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**HOUSE BILL 1213**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Ybarra, Fitzgibbon, Ramel, Doglio, and Macri

AN ACT Relating to compliance with labeling requirements for wipes; amending RCW 70A.525.901 and 70A.525.020; and declaring an emergency.

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

**Sec.**  RCW 70A.525.901 and 2020 c 121 s 9 are each amended to read as follows:

((~~For~~)) (1) If a covered product required to be registered by the United States environmental protection agency under the federal insecticide, fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq. (1996))((~~, chapter 121, Laws of 2020 applies beginning July 1, 2023~~)) or the department of agriculture under RCW 15.58.050, the covered entity for the covered product must, to the extent permitted under the federal insecticide, fungicide, and rodenticide act, submit a label compliant with the labeling requirements of RCW 70A.525.020 by July 1, 2023, to the United States environmental protection agency. Upon approval of the label by the United States environmental protection agency, the covered entity must submit a label to the department of agriculture for approval consistent with the requirements of chapter 15.58 RCW. Except as provided in subsections (2) and (3) of this section, covered products manufactured by a covered entity must comply with the requirements of RCW 70A.525.020, beginning with whichever covered products are manufactured later:

(a) Covered products manufactured on or after a date 24 months after a covered entity receives label approval from the United States environmental protection agency; or

(b) Covered products manufactured on or after July 1, 2026.

(2) If the United States environmental protection agency or the department of agriculture do not approve a product label that otherwise complies with the labeling requirements of RCW 70A.525.020, the covered entity must use a label that meets as many of the requirements of RCW 70A.525.020 as the department and the United States environmental protection agency have approved.

(3)(a) A covered entity may include on a covered product words or phrases in addition to those required under this chapter if the words or phrases are necessary for a label to obtain approval from the United States environmental protection agency or the department of agriculture.

(b) A covered entity that has not yet received approval of a label for a covered product from the department of agriculture 24 months after approval of the label by the United States environmental protection agency is in compliance with the requirements of this chapter if the covered entity, upon request, provides evidence of the timely submission of the label to the department of agriculture under subsection (1) of this section.

**Sec.**  RCW 70A.525.020 and 2020 c 121 s 3 are each amended to read as follows:

(1) A covered entity must clearly and conspicuously label a package containing a covered product as "do not flush" as follows:

((~~(1)~~)) (a) Use the "do not flush" symbol, or a gender equivalent thereof, described in the INDA/EDANA code of practice 2 (COP2, as published in "Guidelines for Assessing the Flushability of Disposable Nonwoven Products," Edition 4, May 2018, by INDA/EDANA);

((~~(2)~~)) (b) Place the symbol on the principal display panel in a prominent and reasonably visible location on the package which, in the case of packaging intended to dispense individual wipes, is permanently affixed in a location that is visible to a person each time a wipe is dispensed from the package;

((~~(3)~~)) (c) Size the symbol to cover at least two percent of the surface area of the principal display panel on which the symbol is presented;

((~~(4)~~)) (d) Ensure the symbol is not obscured by packaging seams, folds, or other package design elements;

((~~(5)~~)) (e) Ensure the symbol has sufficiently high contrast with the immediate background of the packaging to render it likely to be read by the ordinary individual under customary conditions of purchase and use. In the case of a printed symbol, "high contrast" is defined as follows:

((~~(a)~~)) (i) Provided with either a light symbol on a dark background or a dark symbol on a light background; and

((~~(b)~~)) (ii) A minimum level or percentage of contrast between the symbol artwork and the background of at least ((~~seventy~~)) 70 percent. Contrast in percent is determined by:

((~~(i)~~)) (A) Contrast = (B1 - B2) x 100 / B1; and

((~~(ii)~~)) (B) Where B1 = light reflectance value of the lighter area and B2 = light reflectance value of the darker area; and

((~~(6)~~)) (2) Beginning January 1, 2023, no package ((~~or box~~)) containing a covered product manufactured on or before July 1, 2022, may be offered for distribution or sale in the state unless the covered product is labeled consistent with the requirements of subsection (1) of this section.

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

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**