

ESHB 1294 - S AMD 337
By Senator Ericksen

NOT CONSIDERED

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 or residential
8 upholstered furniture, as defined in RCW 70.76.010, containing TDCPP
9 (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts service
10 number 13674-87-8, as of the effective date of this section, or TCEP
11 (tris(2-chloroethyl)phosphate), chemical abstracts service number 115-
12 96-8, as of the effective date of this section in amounts greater than
13 one hundred parts per million in any product component.

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

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

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

24 (3) A manufacturer of children's products in violation of this
25 chapter is subject to a civil penalty not to exceed five thousand
26 dollars for each violation in the case of a first offense.
27 Manufacturers who are repeat violators are subject to a civil penalty
28 not to exceed ten thousand dollars for each repeat offense. Penalties

1 collected under this section must be deposited in the state toxics
2 control account created in RCW 70.105D.070.

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

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

9 NEW SECTION. Sec. 3. Within current resources, the department of
10 ecology is to engage with the federal environmental protection agency
11 (EPA) and industry stakeholders, as identified by industry trade
12 associations, to prepare a report on the use of risk-based alternative
13 assessments for flame retardants in children's products and residential
14 furniture. In a report to the 2014 Washington state legislature, the
15 department of ecology shall identify the differences between the EPA's
16 alternative assessment process and the state's alternative assessment
17 guidance document, and identify ways to incorporate best management
18 practices from industry into conducting alternative assessments."

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19 On page 1, beginning on line 1 of the title, after "retardants;"
20 strike the remainder of the title and insert "amending RCW 70.240.050;
21 adding a new section to chapter 70.240 RCW; and creating a new
22 section."

EFFECT: Prohibits the manufacture, sale, and distribution of
children's products and residential upholstered furniture containing
TCEP and TDCPP flame retardants. Exempts used products containing TCEP

and TDCPP sold in isolated or casual sales and by nonprofit organizations.

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