6120-S2 AMH SHOR DURB 226

**2SSB 6120** - H AMD TO APPG COMM AMD (H-4458.1/12) **1272 1272**

By Representative Short

On page 4, line 27 of the amendment, after "containing" strike all material through "act." on line 29 and insert "tris(1,3-dichloro-2-propyl)phosphate until the department and the department of health identify that a safer and technically feasible alternative is available that provides a level of ignition resistance the same as or greater than that provided by tris(1,3-dichloro-2-propyl)phosphate as specified in section 3 of this act, and the fire safety committee, created in section 4 of this act, determines that the identified alternatives meets applicable fire safety standards.

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 4, beginning on line 35 of the amendment, strike all of sections 3 and 4 and insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 70.240 to read as follows:

(1) The department and the department of health shall review assessments, scientific studies and other relevant findings regarding alternatives to the use of tris(1,3-dichloro-2-propyl)phosphate in children's products.

(2) If the department and the department of health jointly find that safer and technically feasible alternatives are available that provide a level of ignition resistance the same as or greater than that provided by tris(1,3-dichloro-2-propyl)phosphate, the department shall convene the fire safety committee created in section 4 of this act to determine whether the identified alternatives meet applicable fire safety standards.

(3) By majority vote, the fire safety committee created in section 4 of this act shall make a finding as to whether an alternative identified under subsection (2) of this section meets applicable fire safety standards. The fire safety committee shall report their finding to the state fire marshal. After reviewing the finding of the fire safety committee, the state fire marshal shall determine whether an alternative identified under subsection (2) of this section meets applicable fire safety standards. The determination of the state fire marshal must be based upon the finding of the fire safety committee. The state fire marshal shall report the determination to the department.

(4) The department shall seek public input on their findings, the findings of the fire safety committee, and the determination by the state fire marshal. The department shall publish these findings in the Washington State Register, and submit them in a report to the appropriate committees of the legislature. The department shall initially report these findings by December 31, 2013.

(5) If the December 31, 2013, report required in subsection (4) of this section finds that a safer and technically feasible alternative that meets applicable fire safety standards is available, and that alternative provides a level of ignition resistance the same as or greater than that provided by tris(1,3-dichloro-2-propyl)phosphate, then beginning July 1, 2014, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in the state a children's product containing tris(1,3-dichloro-2-propyl)phosphate in amounts greater than one hundred parts per million in any component.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.240 to read as follows:

(1) The fire safety committee is created for the exclusive purpose of finding whether an alternative identified by the department and the department of health under section 3 of this act meets applicable fire safety standards.

(2) A majority vote of the members of the fire safety committee constitutes a finding that an alternative meets applicable fire safety standards.

(3) The fire safety committee consists of the following members:

(a) A representative from the department, who shall chair the fire safety committee, and serve as an ex officio nonvoting member.

(b) Five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state fire marshal;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a recognized statewide council, affiliated with an international association representing the interests of firefighters; and

(v) A representative of a statewide association representing the interests of volunteer firefighters."

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|  | EFFECT:  Removes provisions relating to conducting alternatives assessments, including the provision allowing manufacturers, wholesalers or retailers to sell children's products containing TRIS until July 1, 2014, if the manufacturer of the product conducts an alternatives assessment. Changes the ban on children's products containing TDCPP by prohibiting the sale of such products beginning July 1, 2014, but only if the Department of Ecology and the Department of Health have jointly identified a safer and technically feasible alternative and that alternative: (1) meets applicable fire safety standards; and (2) provides a level of ignition resistance that is the same as or greater than that provided by TDCPP. Creates a fire safety committee to review and make a finding as to whether an identified alternative meets applicable fire safety standards. |

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