

**ESHB 1294** - S COMM AMD

By Committee on Energy, Environment & Telecommunications

ADOPTED 04/17/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.240  
4 RCW to read as follows:

5 Beginning July 1, 2015, no manufacturer, wholesaler, or retailer  
6 may manufacture, knowingly sell, offer for sale, distribute for sale,  
7 or distribute for use in this state children's products containing  
8 TDCPP (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts  
9 service number 13674-87-8, as of the effective date of this section, or  
10 TCEP (tris(2-chloroethyl)phosphate), chemical abstracts service number  
11 115-96-8, as of the effective date of this section in amounts greater  
12 than one hundred parts per million in any product component.

13 **Sec. 2.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read  
14 as follows:

15 (1) A manufacturer of products that are restricted under this  
16 chapter must notify persons that sell the manufacturer's products in  
17 this state about the provisions of this chapter no less than ninety  
18 days prior to the effective date of the restrictions.

19 (2) A manufacturer that produces, sells, or distributes a product  
20 prohibited from manufacture, sale, or distribution in this state under  
21 this chapter shall recall the product and reimburse the retailer or any  
22 other purchaser for the product.

23 (3) A manufacturer of children's products in violation of this  
24 chapter is subject to a civil penalty not to exceed five thousand  
25 dollars for each violation in the case of a first offense.  
26 Manufacturers who are repeat violators are subject to a civil penalty  
27 not to exceed ten thousand dollars for each repeat offense. Penalties  
28 collected under this section must be deposited in the state toxics  
29 control account created in RCW 70.105D.070.

1 (4) Retailers who unknowingly sell products that are restricted  
2 from sale under this chapter are not liable under this chapter.

3 (5) The sale or purchase of any previously owned product containing  
4 a chemical restricted under this chapter made in casual or isolated  
5 sales as defined in RCW 82.04.040, or by a nonprofit organization, is  
6 exempt from this chapter."

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7 On page 1, line 1 of the title, after "retardants;" strike the  
8 remainder of the title and insert "amending RCW 70.240.050; and adding  
9 a new section to chapter 70.240 RCW."

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