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**HOUSE BILL 1107**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Representative Mena

AN ACT Relating to environmental impacts of fashion; amending RCW 70A.430.060; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the fashion industry has many negative environmental impacts, including high levels of water use, runoff pollution from the use of agrochemicals and dyes, carbon emissions, industry waste, and hazardous work environments.

(2) The United Nations estimates that a single pair of jeans requires a kilogram of cotton, and because cotton tends to be grown in dry environments, producing this kilogram requires about 7,500 to 10,000 liters of water, which is approximately 10 years' worth of drinking water for one person. The industry accounts for nearly 20 percent of global wastewater, with fabric dyes polluting water bodies and impacting aquatic life and drinking water. Cotton production also uses a high amount of fertilizers and pesticides, discharging toxic substances to waterways. In terms of greenhouse gases, the fashion industry accounts for about eight to 10 percent of global carbon emissions, more than both aviation and shipping combined.

(3) The synthetic polymer polyester is the most common fabric used in clothing and, globally, 65 percent of the clothing that we wear is polymer-based. Around 70,000,000 barrels of oil a year are used to make polyester fibers in our clothes, from waterproof jackets to scarves. Polyester takes hundreds of years to decompose and can lead to microfibers escaping into the environment. The United States environmental protection agency estimates that in 2018, 11,300,000 tons of textiles ended up in landfills, while another 3,200,000 tons were incinerated. According to the Ellen MacArthur foundation, the average number of times a piece of clothing is worn decreased by 36 percent between 2000 and 2015, and according to the world bank, 40 percent of clothing purchased in some countries is never used.

(4) The legislature intends for Washington to serve as a leader in mitigating the environmental impact of the fashion industry by requiring disclosure of certain environmental impacts by fashion producers and sellers and by studying and planning for additional measures to reduce fashion's impacts.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals.

(2) "Covered product" means an article of wearing apparel or footwear.

(3) "Department" means the department of ecology.

(4) "Due diligence" means the process companies carry out to identify, prevent, mitigate, and account for how they address actual and potential adverse impacts in their own operations, their supply chain, and other business relationships, in the manner recommended in the organization for economic cooperation and development guidelines for multinational enterprises, the organization for economic cooperation and development due diligence guidance for responsible business conduct, and United Nations guiding principles of business and human rights, as those guidelines and guidance existed as of January 1, 2024.

(5) "Fashion producer" means the following person responsible for compliance with the requirements of this chapter for a covered product sold, offered for sale, or distributed for sale into the state:

(a) If the covered product is sold under the brand of the covered product manufacturer, the producer is the person that manufactures the covered product;

(b) If the covered product is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(c) If there is no person to which (a) or (b) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the covered product is sold, offered for sale, or distributed in or into this state;

(d) If there is no person described in (a) through (c) of this subsection within the United States, the producer is the person who is the importer of record for the covered product into the United States that sells, offers for sale, or distributes the covered product in this state;

(e) If there is no person described in (a) through (d) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the covered product in or into this state.

(6) "Footwear" means any covering worn or intended to be worn on the foot.

(7) "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(8)(a) "Working conditions" means the:

(i) Average number of employees by employment type: Full-time, part-time, and temporary;

(ii) Average hourly wage, including all nondiscretionary wages and bonuses, by hourly wage bands: $15 or below, $15.01-$20, $20.01-$25, $25.01-$30, $30.01-$50, and $50.01 or greater;

(iii) Average total number of employees enrolled in medical plans provided by the employer;

(iv) Average total number of employees enrolled in dental plans provided by the employer;

(v) Average total number of employees enrolled in retirement plans provided by the employer; and

(vi) Total case incident rate for the prior calendar year.

(b) For the purpose of this subsection, "average" means the mean value:

(i) For the two previous years; or

(ii) If the business has been operational for less than two years, since the business has been operational.

NEW SECTION. **Sec.**  (1) Beginning January 1, 2027, each fashion producer must annually disclose the following to the department:

(a) A notice consistent with RCW 70A.430.060 identifying each covered product that contains a high priority chemical identified under RCW 70A.430.040 or a priority chemical identified in RCW 70A.350.010 or that is the subject of a rule adopted under chapter 70A.350;

(b) A description of any terms used in marketing, labels, or public-facing communications by the producer to describe elements of the environmental impact or sustainability of the producer's covered products including, but not limited to, terms such as "sustainable," "green," "low impact," or "environmentally friendly," and how the producer defines or measures such terms;

(c) A description of how each producer sells, gifts, or otherwise disposes of unwanted excess covered products that are not sold to consumers through retail sales, and the volume of such unwanted excess covered products disposed of during the most recent calendar year; and

(d) A description of the producer's current activities, initiatives, or targets related to reducing the fashion producer's environmental impacts.

(2) In addition to the requirements of subsection (1) of this section, beginning January 1, 2027, each fashion producer that has an annual worldwide gross income of the business that exceeds $100,000,000 must disclose the following to the department:

(a) The environmental due diligence policies, processes, and outcomes of the fashion producer, including:

(i) Significant real or potential adverse environmental impacts associated with the fashion producer;

(ii) The contents of any environmental sustainability reports related to the fashion producer's operations;

(iii) Measurements of the amount and type of recycled content in each covered product produced by the manufacturer; and

(iv) Measurements of the greenhouse gas emissions associated with the fashion producer's covered products, including the methodology associated with such measurements; and

(b) The working conditions of the fashion producer and direct suppliers of products for or inputs to the fashion producer.

NEW SECTION. **Sec.**  (1) By October 15, 2026, the department must complete an assessment of policy options for fashion producers to reduce environmental impacts associated with covered products. The assessment must address policy design considerations and best practices for extended producer responsibility requirements applicable to fashion products and for the development of a public-facing platform and other education and outreach strategies to facilitate consumer consideration of the environmental attributes and impacts of covered products, including the information reported under section 3 of this act.

(2) By October 15, 2028, the department must update the assessment in subsection (1) of this section to additionally include an assessment of the best practices for the labeling of environmental attributes associated with covered products. The department must consider the information submitted under section 3 of this act in the identification of best practices for labeling environmental attributes associated with covered products.

(3) No later than 45 days after completion, the assessments required in this section must be submitted, with recommendations, to the appropriate committees of the legislature. The department must solicit input from potentially impacted stakeholders, including fashion producers and overburdened communities and vulnerable populations identified consistent with chapter 70A.02 RCW, prior to the finalization of recommendations to the legislature under this subsection.

(4) In its assessments and recommendations under this section, the department must consider any anticipated public health benefits and economic impacts to vulnerable populations, as defined in RCW 70A.02.010.

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

(b) By rule, the department may adopt a de minimis size of fashion producer that is not required to report the information required in section 3(1) of this act.

(2) A fashion producer that violates a disclosure requirement established in section 3 of this act is subject to a civil penalty not to exceed $5,000 for each violation in the case of a first offense. Repeat violators are subject to a civil penalty not to exceed $10,000 for each repeat offense.

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

(4) All penalties collected under this chapter must be deposited in the community environmental and public health improvement account created in section 6 of this act.

NEW SECTION. **Sec.**  (1) The community environmental and public health improvement account is created in the custody of the state treasurer. All receipts from penalties imposed under section 5 of this act must be deposited into the account. Expenditures from the account may be used only for the purpose of implementing one or more environmental benefit projects that directly and verifiably benefit overburdened communities and vulnerable populations identified by the department in a manner consistent with chapter 70A.02 RCW. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department must consult with the environmental justice council established in RCW 70A.02.110 in making expenditures under this section.

(3) For the purposes of this section, "environmental benefit" has the same meaning as "environmental benefits" defined in RCW 70A.02.010.

**Sec.**  RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and 2024 c 339 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020, 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 70A.565.030, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530, 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020, 70A.565.030, section 5 of this act, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, a decision to approve or deny a solid waste management plan under RCW 70A.205.055, approval or denial of an application for a beneficial use determination under RCW 70A.205.260, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.

(d) Decisions of local health departments regarding the granting or denial of solid waste permits pursuant to chapter 70A.205 RCW, including appeals by the department as provided in RCW 70A.205.130.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.

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

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

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

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

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

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

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

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

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW, except where appeals to the pollution control hearings board and appeals to the shorelines hearings board have been consolidated pursuant to RCW 43.21B.340.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

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

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

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

**Sec.**  RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110, 70A.555.110, 70A.560.020, 70A.565.030, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) 30 days after receipt of the notice imposing the penalty;

(b) 30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) 30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except the following:

(a) Penalties imposed pursuant to RCW 18.104.155 must be credited to the reclamation account as provided in RCW 18.104.155(7);

(b) Penalties imposed pursuant to RCW 70A.15.3160 must be disposed of pursuant to RCW 70A.15.3160;

(c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090, 70A.430.070, 70A.555.110, ((~~and~~)) 70A.560.020, and 70A.565.030 must be credited to the model toxics control operating account created in RCW 70A.305.180;

(d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050 must be credited to the recycling enhancement account created in RCW 70A.245.100;

(e) Penalties imposed pursuant to RCW 70A.500.260 must be deposited into the electronic products recycling account created in RCW 70A.500.130;

(f) Penalties imposed pursuant to RCW 70A.65.200 must be credited to the climate investment account created in RCW 70A.65.250;

(g) Penalties imposed pursuant to RCW 90.56.330 must be credited to the coastal protection fund established in RCW 90.48.390; ((~~and~~))

(h) Penalties imposed pursuant to RCW 70A.355.070 must be credited to the underground storage tank account created in RCW 70A.355.090; and

(i) Penalties imposed pursuant to section 5 of this act must be credited to the community environmental and public health improvement account created in section 6 of this act.

**Sec.**  RCW 70A.430.060 and 2020 c 20 s 1408 are each amended to read as follows:

A manufacturer of a children's product, footwear, article of wearing apparel, or a consumer product containing a priority chemical subject to a rule adopted to implement a determination made consistent with RCW 70A.350.040(1)(b), or a trade organization on behalf of its member manufacturers, shall provide notice to the department that the manufacturer's product contains a high priority chemical or a priority chemical identified under chapter 70A.350 RCW. The notice must be filed annually with the department and must include the following information:

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

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

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

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

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

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

NEW SECTION. **Sec.**  This chapter may be known and cited as the Washington fashion sustainability accountability act.

NEW SECTION. **Sec.**  Sections 1 through 6 and 10 of this act constitute a new chapter in Title 70A RCW.

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.

**--- END ---**