

# SENATE BILL REPORT

## SSB 6086

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As Amended by House, March 5, 2014

**Title:** An act relating to reducing PCBs in products purchased by agencies.

**Brief Description:** Reducing PCBs in products purchased by agencies.

**Sponsors:** Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Billig, Ericksen, McCoy and Rolfes).

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 1/21/14, 1/29/14 [DPS].

Passed Senate: 2/12/14, 48-1.

Passed House: 3/05/14, 62-36.

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; McCoy, Ranking Member; Billig, Brown, Chase and Litzow.

**Staff:** Jan Odano (786-7486)

**Background:** Polychlorinated biphenyl (PCBs), are man-made chemicals that were manufactured from 1929 until 1979. Because of their chemical stability, low flammability, and electrical insulating properties, PCBs were used in a variety of industrial and commercial applications such as insulating electrical equipment, hydraulic equipment, plasticizers in paints, plastics and rubber products, and in pigments and dyes.

However, their chemical stability also makes PCBs long-lasting in the environment. According to the the United States Environmental Protection Agency, PCBs are a probable human carcinogen and may have serious non-cancer health impacts to the immune, reproductive, nervous, and endocrine systems, as well as other health effects. There are human health and environmental concerns from the accumulation of PCBs in the environment and human exposures.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Although the manufacture, processing, and distribution of PCBs was banned in 1979, the use of PCBs is still allowed under certain circumstances where it is demonstrated that there is no unreasonable risk of injury to health or the environment. Authorized uses include certain totally enclosed electric equipment and natural gas systems. PCBs are also found in consumer products as the result of unintentional contamination during the manufacturing process.

**Summary of Substitute Bill:** The Department of Enterprise Services (DES) must establish a purchasing and procurement policy that provides a preference for products and products in packaging that do not contain PCBs. Unless it is not technically feasible or cost effective, no state agency may purchase products or products in packaging containing PCBs above the practical quantification limit.

DES is not required to test every product purchased. DES may accept from suppliers, individuals, organizations, businesses, and manufacturers accredited laboratory or testing facility results documenting product or product packaging PCB levels. In addition, DES may request from suppliers documented product and product packaging PCB information.

Practical quantification limit is defined to mean the lowest concentration that can be reliably measured within specified precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: PCBs are toxins and are hazardous to human health. PCBs have received more attention because of fish consumption rates, which is a complex problem. PCB levels are a primary force that has proven to be quite difficult in trying to solve the fish consumption rate problem. PCBs are a significant health risk to fish-consuming populations. The federal government says PCBs have been banned, yet PCBs are still allowed in many products which release PCBs into our waterways. The amount of PCBs allowed in certain products greatly exceeds the water quality pipe standards. The future of jobs and businesses depend on environmental stewardship. Recycling paper waste has introduced PCBs from inks and pigments into the effluent. The amounts of PCBs in inks and pigments are allowed under EPA standards. Cleanup of toxic hotspots has done a lot to eliminate PCBs in the environment. However, PCBs are still coming through widespread sources. This bill will raise awareness that PCBs are not banned and still polluting our waterways. This is a great first step in reducing PCBs, stimulating the demand for PCB-free products, and setting the example for using PCB-free products.

**Persons Testifying:** PRO: Bart Mihailovich, Spokane Riverkeeper, Director; Carol Kraege, WA State Dept. of Ecology; Melissa Gombosky, Inland Empire Paper Company; Barbara Morrissey, WA State Dept. of Health.

**House Amendment(s):** Existing contracts with DES and other state agencies, along with ordered and on-hand stock, are not to be affected.