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HOUSE BILL 1744

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State of Washington

65th Legislature

2017 Regular Session

By Representatives McBride, Macri, Kirby, Kilduff, Fey, Ortiz-Self, and Goodman

Read first time 01/27/17. Referred to Committee on Environment.

1 AN ACT Relating to the use of perfluorinated chemicals in food  
2 packaging; amending RCW 70.95G.010, 70.95G.030, and 70.95G.040; and  
3 adding a new section to chapter 70.95G RCW.

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

5 **Sec. 1.** RCW 70.95G.010 and 1991 c 319 s 107 are each amended to  
6 read as follows:

7 (~~Unless the context clearly requires otherwise,~~) The  
8 definitions in this section apply throughout this chapter unless the  
9 context clearly requires otherwise.

10 (1) "Package" means a container providing a means of marketing,  
11 protecting, or handling a product and shall include a unit package,  
12 an intermediate package, and a shipping container. "Package" also  
13 means and includes unsealed receptacles such as carrying cases,  
14 crates, cups, pails, rigid foil and other trays, wrappers and  
15 wrapping films, bags, and tubs.

16 (2) "Manufacturer" means a person, firm, association,  
17 partnership, government entity, organization, joint venture, or  
18 corporation that applies a package to a product for distribution or  
19 sale.

20 (3) "Packaging component" means an individual assembled part of a  
21 package such as, but not limited to, any interior or exterior

1 blocking, bracing, cushioning, weatherproofing, exterior strapping,  
2 coatings, closures, inks, and labels.

3 (4) "Food package" means a package or packaging component that is  
4 intended for the marketing, protection, or handling of a product  
5 intended for food contact or used to store food and foodstuffs for  
6 sale.

7 (5) "Perfluoroalkyl and polyfluoroalkyl chemicals" or "PFAS  
8 chemicals" means substances that contain multiple carbon-fluorine  
9 bonds, but are not exclusively composed of carbon and fluorine  
10 including, but not limited to, poly- or perfluorinated compounds.

11 NEW SECTION. Sec. 2. A new section is added to chapter 70.95G  
12 RCW to read as follows:

13 Beginning July 1, 2018, no manufacturer, wholesaler, or retailer  
14 may manufacture, knowingly sell, offer for sale, distribute for sale,  
15 or distribute for use in this state food packaging to which PFAS  
16 chemicals have been intentionally added in any amount.

17 **Sec. 3.** RCW 70.95G.030 and 1991 c 319 s 109 are each amended to  
18 read as follows:

19 All packages and packaging components shall be subject to this  
20 chapter except (~~the following:~~

21 ~~(1) Those packages or package components with a code indicating~~  
22 ~~date of manufacture that were manufactured prior to May 21, 1991;~~

23 ~~(2) Those packages or packaging components that have been~~  
24 ~~purchased by, delivered to, or are possessed by a retailer on or~~  
25 ~~before twenty four months following May 21, 1991, to permit~~  
26 ~~opportunity to clear existing inventory of the proscribed packaging~~  
27 ~~material;~~

28 ~~(3))~~ those packages or packaging components to which lead,  
29 cadmium, mercury, PFAS chemicals, or hexavalent chromium have been  
30 added in the manufacturing, forming, printing, or distribution  
31 process in order to comply with health or safety requirements of  
32 federal law or for which there is no feasible alternative(~~;~~~~or~~

33 ~~(4) Those packages and packaging components that would not exceed~~  
34 ~~the maximum contaminant levels set forth in RCW 70.95G.020(1) but for~~  
35 ~~the addition of postconsumer materials; and provided that the~~  
36 ~~exemption for this subsection shall expire six years after May 21,~~  
37 ~~1991)).~~

1       **Sec. 4.** RCW 70.95G.040 and 1991 c 319 s 110 are each amended to  
2 read as follows:

3       (~~By July 1, 1993,~~) A certificate of compliance stating that a  
4 package or packaging component is in compliance with the requirements  
5 of this chapter shall be developed by its manufacturer. For food  
6 packaging, a manufacturer shall develop a compliance certificate by  
7 July 1, 2018. If compliance is achieved under the exemption or  
8 exemptions provided in RCW 70.95G.030 (~~(3) or (4)~~), the certificate  
9 shall state the specific basis upon which the exemption is claimed.  
10 The certificate of compliance shall be signed by an authorized  
11 official of the manufacturing company. The certificate of compliance  
12 shall be kept on file by the manufacturer for as long as the package  
13 or packaging component is in use, and for three years from the date  
14 of the last sale or distribution by the manufacturer. Certificates of  
15 compliance, or copies thereof, shall be furnished to the department  
16 of ecology upon request within sixty days. If manufacturers are  
17 required under any other state statute to provide a certificate of  
18 compliance, one certificate may be developed containing all required  
19 information.

20       If the manufacturer or supplier of the package or packaging  
21 component reformulates or creates a new package or packaging  
22 component, the manufacturer shall develop an amended or new  
23 certificate of compliance for the reformulated or new package or  
24 packaging component.

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