

FINAL BILL REPORT

SSB 5931

C 343 L 24
Synopsis as Enacted

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).

Senate Committee on Environment, Energy & Technology
House Committee on Environment & Energy

Background: 6PPD. 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. Some scientific literature and studies link Coho salmon mortality to 6PPD-q in stormwater runoff following only limited exposure.

Safer Products for Washington. In 2019, the Legislature established an administrative process for the Department of Ecology (Ecology) to regulate priority chemicals in priority consumer products, referred to as Safer Products for Washington (SPWA). Under SPWA, certain chemicals were initially defined as priority chemicals, including perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals), phthalates, phenolic compounds, PCBs, and certain flame retardants. Every five years, according to a specified schedule, Ecology, in consultation with the Department of Health, must report to the Legislature its decision to designate at least five priority chemicals meeting certain criteria.

Every five years, according to a specified schedule, Ecology must also:

- identify priority consumer products that include priority chemicals, taking into consideration specified criteria;
- determine regulatory actions for the priority chemicals contained in priority consumer

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- products; and
- adopt rules implementing those regulatory actions.

Regulatory actions may include determining that no action is needed; requiring manufacturers to provide notice of the use of a priority chemical or class of priority chemicals; or restricting or prohibiting the manufacture, distribution, sale, or use of a priority chemical or class of priority chemicals in a consumer product. Chemical restrictions require that safer alternatives are feasible and available.

The designation of priority chemicals and priority consumer products, and the determination of regulatory actions, do not take effect until the adjournment of the regular session immediately following such designation or determination. Ecology may not identify certain products as priority consumer products under SPWA, including, in part, food or beverages, tobacco products, or motorized vehicles.

On May 31, 2023, Ecology adopted rules requiring manufacturers of consumer products to restrict or report on PFAS, ortho-phthalates, phenolic compounds, and certain flame retardants in specified priority consumer products. These rules took effect July 1, 2023, concluding the first cycle of SPWA. The first deadline of the second cycle of SPWA is June 1, 2024, by which Ecology must identify at least five additional priority chemicals. In June 2023, Ecology submitted a draft identification of priority chemicals to the Legislature, which identified seven new priority chemicals, including 6PPD. If the draft priority chemicals are included in the final report, due June 1, 2024, and not amended by the Legislature during the 2025 legislative session, the chemicals will become priority chemicals upon adjournment.

Other States. On October 1, 2023, California adopted a regulation listing motor vehicle tires containing 6PPD as a priority product under its safer consumer products law. By March 29, 2024, manufacturers must submit a chemical or product removal notification, a chemical or product replacement notification, or a preliminary alternatives analysis report.

Summary: 6PPD. 6PPD is added to the list of priority chemicals in SPWA.

Safer Products for Washington. For the purposes of SPWA, a motorized vehicle tire containing 6PPD 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. For these priority products, Ecology must determine regulatory actions and adopt rules to implement those determinations consistent with the SPWA process.

In determining regulatory actions related to the new priority consumer product tires, Ecology must specifically consider the effect of regulatory actions on driver and passenger safety.

Motorized vehicle means, for purposes of 6PPD as a priority chemical, a motorized vehicle

intended for on- or off-highway use, but does not include the tires equipped on the vehicle nor tires sold separately for replacement purposes.

Votes on Final Passage:

Senate 40 9

House 85 11 (House amended)

Senate 39 10 (Senate concurred)

Effective: June 6, 2024