

2SSB 6120 - H AMD TO APPG COMM AMD (H-4458.1/12) 1271
By Representative Short

1 On page 1, beginning on line 3 of the amendment, after "**Sec. 1.**"
2 strike all material through "clearinghouse." on page 6, line 26, and
3 insert "RCW 70.240.010 and 2008 c 288 s 2 are each amended to read as
4 follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Children's cosmetics" means cosmetics that are made for,
8 marketed for use by, or marketed to children under the age of twelve.
9 "Children's cosmetics" includes cosmetics that meet any of the
10 following conditions:

11 (a) Represented in its packaging, display, or advertising as
12 appropriate for use by children;

13 (b) Sold in conjunction with, attached to, or packaged together
14 with other products that are packaged, displayed, or advertised as
15 appropriate for use by children; or

16 (c) Sold in any of the following:

17 (i) Retail store, catalogue, or online web site, in which a person
18 exclusively offers for sale products that are packaged, displayed, or
19 advertised as appropriate for use by children; or

20 (ii) A discrete portion of a retail store, catalogue, or online web
21 site, in which a person offers for sale products that are packaged,
22 displayed, or advertised as appropriate for use by children.

23 (2) "Children's jewelry" means jewelry that is made for, marketed
24 for use by, or marketed to children under the age of twelve.
25 "Children's jewelry" includes jewelry that meets any of the following
26 conditions:

27 (a) Represented in its packaging, display, or advertising as
28 appropriate for use by children under the age of twelve;

29 (b) Sold in conjunction with, attached to, or packaged together
30 with other products that are packaged, displayed, or advertised as
31 appropriate for use by children;

1 (c) Sized for children and not intended for use by adults; or
2 (d) Sold in any of the following:
3 (i) A vending machine;
4 (ii) Retail store, catalogue, or online web site, in which a person
5 exclusively offers for sale products that are packaged, displayed, or
6 advertised as appropriate for use by children; or
7 (iii) A discrete portion of a retail store, catalogue, or online
8 web site, in which a person offers for sale products that are packaged,
9 displayed, or advertised as appropriate for use by children.
10 (3)(a) "Children's product" includes any of the following:
11 (i) Toys;
12 (ii) Children's cosmetics;
13 (iii) Children's jewelry;
14 (iv) A product designed or intended by the manufacturer to help a
15 child with sucking or teething, to facilitate sleep, relaxation, or the
16 feeding of a child, or to be worn as clothing by children; or
17 (v) Child car seats.
18 (b) "Children's product" does not include the following:
19 (i) Batteries;
20 (ii) Slings and catapults;
21 (iii) Sets of darts with metallic points;
22 (iv) Toy steam engines;
23 (v) Bicycles and tricycles;
24 (vi) Video toys that can be connected to a video screen and are
25 operated at a nominal voltage exceeding twenty-four volts;
26 (vii) Chemistry sets;
27 (viii) Consumer electronic products, including but not limited to
28 personal computers, audio and video equipment, calculators, wireless
29 phones, game consoles, and handheld devices incorporating a video
30 screen, used to access interactive software and their associated
31 peripherals;
32 (ix) Interactive software, intended for leisure and entertainment,
33 such as computer games, and their storage media, such as compact disks;
34 (x) BB guns, pellet guns, and air rifles;
35 (xi) Snow sporting equipment, including skis, poles, boots, snow
36 boards, sleds, and bindings;
37 (xii) Sporting equipment, including, but not limited to bats,
38 balls, gloves, sticks, pucks, and pads;

- 1 (xiii) Roller skates;
- 2 (xiv) Scooters;
- 3 (xv) Model rockets;
- 4 (xvi) Athletic shoes with cleats or spikes; and
- 5 (xvii) Pocket knives and multitools.

6 (4) "Cosmetics" includes articles intended to be rubbed, poured,
7 sprinkled, or sprayed on, introduced into, or otherwise applied to the
8 human body or any part thereof for cleansing, beautifying, promoting
9 attractiveness, or altering the appearance, and articles intended for
10 use as a component of such an article. "Cosmetics" does not include
11 soap, dietary supplements, or food and drugs approved by the United
12 States food and drug administration.

13 (5) "Department" means the department of ecology.

14 (6) "High priority chemical" means a chemical identified by a state
15 agency, federal agency, or accredited research university, or other
16 scientific evidence deemed authoritative by the department on the basis
17 of credible scientific evidence as known to do one or more of the
18 following:

19 (a) Harm the normal development of a fetus or child or cause other
20 developmental toxicity;

21 (b) Cause cancer, genetic damage, or reproductive harm;

22 (c) Disrupt the endocrine system;

23 (d) Damage the nervous system, immune system, or organs or cause
24 other systemic toxicity;

25 (e) Be persistent, bioaccumulative, and toxic; or

26 (f) Be very persistent and very bioaccumulative.

27 (7) "Manufacturer" includes any person, firm, association,
28 partnership, corporation, governmental entity, organization, or joint
29 venture that produces a children's product or an importer or domestic
30 distributor of a children's product. For the purposes of this
31 subsection, "importer" means the owner of the children's product.

32 (8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl
33 phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate
34 (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

35 (9) "Toy" means a product designed or intended by the manufacturer
36 to be used by a child at play.

37 (10) "Trade association" means a membership organization of persons
38 engaging in a similar or related line of commerce, organized to promote

1 and improve business conditions in that line of commerce and not to
2 engage in a regular business of a kind ordinarily carried on for
3 profit.

4 (11) "Very bioaccumulative" means having a bioconcentration factor
5 or bioaccumulation factor greater than or equal to five thousand, or if
6 neither are available, having a log Kow greater than 5.0.

7 (12) "Very persistent" means having a half-life greater than or
8 equal to one of the following:

9 (a) A half-life in soil or sediment of greater than one hundred
10 eighty days;

11 (b) A half-life greater than or equal to sixty days in water or
12 evidence of long-range transport.

13 (13) "TCEP" means TCEP (tris(2-chloroethyl) phosphate), chemical
14 abstracts service number 115-96-8, as of the effective date of this
15 section.

16 NEW SECTION. Sec. 2. A new section is added to chapter 70.240 RCW
17 to read as follows:

18 (1) Beginning July 1, 2014, no manufacturer, wholesaler, or
19 retailer may manufacture, knowingly sell, offer for sale, distribute
20 for sale, or distribute for use in this state a children's product
21 containing intentionally-added TCEP in amounts greater than one hundred
22 parts per million in any component.

23 (2) The sale or purchase of any previously owned product containing
24 TCEP made in casual or isolated sales as defined in RCW 82.04.040, or
25 by nonprofit organizations, is exempt from subsection (1) of this
26 section.

27 (3) The sale or use of recycled materials containing less than .01
28 percent of TCEP is exempt from subsection (1) of this section."

EFFECT: Strikes the provisions of the bill as it passed the house
general government appropriations and oversight committee, and replaces
it with the version of the bill as it passed the senate and the house
environment committee, which has the effect of: (1) Limiting the ban
to the chemical TCEP only; (2) restoring the date of the ban to July 1,
2014; and (3) removing provisions related to alternatives assessments.

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