

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6473

Chapter 100, Laws of 2020

66th Legislature
2020 Regular Session

ASBESTOS-CONTAINING BUILDING MATERIALS

EFFECTIVE DATE: June 11, 2020

Passed by the Senate March 7, 2020
Yeas 42 Nays 6

CYRUS HABIB

President of the Senate

Passed by the House March 3, 2020
Yeas 96 Nays 0

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 19, 2020 2:54 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6473** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 19, 2020

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6473

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Stanford, Frockt, Conway, Keiser, Hasegawa, Llias, Van De Wege, Billig, Hunt, and Saldaña)

READ FIRST TIME 01/28/20.

1 AN ACT Relating to asbestos-containing building materials;
2 amending RCW 70.310.020; adding new sections to chapter 70.310 RCW;
3 adding a new section to chapter 49.17 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.310
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section, the use
8 of asbestos-containing building materials in new construction or
9 renovations is prohibited.

10 (2) Subsection (1) of this section does not apply to:

11 (a) The use of asbestos-containing building materials in
12 residential construction;

13 (b) The use of asbestos-containing building materials that are,
14 as of the effective date of this section, already ordered by a
15 contractor or currently in the possession of the contractor; or

16 (c) The use of asbestos-containing building materials if
17 complying with subsection (1) of this section would result in the
18 breach of a contract existing as of the effective date of this
19 section.

1 **Sec. 2.** RCW 70.310.020 and 2013 c 51 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Asbestos" includes the asbestiform varieties of actinolite,
6 amosite (cummingtonite-grunerite), tremolite, chrysotile
7 (serpentine), crocidolite (riebeckite), anthophyllite, and any of
8 these minerals that have been chemically treated or altered. The
9 chemical abstracts service registry number for each is as follows:
10 Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5),
11 tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite
12 (12001-28-4), and anthophyllite (17068-78-9).

13 (2) "Asbestos-containing building material" means (~~any~~):

14 (a) Until January 1, 2025, any building material to which
15 asbestos is deliberately added in any concentration or that contains
16 more than one percent asbestos by weight or area as determined using
17 the United States environmental protection agency method for the
18 determination of asbestos in building materials, EPA/600/R-93/116,
19 July 1993; and

20 (b) Beginning January 1, 2025, any building material to which
21 asbestos is deliberately added in any concentration or that contains
22 more than one-tenth of one percent asbestos by weight or area as
23 determined using the United States environmental protection agency
24 method for the determination of asbestos in building materials,
25 EPA/600/R-93/116, July 1993.

26 (3) "Building material" includes materials designed for, or used
27 in, construction, renovation, repair, or maintenance of
28 institutional, commercial, public, industrial, or residential
29 buildings and structures. The term does not include automobiles,
30 recreational vehicles, boats, or other mobile means of
31 transportation.

32 (4) "Consumer" means any person that acquires a building material
33 for direct use or ownership, rather than for resale or use in
34 production and manufacturing.

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

36 (6) "Person" means any individual, firm, public or private
37 corporation, association, partnership, political subdivision,
38 municipality, or government agency.

39 (7) "Retailer" means any person that sells goods or commodities
40 directly to consumers.

1 (8) "Interested party" means any contractor, subcontractor, or
2 worker that performs, or is reasonably expected to perform, work at a
3 facility covered under section 3 of this act or any organization
4 whose members perform, or are reasonably expected to perform, work at
5 a facility covered under section 3 of this act.

6 (9) "Residential construction" means construction, alteration,
7 repair, improvement, or maintenance of single-family dwellings,
8 duplexes, apartments, condominiums, and other residential structures
9 not to exceed four stories in height, including the basement.

10 NEW SECTION. Sec. 3. A new section is added to chapter 70.310
11 RCW to read as follows:

12 (1) Every owner of a facility that is engaged in activities
13 described in codes 31 through 33 of the North American industry
14 classification system must:

15 (a) Perform an inspection of the facility to determine whether
16 asbestos-containing building materials are present and, if asbestos-
17 containing building materials are found during the initial
18 inspection, reinspect asbestos-containing building materials every
19 five years thereafter. The inspections must be conducted by persons
20 meeting the accreditation requirements of the federal toxic
21 substances control act, 15 U.S.C. Sec. 2646 (b) or (c); and

22 (b) Develop, maintain, and update an asbestos management plan and
23 keep a copy at the facility. The asbestos management plan must be
24 updated every five years and after any material changes in asbestos-
25 containing building materials in the facility. The asbestos
26 management plan must include:

27 (i) The name and address of the facility and whether the facility
28 has asbestos-containing building materials, and the type of asbestos-
29 containing building material;

30 (ii) The date of the original facility inspection;

31 (iii) A plan for reinspections;

32 (iv) A blueprint of the facility that clearly identifies the
33 location of asbestos-containing building materials;

34 (v) A description of any response action or prevention measures
35 taken to reduce asbestos exposure;

36 (vi) A copy of the analysis of any building or facility, and the
37 name and address of any laboratory that sampled the material;

1 (vii) The name, address, and telephone number of a designated
2 contact to whom the owner has assigned responsibility for ensuring
3 that the duties of the owner are carried out; and

4 (viii) A description of steps taken to inform workers about
5 inspections, reinspections, response actions, and periodic
6 surveillance of the asbestos-containing building materials.

7 (2) Upon request, the asbestos management plan required under
8 subsection (1)(b) of this section must be made available to the
9 department, the department of labor and industries, local air
10 pollution control authorities in jurisdictions where they have been
11 created under this chapter, and any interested party. In addition to
12 the penalties established by this chapter, failure to create or
13 maintain a required asbestos management plan is a violation of
14 chapter 49.17 RCW and subject to the penalties established under RCW
15 49.17.180 and 49.17.190.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.17
17 RCW to read as follows:

18 (1) The asbestos plan requirements in section 3(1)(b) of this act
19 are an industrial health or safety standard adopted under the
20 authority of this chapter.

21 (2) A violation of the requirements of section 3(1)(b) of this
22 act is subject to the penalties established under RCW 49.17.180 and
23 49.17.190 for violations of safety or health standards adopted under
24 the authority of this chapter.

25 NEW SECTION. **Sec. 5.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

Passed by the Senate March 7, 2020.
Passed by the House March 3, 2020.
Approved by the Governor March 19, 2020.
Filed in Office of Secretary of State March 19, 2020.

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