

SSB 5135 - H COMM AMD

By Committee on Environment & Energy

ADOPTED AS AMENDED 04/15/2019

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

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

8 (2) "Department" means the department of ecology.

9 (3) "Director" means the director of the department.

10 (4) "Manufacturer" means any person, firm, association,
11 partnership, corporation, governmental entity, organization, or joint
12 venture that produces a product or is an importer or domestic
13 distributor of a product sold or offered for sale in or into the
14 state.

15 (5) "Organohalogen" means a class of chemicals that includes any
16 chemical containing one or more halogen elements bonded to carbon.

17 (6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS
18 chemicals" means a class of fluorinated organic chemicals containing
19 at least one fully fluorinated carbon atom.

20 (7) "Phenolic compounds" means alkylphenol ethoxylates and
21 bisphenols.

22 (8) "Phthalates" means synthetic chemical esters of phthalic
23 acid.

24 (9) "Polychlorinated biphenyls" or "PCBs" means chemical forms
25 that consist of two benzene rings joined together and containing one
26 to ten chlorine atoms attached to the benzene rings.

27 (10) "Priority chemical" means a chemical or chemical class used
28 as, used in, or put in a consumer product including:

29 (a) Perfluoroalkyl and polyfluoroalkyl substances;

30 (b) Phthalates;

31 (c) Organohalogen flame retardants;

1 (d) Flame retardants, as identified by the department under
2 chapter 70.240 RCW;

3 (e) Phenolic compounds;

4 (f) Polychlorinated biphenyls; or

5 (g) A chemical identified by the department as a priority
6 chemical under section 2 of this act.

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

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

15 (a) Men and women of childbearing age;

16 (b) Infants and children;

17 (c) Pregnant women;

18 (d) Communities that are highly impacted by toxic chemicals;

19 (e) Persons with occupational exposure; and

20 (f) The elderly.

21 (13) "Sensitive species" means a species or grouping of animals
22 that is identified by the department that may be or is
23 disproportionately or more severely affected by priority chemicals,
24 such as:

25 (a) Southern resident killer whales;

26 (b) Salmon; and

27 (c) Forage fish.

28 NEW SECTION. **Sec. 2.** Every five years, and consistent with the
29 timeline established in section 5 of this act, the department, in
30 consultation with the department of health, must report to the
31 appropriate committees of the legislature its decision to designate
32 at least five priority chemicals that meet at least one of the
33 following:

34 (1) The chemical or a member of a class of chemicals are
35 identified by the department as a:

36 (a) High priority chemical of high concern for children under
37 chapter 70.240 RCW; or

38 (b) Persistent, bioaccumulative toxin under chapter 70.105 RCW;

1 (2) The chemical or members of a class of chemicals are
2 regulated:

3 (a) In consumer products under chapter 70.240, 70.76, 70.95G,
4 70.280, 70.285, 70.95M, or 70.75A RCW; or

5 (b) As a hazardous substance under chapter 70.105 or 70.105D RCW;
6 or

7 (3) The department determines the chemical or members of a class
8 of chemicals are a concern for sensitive populations and sensitive
9 species after considering the following factors:

10 (a) A chemical's or members of a class of chemicals' hazard
11 traits or environmental or toxicological endpoints;

12 (b) A chemical's or members of a class of chemicals' aggregate
13 effects;

14 (c) A chemical's or members of a class of chemicals' cumulative
15 effects with other chemicals with the same or similar hazard traits
16 or environmental or toxicological endpoints;

17 (d) A chemical's or members of a class of chemicals'
18 environmental fate;

19 (e) The potential for a chemical or members of a class of
20 chemicals to degrade, form reaction products, or metabolize into
21 another chemical or a chemical that exhibits one or more hazard
22 traits or environmental or toxicological endpoints, or both;

23 (f) The potential for the chemical or class of chemicals to
24 contribute to or cause adverse health or environmental impacts;

25 (g) The chemical's or class of chemicals' potential impact on
26 sensitive populations, sensitive species, or environmentally
27 sensitive habitats;

28 (h) Potential exposures to the chemical or members of a class of
29 chemicals based on:

30 (i) Reliable information regarding potential exposures to the
31 chemical or members of a class of chemicals; and

32 (ii) Reliable information demonstrating occurrence, or potential
33 occurrence, of multiple exposures to the chemical or members of a
34 class of chemicals.

35 NEW SECTION. **Sec. 3.** (1) Every five years, and consistent with
36 the timeline established in section 5 of this act, the department, in
37 consultation with the department of health, shall identify priority
38 consumer products that are a significant source of or use of priority
39 chemicals. The department must submit a report to the appropriate

1 committees of the legislature at the time that it identifies a
2 priority consumer product.

3 (2) When identifying priority consumer products under this
4 section, the department must consider, at a minimum, the following
5 criteria:

6 (a) The estimated volume of a priority chemical or priority
7 chemicals added to, used in, or present in the consumer product;

8 (b) The estimated volume or number of units of the consumer
9 product sold or present in the state;

10 (c) The potential for exposure to priority chemicals by sensitive
11 populations or sensitive species when the consumer product is used,
12 disposed of, or has decomposed;

13 (d) The potential for priority chemicals to be found in the
14 outdoor environment, with priority given to surface water,
15 groundwater, marine waters, sediments, and other ecologically
16 sensitive areas, when the consumer product is used, disposed of, or
17 has decomposed;

18 (e) If another state or nation has identified or taken regulatory
19 action to restrict or otherwise regulate the priority chemical in the
20 consumer product;

21 (f) The availability and feasibility of safer alternatives; and

22 (g) Whether the department has already identified the consumer
23 product in a chemical action plan completed under chapter 70.105 RCW
24 as a source of a priority chemical or other reports or information
25 gathered under chapter 70.240, 70.76, 70.95G, 70.280, 70.285, 70.95M,
26 or 70.75A RCW.

27 (3) The department is not required to give equal weight to each
28 of the criteria in subsection (2)(a) through (g) of this section when
29 identifying priority consumer products that use or are a significant
30 source of priority chemicals.

31 (4) To assist with identifying priority consumer products under
32 this section and making determinations as authorized under section 4
33 of this act, the department may request a manufacturer to submit a
34 notice to the department that contains the information specified in
35 RCW 70.240.040 (1) through (6) or other information relevant to
36 subsection (2)(a) through (d) of this section. The manufacturer must
37 provide the notice to the department no later than six months after
38 receipt of such a demand by the department.

1 (5) (a) Except as provided in (b) of this subsection, the
2 department may not identify the following as priority consumer
3 products under this section:

4 (i) Food or beverages;

5 (ii) Tobacco products;

6 (iii) Drug or biological products regulated by the United States
7 food and drug administration;

8 (iv) Finished products certified or regulated by the federal
9 aviation administration or the department of defense, or both, when
10 used in a manner that was certified or regulated by such agencies,
11 including parts, materials, and processes when used to manufacture or
12 maintain such regulated or certified finished products;

13 (v) Motorized vehicles, including on and off-highway vehicles,
14 such as all-terrain vehicles, motorcycles, side-by-side vehicles,
15 farm equipment, and personal assistive mobility devices; and

16 (vi) Chemical products used to produce an agricultural commodity,
17 as defined in RCW 17.21.020.

18 (b) The department may identify the packaging of products listed
19 in (a) of this subsection as priority consumer products.

20 NEW SECTION. **Sec. 4.** (1) Every five years, and consistent with
21 the timeline established in section 5 of this act, the department, in
22 consultation with the department of health, must determine regulatory
23 actions to increase transparency and to reduce the use of priority
24 chemicals in priority consumer products. The department must submit a
25 report to the appropriate committees of the legislature at the time
26 that it determines regulatory actions. The department may:

27 (a) Determine that no regulatory action is currently required;

28 (b) Require a manufacturer to provide notice of the use of a
29 priority chemical or class of priority chemicals consistent with RCW
30 70.240.040; or

31 (c) Restrict or prohibit the manufacture, wholesale,
32 distribution, sale, retail sale, or use, or any combination thereof,
33 of a priority chemical or class of priority chemicals in a consumer
34 product.

35 (2) (a) The department may order a manufacturer to submit
36 information consistent with section 3(4) of this act.

37 (b) The department may require a manufacturer to provide:

38 (i) A list of products containing priority chemicals;

39 (ii) Product ingredients;

1 (iii) Information regarding exposure and chemical hazard; and
2 (iv) A description of the amount and the function of the high
3 priority chemical in the product.

4 (3) The department may restrict or prohibit a priority chemical
5 or members of a class of priority chemicals in a priority consumer
6 product when it determines:

7 (a) Safer alternatives are feasible and available; and

8 (b) (i) The priority chemical or members of a class of priority
9 chemicals is not functionally necessary in the priority consumer
10 product;

11 (ii) Another state or nation has restricted the priority chemical
12 or members of a class of priority chemicals in a product;

13 (iii) The restriction will reduce a significant source of or use
14 of a priority chemical; or

15 (iv) The restriction is necessary to protect the health of
16 sensitive populations or sensitive species.

17 (4) A restriction or prohibition on a priority chemical in a
18 consumer product may include exemptions or exceptions, including
19 exemptions to address existing stock of a product in commerce at the
20 time that a restriction takes effect.

21 NEW SECTION. **Sec. 5.** (1)(a) By June 1, 2020, and consistent
22 with section 3 of this act, the department shall identify priority
23 consumer products that are a significant source of or use of priority
24 chemicals specified in section 1(10) (a) through (f) of this act.

25 (b) By June 1, 2022, and consistent with section 4 of this act,
26 the department must determine regulatory actions regarding the
27 priority chemicals and priority consumer products identified in (a)
28 of this subsection.

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

31 (2)(a) By June 1, 2024, and every five years thereafter, the
32 department shall select at least five priority chemicals specified in
33 section 1(10) (a) through (g) of this act that are identified
34 consistent with section 2 of this act.

35 (b) By June 1, 2025, and every five years thereafter, the
36 department must identify priority consumer products that contain any
37 new priority chemicals after notifying the appropriate committees of
38 the legislature, consistent with section 3 of this act.

1 (c) By June 1, 2027, and every five years thereafter, the
2 department must determine regulatory actions for any priority
3 chemicals in priority consumer products identified under (b) of this
4 subsection, consistent with section 4 of this act.

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

8 (3) (a) The designation of priority chemicals by the department
9 does not take effect until the adjournment of the regular legislative
10 session immediately following the identification of chemicals, in
11 order to allow an opportunity for the legislature to add to, limit,
12 or otherwise amend the list of priority chemicals to be considered by
13 the department.

14 (b) The designation of priority consumer products by the
15 department does not take effect until the adjournment of the regular
16 legislative session immediately following the identification of
17 priority consumer products, in order to allow an opportunity for the
18 legislature to add to, limit, or otherwise amend the list of priority
19 consumer products to be considered by the department.

20 (c) The determination of regulatory actions by the department
21 does not take effect until the adjournment of the regular legislative
22 session immediately following the determination by the department, in
23 order to allow an opportunity for the legislature to add to, limit,
24 or otherwise amend the regulatory determinations by the department.

25 (d) Nothing in this subsection (3) limits the authority of the
26 department to:

27 (i) Begin to identify priority consumer products for a priority
28 chemical prior to the effective date of the designation of a priority
29 chemical;

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

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

34 (4) (a) When identifying priority chemicals and priority consumer
35 products under this chapter, the department must notify the public of
36 the selection, including the identification of the peer-reviewed
37 science and other sources of information that the department relied
38 upon, the basis for the selection, and a draft schedule for making
39 determinations. The notice must be published in the Washington State

1 Register. The department shall provide the public with an opportunity
2 for review and comment on the regulatory determinations.

3 (b) (i) By June 1, 2020, the department must create a stakeholder
4 advisory process to provide expertise, input, and a review of the
5 department's rationale for identifying priority chemicals and
6 priority consumer products and proposed regulatory determinations.
7 The input received from a stakeholder process must be considered and
8 addressed when adopting rules.

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

14 NEW SECTION. **Sec. 6.** (1) A manufacturer that submits
15 information or records to the department under this chapter may
16 request that the information or records be made available only for
17 the confidential use of the department, the director, or the
18 appropriate division of the department. The director shall give
19 consideration to the request and if this action is not detrimental to
20 the public interest and is otherwise within accord with the policies
21 and purposes of chapter 43.21A RCW, the director must grant the
22 request for the information to remain confidential as authorized in
23 RCW 43.21A.160. Under the procedures established under RCW
24 43.21A.160, the director must keep confidential any records furnished
25 by a manufacturer under this chapter that relate to proprietary
26 manufacturing processes or chemical formulations used in products or
27 processes.

28 (2) For records or other information furnished to the department
29 by a federal agency on the condition that the information be afforded
30 the same confidentiality protections as under federal law, the
31 director may determine that the information or records be available
32 only for the confidential use of the director, the department, or the
33 appropriate division of the department. All such records and
34 information are exempt from public disclosure. The director is
35 authorized to enter into an agreement with the federal agency
36 furnishing the records or information to ensure the confidentiality
37 of the records or information.

1 NEW SECTION. **Sec. 7.** (1) A manufacturer violating a requirement
2 of this chapter, a rule adopted under this chapter, or an order
3 issued under this chapter, is subject to a civil penalty not to
4 exceed five thousand dollars for each violation in the case of a
5 first offense. Manufacturers who are repeat violators are subject to
6 a civil penalty not to exceed ten thousand dollars for each repeat
7 offense.

8 (2) Any penalty provided for in this section, and any order
9 issued by the department under this chapter, may be appealed to the
10 pollution control hearings board.

11 (3) All penalties collected under this chapter shall be deposited
12 in the state toxics control account created in RCW 70.105D.070.

13 NEW SECTION. **Sec. 8.** (1) The department may adopt rules as
14 necessary for the purpose of implementing, administering, and
15 enforcing this chapter.

16 (2) (a) The department must adopt rules to implement the
17 determinations of regulatory actions specified in section 4(1) (b) or
18 (c) of this act. When proposing or adopting rules to implement
19 regulatory determinations specified in this subsection, the
20 department must identify the expected costs and benefits of the
21 proposed or adopted rules to state agencies to administer and enforce
22 the rules and to private persons or businesses, by category of type
23 of person or business affected.

24 (b) A rule adopted to implement a regulatory determination
25 involving a restriction on the manufacture, wholesale, distribution,
26 sale, retail sale, or use of a priority consumer product containing a
27 priority chemical may take effect no sooner than three hundred sixty-
28 five days after the adoption of the rule.

29 (c) The department must prepare a small business economic impact
30 statement consistent with the requirements of RCW 19.85.040 for each
31 rule to implement a determination of a regulatory action specified in
32 section 4(1) (b) or (c) of this act.

33 **Sec. 9.** RCW 70.240.040 and 2008 c 288 s 5 are each amended to
34 read as follows:

35 (~~Beginning six months after the department has adopted rules~~
36 ~~under section 8(5) of this act,~~) A manufacturer of a children's
37 product or a consumer product containing a priority chemical subject
38 to a rule adopted to implement a determination made consistent with

1 section 4(1)(b) of this act, or a trade organization on behalf of its
2 member manufacturers, shall provide notice to the department that the
3 manufacturer's product contains a high priority chemical or a
4 priority chemical identified under chapter 70.--- RCW (the new
5 chapter created in section 13 of this act). The notice must be filed
6 annually with the department and must include the following
7 information:

8 (1) The name of the chemical used or produced and its chemical
9 abstracts service registry number;

10 (2) A brief description of the product or product component
11 containing the substance;

12 (3) A description of the function of the chemical in the product;

13 (4) The amount of the chemical used in each unit of the product
14 or product component. The amount may be reported in ranges, rather
15 than the exact amount;

16 (5) The name and address of the manufacturer and the name,
17 address, and phone number of a contact person for the manufacturer;
18 and

19 (6) Any other information the manufacturer deems relevant to the
20 appropriate use of the product.

21 **Sec. 10.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to
22 read as follows:

23 (1) The hearings board shall only have jurisdiction to hear and
24 decide appeals from the following decisions of the department, the
25 director, local conservation districts, the air pollution control
26 boards or authorities as established pursuant to chapter 70.94 RCW,
27 local health departments, the department of natural resources, the
28 department of fish and wildlife, the parks and recreation commission,
29 and authorized public entities described in chapter 79.100 RCW:

30 (a) Civil penalties imposed pursuant to RCW 18.104.155,
31 70.94.431, 70.105.080, 70.107.050, section 7 of this act, 76.09.170,
32 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,
33 90.56.310, 90.56.330, and 90.64.102.

34 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
35 43.27A.190, 70.94.211, 70.94.332, 70.105.095, section 7 of this act,
36 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

37 (c) Except as provided in RCW 90.03.210(2), the issuance,
38 modification, or termination of any permit, certificate, or license
39 by the department or any air authority in the exercise of its

1 jurisdiction, including the issuance or termination of a waste
2 disposal permit, the denial of an application for a waste disposal
3 permit, the modification of the conditions or the terms of a waste
4 disposal permit, or a decision to approve or deny an application for
5 a solid waste permit exemption under RCW 70.95.300.

6 (d) Decisions of local health departments regarding the grant or
7 denial of solid waste permits pursuant to chapter 70.95 RCW.

8 (e) Decisions of local health departments regarding the issuance
9 and enforcement of permits to use or dispose of biosolids under RCW
10 70.95J.080.

11 (f) Decisions of the department regarding waste-derived
12 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
13 decisions of the department regarding waste-derived soil amendments
14 under RCW 70.95.205.

15 (g) Decisions of local conservation districts related to the
16 denial of approval or denial of certification of a dairy nutrient
17 management plan; conditions contained in a plan; application of any
18 dairy nutrient management practices, standards, methods, and
19 technologies to a particular dairy farm; and failure to adhere to the
20 plan review and approval timelines in RCW 90.64.026.

21 (h) Any other decision by the department or an air authority
22 which pursuant to law must be decided as an adjudicative proceeding
23 under chapter 34.05 RCW.

24 (i) Decisions of the department of natural resources, the
25 department of fish and wildlife, and the department that are
26 reviewable under chapter 76.09 RCW, and the department of natural
27 resources' appeals of county, city, or town objections under RCW
28 76.09.050(7).

29 (j) Forest health hazard orders issued by the commissioner of
30 public lands under RCW 76.06.180.

31 (k) Decisions of the department of fish and wildlife to issue,
32 deny, condition, or modify a hydraulic project approval permit under
33 chapter 77.55 RCW.

34 (l) Decisions of the department of natural resources that are
35 reviewable under RCW 78.44.270.

36 (m) Decisions of an authorized public entity under RCW 79.100.010
37 to take temporary possession or custody of a vessel or to contest the
38 amount of reimbursement owed that are reviewable by the hearings
39 board under RCW 79.100.120.

1 (2) The following hearings shall not be conducted by the hearings
2 board:

3 (a) Hearings required by law to be conducted by the shorelines
4 hearings board pursuant to chapter 90.58 RCW.

5 (b) Hearings conducted by the department pursuant to RCW
6 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
7 90.44.180.

8 (c) Appeals of decisions by the department under RCW 90.03.110
9 and 90.44.220.

10 (d) Hearings conducted by the department to adopt, modify, or
11 repeal rules.

12 (3) Review of rules and regulations adopted by the hearings board
13 shall be subject to review in accordance with the provisions of the
14 administrative procedure act, chapter 34.05 RCW.

15 **Sec. 11.** RCW 34.05.272 and 2014 c 22 s 1 are each amended to
16 read as follows:

17 (1) This section applies only to the water quality and shorelands
18 and environmental assistance programs within the department of
19 ecology and to actions taken by the department of ecology under
20 chapter 70.--- RCW (the new chapter created in section 13 of this
21 act).

22 (2)(a) Before taking a significant agency action, the department
23 of ecology must identify the sources of information reviewed and
24 relied upon by the agency in the course of preparing to take
25 significant agency action. Peer-reviewed literature, if applicable,
26 must be identified, as well as any scientific literature or other
27 sources of information used. The department of ecology shall make
28 available on the agency's web site the index of records required
29 under RCW 42.56.070 that are relied upon, or invoked, in support of a
30 proposal for significant agency action.

31 (b) On the agency's web site, the department of ecology must
32 identify and categorize each source of information that is relied
33 upon in the form of a bibliography, citation list, or similar list of
34 sources. The categories in (c) of this subsection do not imply or
35 infer any hierarchy or level of quality.

36 (c) The bibliography, citation list, or similar list of sources
37 must categorize the sources of information as belonging to one or
38 more of the following categories:

1 (i) Independent peer review: Review is overseen by an independent
2 third party;

3 (ii) Internal peer review: Review by staff internal to the
4 department of ecology;

5 (iii) External peer review: Review by persons that are external
6 to and selected by the department of ecology;

7 (iv) Open review: Documented open public review process that is
8 not limited to invited organizations or individuals;

9 (v) Legal and policy document: Documents related to the legal
10 framework for the significant agency action including but not limited
11 to:

12 (A) Federal and state statutes;

13 (B) Court and hearings board decisions;

14 (C) Federal and state administrative rules and regulations; and

15 (D) Policy and regulatory documents adopted by local governments;

16 (vi) Data from primary research, monitoring activities, or other
17 sources, but that has not been incorporated as part of documents
18 reviewed under the processes described in (c)(i), (ii), (iii), and
19 (iv) of this subsection;

20 (vii) Records of the best professional judgment of department of
21 ecology employees or other individuals; or

22 (viii) Other: Sources of information that do not fit into one of
23 the categories identified in this subsection (~~(1)~~) (2)(c).

24 (3) For the purposes of this section, "significant agency action"
25 means an act of the department of ecology that:

26 (a) Results in the development of a significant legislative rule
27 as defined in RCW 34.05.328; or

28 (b) Results in the development of technical guidance, technical
29 assessments, or technical documents that are used to directly support
30 implementation of a state rule or state statute.

31 (4) This section is not intended to affect agency action
32 regarding individual permitting, compliance and enforcement
33 decisions, or guidance provided by an agency to a local government on
34 a case-by-case basis.

35 NEW SECTION. **Sec. 12.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the
37 remainder of the act or the application of the provision to other
38 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 13.** Sections 1 through 8 and 14 of this act
2 constitute a new chapter in Title 70 RCW.

3 NEW SECTION. **Sec. 14.** This act may be known and cited as the
4 pollution prevention for healthy people and Puget Sound act."

5 Correct the title.

EFFECT: (1) Requires the Department of Ecology to cite, publish, and categorize the sources of information that it relied upon, including peer-reviewed science, in the course of taking significant new agency action under the new authority established by the bill, in a manner consistent with the existing requirements for significant agency action taken by the Department of Ecology's water quality and shorelands and environmental assistance programs.

(2) Requires the Department of Ecology to report to the legislature whenever designating priority chemicals, priority consumer products, or making regulatory determinations.

(3) Delays the effective date of the designation of priority chemicals, priority consumer products, and regulatory determinations until the end of the regular legislative session immediately following that action by the Department of Ecology.

(4) Delays the effective date of rules adopted by the Department of Ecology to implement determinations of regulatory actions to restrict the manufacture, sale, or use of a chemical in a product until 365 days after the adoption of the rules.

(5) Requires the Department of Ecology to form a stakeholder process to provide expertise, input, and a review of the activities related to priority chemicals in priority consumer products.

(6) Requires the Department of Ecology to determine if safer alternatives are feasible and available, in addition to meeting one of four other criteria, in order for the Department to make a regulatory determination to restrict priority chemicals in priority consumer products.

(7) Requires the Department of Ecology to identify expected costs and benefits to government agencies and to private persons or businesses when adopting rules to implement regulatory determinations regarding priority chemicals in priority consumer products.

(8) Requires the Department of Ecology to prepare a small business economic impact statement consistent with the Regulatory Fairness Act for each rule to implement a regulatory determination that requires a manufacturer to provide notice of the use of priority chemicals or that restricts or prohibits the manufacture, sale, or use of a priority chemical in a priority consumer product.

--- END ---