, if the manufacturer of the product conducts an alternatives assessment. Changes the ban on children's products containing TDCPP by allowing the sale of such products until the department of ecology and the department of health have jointly identified a safer and technically feasible alternative and that alternative: (1) Meets applicable fire safety standards; and (2) provides a level of ignition resistance that is the same as or greater than that provided by TDCPP. Creates a fire safety committee to review and make a finding as to whether an identified alternative meets applicable fire safety standards.

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