

HOUSE BILL REPORT

SSB 5931

As Reported by House Committee On:
Environment & Energy

Title: An act relating to addressing 6PPD in motorized vehicle tires through safer products for Washington.

Brief Description: Addressing 6PPD in motorized vehicle tires through safer products for Washington.

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Salomon, Kauffman, Billig, Frame, Lovelett, Pedersen, Shewmake and Wellman).

Brief History:

Committee Activity:

Environment & Energy: 2/14/24, 2/15/24 [DPA].

Brief Summary of Substitute Bill
(As Amended by Committee)

- Designates, under the Department of Ecology's Safer Products for Washington program, the chemical 6PPD as a priority chemical for purposes of motor vehicle tires, and 6PPD in motor vehicle tires as a priority consumer product.
- Directs the Department of Ecology to determine regulatory actions for motor vehicle tires that contain 6PPD and adopt rules to implement those regulatory determinations.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Doglio, Chair; Mena, Vice Chair; Berry, Duerr, Fey, Lekanoff, Ramel, Slatter and Street.

Minority Report: Do not pass. Signed by 4 members: Representatives Dye, Ranking

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

Minority Member; Ybarra, Assistant Ranking Minority Member; Barnard and Goehner.

Minority Report: Without recommendation. Signed by 2 members: Representatives Abbarno and Sandlin.

Staff: Jacob Lipson (786-7196).

Background:

Safer Products for Washington.

In 2019 legislation creating the Safer Products for Washington program was enacted, establishing an administrative process for the regulation by the Department of Ecology (Ecology) of priority chemicals in priority consumer products, in consultation with the Department of Health. Under the Safer Products for Washington regulatory process, certain chemicals were defined as priority chemicals in statute, including perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals, polychlorinated biphenyls or PCBs, phenolic compounds, phthalates, and organohalogen flame retardants, and other flame retardants identified under the Children's Safe Products Act. Ecology is also authorized to designate additional chemicals as priority chemicals every five years beginning June 1, 2024, if the chemicals meet qualifying criteria, consistent with a schedule established in the 2019 law.

Under the schedule for Ecology's regulatory activities to implement Safer Products for Washington, Ecology must also:

- identify priority consumer products that include priority chemicals, taking into consideration specified criteria by June 1 of the year following the designation of priority chemicals;
- determine regulatory actions for the priority chemicals in priority consumer products by June 1 two years following the designation of priority consumer products, such as:
 - a determination that no action is needed;
 - requiring manufacturers to provide notice of the use of a chemical; or
 - restricting or prohibiting the manufacture, distribution, sale, or use of a priority chemical in a consumer product; and
- adopt rules to implement regulatory determinations, by June 1 of the year following a determination of regulatory actions.

Certain types of products may not be identified by Ecology as priority consumer products under Safer Products for Washington, including food and beverages, products regulated by the Federal Aviation Administration or Department of Defense, and motorized vehicles.

Ecology must submit a report to the appropriate committees of the Legislature when identifying priority chemicals, identifying priority consumer products, or determining regulatory actions. Identification of priority chemicals, identification of priority consumer

products, and regulatory determinations by Ecology do not take effect until the adjournment of the regular legislative session immediately following the Ecology action.

Ecology was required to make regulatory determinations for the initial round of statutorily designated priority chemicals and their associated priority consumer products by June 1, 2022, and must adopt rules to implement those regulatory determinations by June 1, 2023. In June 2022 Ecology submitted a regulatory determination report to the Legislature.

6PPD and 6PPD Quinone.

6PPD is used as an antioxidant, antiozonant, and polymer stabilizer for rubber products. Many vehicle tires contain 6PPD to prevent them from breaking down due to reactions with ozone and other compounds. When 6PPD reacts with ozone in the air, it forms 6PPD-quinone (6PPD-q). As tires wear down through contact with roads, 6PPD-q is released. Stormwater can transport 6PPD-q from roads into streams and other water bodies, which may expose aquatic organisms to the particles. Recent scientific literature and studies link Coho salmon mortality to 6PPD-q in stormwater runoff following exposure.

Summary of Amended Bill:

6PPD is designated as a priority chemical for the purposes of motor vehicle tires under the Safer Products for Washington regulatory process. This statutory designation does not affect the authority of the Department of Ecology to identify 6PPD as a priority chemical under the Safer Products for Washington regulatory process. For purposes of the Safer Products for Washington regulatory process, a motorized vehicle tire containing 6PPD that is equipped on or intended to be installed as a replacement tire on a motorized vehicle for on-highway use is a priority consumer product. Motorized vehicles are defined, for purposes of 6PPD, as vehicles intended for on-highway or off-highway use, and do not include the tires equipped on the vehicle or replacement tires sold separately.

The Department of Ecology (Ecology) must determine regulatory actions and adopt rules to implement those regulatory determinations under the Safer Products for Washington process. In determining regulatory actions, Ecology must specifically consider the effect of regulatory actions on driver and passenger safety.

Amended Bill Compared to Substitute Bill:

Compared to the substitute bill, the amended bill specifies that the designation of 6PPD as a priority chemical is only for purposes of motorized vehicles as a priority consumer product and specifies that the definition of motorized vehicles applies only for purposes of 6PPD.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington is spending billions of dollars in culvert remediation and other salmon recovery efforts, but fish are threatened by stormwater runoff containing tire particles that are toxic to them. Tire safety must be considered in the evaluation of alternatives, but once safer alternatives are available, toxic tire chemicals should be replaced. The Department of Ecology has already proposed to designate 6PPD as a priority chemical under Safer Products for Washington, but this bill would expand the authority to address tires on new vehicles too. A significant number of new tires are sold each year in Washington, and it is important to be able to regulate the chemicals in new vehicle tires. 6PPD is an issue of high importance to the Puget Sound salmon recovery plan. University of Washington and Washington State University researchers only recently pinpointed these chemicals as being problematic for salmon and other aquatic organisms. Source control is the least costly way to address the environmental impacts. The Safer Products for Washington process provides a fair framework to evaluate the tradeoffs with different potential chemical alternatives. Automobiles were originally exempted from Safer Products for Washington in recognition of the complexity of federal regulation of automobiles.

(Opposed) Federal standards for automobile manufacturers are extensive, and justify the exemption from Safer Products for Washington. The original version of this bill did not address tires in new motor vehicles, which should remain outside of the Safer Products for Washington process. California is nearly finished with its own analysis of alternatives to 6PPD, and will likely conclude that no safer alternatives exist. Any expansion of Safer Products for Washington should stop with tires, and should not include other automobile parts. The Safer Products for Washington process could use some improvements, but also offers important protections and balance. Efforts to address stormwater projects do not account for chemicals leaching from ships transiting in state waters. There should be an audit of the state's actions to address this chemical and improve environmental conditions for fish.

(Other) Tire manufacturers are trying to move forward with good science to help develop manufacturing processes with the desired environmental outcomes. The alternative assessment process must precede any regulatory activity. Washington's Safer Products for Washington process is similar to a California program that is evaluating 6PPD.

Persons Testifying: (In support) Senator Jesse Salomon, prime sponsor; Michael Peñuelas, Puget Soundkeeper Alliance; Kimberly Goetz, Department of Ecology; Don Gourlie, Puget

Sound Partnership; and Nick Federici, Toxic Free Future.

(Opposed) Cory Shaw, Washington Aggregates and Concrete Association; Peter Godlewski, Association of Washington Business; Brandon Houskeeper, Alliance for Automotive Innovation; and John Worthington.

(Other) Bill Stauffacher, United States Tire Manufacturers Association.

Persons Signed In To Testify But Not Testifying: None.