

2 **SSB 6081** - H COMM AMD **ADOPTED 3-4-94**

3 By Committee on Environmental Affairs

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that chemical  
8 additives do, and that other types of additives may, contribute to  
9 septic system failure and ground water contamination. In order to  
10 determine which ingredients of nonchemically based additive products  
11 have adverse effects on public health or the environment, it is  
12 necessary to submit such products to a review procedure.

13 The purpose of this act is: (1) To establish a timely and orderly  
14 procedure for review and approval of on-site sewage disposal system  
15 additives; (2) to prohibit the use, sale, or distribution of additives  
16 having an adverse effect on public health or the water quality of the  
17 state; (3) to require the disclosure of the contents of additives that  
18 are advertised, sold, or distributed in the state; and (4) to provide  
19 for consumer protection.

20 **Sec. 2.** RCW 70.118.020 and 1993 c 321 s 2 are each amended to read  
21 as follows:

22 As used in this chapter, the terms defined in this section shall  
23 have the meanings indicated unless the context clearly indicates  
24 otherwise.

25 (1) "Nonwater-carried sewage disposal devices" means any device  
26 that stores and treats nonwater-carried human urine and feces.

27 (2) "Alternative methods of effluent disposal" means systems  
28 approved by the department of health, including at least, mound  
29 systems, alternating drain fields, anaerobic filters,  
30 evapotranspiration systems, and aerobic systems.

31 (3) "Failure" means: (a) Effluent has been discharged on the  
32 surface of the ground prior to approved treatment; or (b) effluent has  
33 percolated to the surface of the ground; or (c) effluent has  
34 contaminated or threatens to contaminate a ground water supply.

1 (4) "Additive" means any commercial product intended to affect the  
2 (~~internal~~) performance or aesthetics of an on-site sewage disposal  
3 system.

4 (5) "Department" means the department of health.

5 (6) "On-site sewage disposal system" means any system of piping,  
6 treatment devices, or other facilities that convey, store, treat, or  
7 dispose of sewage on the property where it originates or on nearby  
8 property under the control of the user where the system is not  
9 connected to a public sewer system. For purposes of this chapter, an  
10 on-site sewage disposal system does not include indoor plumbing and  
11 associated fixtures.

12 (7) "Chemical additive" means those additives containing acids,  
13 bases, or other chemicals deemed unsafe by the department for use in an  
14 on-site sewage disposal system.

15 (8) "Additive manufacturer" means any person who manufactures,  
16 formulates, blends, packages, or repackages an additive product for  
17 sale, use, or distribution within the state.

18 **Sec. 3.** RCW 70.118.060 and 1993 c 321 s 3 are each amended to read  
19 as follows:

20 (1) After July 1, 1994, a person may not use, sell, or distribute  
21 (~~an~~) a chemical additive to on-site sewage disposal systems (~~(unless~~  
22 ~~such additive has been specifically approved by the department. The~~  
23 ~~department may approve an additive if it can be demonstrated to the~~  
24 ~~satisfaction of the department that the additive has a positive~~  
25 ~~benefit, and no adverse effect, on the operation or performance of an~~  
26 ~~on-site sewage system. Upon written request by an additive~~  
27 ~~manufacturer or distributor for product evaluation,)).~~

28 (2) After January 1, 1996, no person shall use, sell, or distribute  
29 any on-site sewage disposal additive whose ingredients have not been  
30 approved by the department.

31 (3) Each manufacturer of an on-site sewage disposal system additive  
32 that is sold, advertised, or distributed in the state shall submit the  
33 following information to the department: (a) The name and address of  
34 the company; (b) the name of the product; (c) the complete product  
35 formulation; (d) the location where the product is manufactured; (e)  
36 the intended method of product application; and (f) a request that the  
37 product be reviewed.

1       (4) The department shall adopt rules providing the criteria,  
2 review, and decision-making procedures to be used in reviewing on-site  
3 sewage disposal additives for use, sale, or distribution in the state.  
4 The criteria shall be designed to determine whether the additive has an  
5 adverse effect on public health or water quality. The department may  
6 charge a fee sufficient to cover the costs of evaluating the additive,  
7 including the development of ~~((standards))~~ criteria and review  
8 procedures.

9       ~~((+2))~~ The fee schedule shall be established by rule.

10       (5) The department shall issue a decision as to whether a product  
11 registered pursuant to subsection (3) of this section is approved or  
12 denied within forty-five days of receiving a complete evaluation as  
13 required pursuant to subsection (4) of this section.

14       (6) Manufacturers shall reregister their product as provided in  
15 subsection (3) of this section each time their product formulation  
16 changes. The department may require a new approval for products  
17 registered under this subsection prior to allowing the use, sale, or  
18 distribution within the state.

19       (7) The department may contract with private laboratories for the  
20 performance of any duties necessary to carry out the purpose of this  
21 section.

22       (8) The attorney general or appropriate city or county prosecuting  
23 attorney is authorized to bring an appropriate action to enjoin any  
24 violation of the prohibition on the sale or distribution of additives,  
25 or to enjoin any violation of the conditions in section 5 of this act.

26       ~~((+3))~~ (9) The department is responsible for providing written  
27 notification to ~~((major distributors and wholesalers of))~~ additives  
28 manufacturers of the ~~((state-wide prohibition on additives))~~ provisions  
29 of this section and sections 4 and 5 of this act. The notification  
30 shall be provided no later than ~~((October 1, 1993))~~ thirty days after  
31 the effective date of this section. Within thirty days of notification  
32 from the department, ~~((distributors and wholesalers))~~ manufacturers  
33 shall provide the same notification to their distributors, wholesalers,  
34 and retail customers. ~~((The department shall also provide notification~~  
35 to major distributors and wholesalers of additive products that have  
36 been approved.))

37       NEW SECTION. Sec. 4. A new section is added to chapter 70.118 RCW  
38 to read as follows:

1       The department shall hold confidential any information obtained  
2 pursuant to RCW 70.118.060 when shown by any manufacturer that such  
3 information, if made public, would divulge confidential business  
4 information, methods, or processes entitled to protection as trade  
5 secrets of the manufacturer.

6       NEW SECTION.   **Sec. 5.** A new section is added to chapter 70.118 RCW  
7 to read as follows:

8       (1) Each manufacturer of a certified and approved additive product  
9 advertised, sold, or distributed in the state shall:

10       (a) Make no claims relating to the elimination of the need for  
11 septic tank pumping or proper septic tank maintenance;

12       (b) List the components of additive products on the product label,  
13 along with information regarding instructions for use and precautions;

14       (c) Make no false statements, design, or graphic representation  
15 relative to an additive product that is inconsistent with RCW  
16 70.118.060, section 4 of this act, or this section; and

17       (d) Make no claims, either direct or implied, about the performance  
18 of the product based on state approval of its ingredients.

19       (2) A violation of this section is an unfair act or practice in  
20 violation of the consumer protection act, chapter 19.86 RCW.

21       NEW SECTION.   **Sec. 6.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and shall take  
24 effect immediately."

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