
Environment & Energy Committee

SSB 5931

Brief Description: Addressing 6PPD in motorized vehicle tires through safer products for Washington.

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Salomon, Kauffman, Billig, Frame, Lovelett, Pedersen, Shewmake and Wellman).

Brief Summary of Substitute Bill

- Designates, for purposes of the Department of Ecology's Safer Products for Washington program, the chemical 6PPD as a priority chemical, and 6PPD in motor vehicle tires as a priority consumer product.
- Directs the Department of Ecology to determine regulatory actions for motor vehicle tires that contain 6PPD and adopt rules to implement those regulatory determinations.

Hearing Date: 2/14/24

Staff: Jacob Lipson (786-7196).

Background:

Safer Products for Washington.

In 2019 legislation creating the Safer Products for Washington program was enacted, establishing an administrative process for the regulation by the Department of Ecology (Ecology) of priority chemicals in priority consumer products, in consultation with the Department of Health. Under the Safer Products for Washington regulatory process, certain chemicals were defined as priority chemicals in statute, including perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals, polychlorinated biphenyls or PCBs, phenolic compounds, phthalates, and

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organohalogen flame retardants, and other flame retardants identified under the Children's Safe Products Act. Ecology is also authorized to designate additional chemicals as priority chemicals every five years beginning June 1, 2024, if the chemicals meet qualifying criteria, consistent with a schedule established in the 2019 law.

Under the schedule for Ecology's regulatory activities to implement Safer Products for Washington, Ecology must also:

- identify priority consumer products that include priority chemicals, taking into consideration specified criteria by June 1 of the year following the designation of priority chemicals;
- determine regulatory actions for the priority chemicals in priority consumer products by June 1 two years following the designation of priority consumer products, such as:
 - a determination that no action is needed;
 - requiring manufacturers to provide notice of the use of a chemical; or
 - restricting or prohibiting the manufacture, distribution, sale, or use of a priority chemical in a consumer product; and
- adopt rules to implement regulatory determinations, by June 1 of the year following a determination of regulatory actions.

Certain types of products may not be identified by Ecology as priority consumer products under Safer Products for Washington, including food and beverages, products regulated by the Federal Aviation Administration or Department of Defense, and motorized vehicles.

Ecology must submit a report to the appropriate committees of the Legislature when identifying priority chemicals, identifying priority consumer products, or determining regulatory actions. Identification of priority chemicals, identification of priority consumer products, and regulatory determinations by Ecology do not take effect until the adjournment of the regular legislative session immediately following the Ecology action.

Ecology was required to make regulatory determinations for the initial round of statutorily designated priority chemicals and their associated priority consumer products by June 1, 2022, and must adopt rules to implement those regulatory determinations by June 1, 2023. In June 2022 Ecology submitted a regulatory determination report to the Legislature.

6-PPD and 6-PPD Quinone.

6PPD is used as an antioxidant, antiozonant, and polymer stabilizer for rubber products. Many vehicle tires contain 6PPD to prevent them from breaking down due to reactions with ozone and other compounds. When 6PPD reacts with ozone in the air, it forms 6PPD-quinone (6PPD-q). As tires wear down through contact with roads, 6PPD-q is released. Stormwater can transport 6PPD-q from roads into streams and other water bodies, which may expose aquatic organisms to the particles. Recent scientific literature and studies link coho salmon mortality to 6PPD-q in stormwater runoff following exposure.

Summary of Bill:

6-PPD is designated as a priority chemical for the purposes of the Safer Products for Washington program. For purposes of the Safer Products for Washington regulatory process, a motorized vehicle containing 6-PPD that is equipped on or intended to be installed as a replacement tire on a motorized vehicle for on-highway use is a priority consumer product. Motorized vehicles are defined as vehicles intended for on-highway or off-highway use, and do not include the tires equipped on the vehicle or replacement tires sold separately.

The Department of Ecology (Ecology) must determine regulatory actions and adopt rules to implement those regulatory determinations under the Safer Products for Washington process. In determining regulatory actions, Ecology must specifically consider the effect of regulatory actions on driver and passenger safety.

Appropriation: None.

Fiscal Note: Requested on February 8, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.