

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

By Representative Short

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

10 (3)"

11

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

14

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

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

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

23 (2) If the department and the department of health jointly find  
24 that safer and technically feasible alternatives are available that  
25 provide a level of ignition resistance the same as or greater than  
26 that provided by tris(1,3-dichloro-2-propyl)phosphate, the department  
27 shall convene the fire safety committee created in section 4 of this

1 act to determine whether the identified alternatives meet applicable  
2 fire safety standards.

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

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

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

30

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

33 (1) The fire safety committee is created for the exclusive purpose  
34 of finding whether an alternative identified by the department and the

1 department of health under section 3 of this act meets applicable fire  
2 safety standards.

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

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

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

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

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

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

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

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

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

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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