

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1213

68th Legislature
2023 Regular Session

Passed by the House February 6, 2023
Yeas 93 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1213** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1213

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Environment & Energy (originally sponsored by Representatives Ybarra, Fitzgibbon, Ramel, Doglio, and Macri)

READ FIRST TIME 01/25/23.

1 AN ACT Relating to compliance with labeling requirements for
2 wiper; amending RCW 70A.525.901 and 70A.525.020; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 70A.525.901 and 2020 c 121 s 9 are each amended to
6 read as follows:

7 ~~((For))~~ (1) If a covered product in commerce in Washington as of
8 July 1, 2023, is required to be registered by the United States
9 environmental protection agency under the federal insecticide,
10 fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq. (1996))~~((7~~
11 ~~chapter 121, Laws of 2020 applies beginning July 1, 2023))~~ or the
12 department of agriculture under RCW 15.58.050, the covered entity for
13 the covered product must, to the extent permitted under the federal
14 insecticide, fungicide, and rodenticide act, submit a label compliant
15 with the labeling requirements of RCW 70A.525.020 by July 1, 2023, to
16 the United States environmental protection agency. Upon approval of
17 the label by the United States environmental protection agency, the
18 covered entity must submit a label to the department of agriculture
19 for approval consistent with the requirements of chapter 15.58 RCW.
20 Except as provided in subsections (3) and (4) of this section,
21 covered products manufactured by a covered entity must comply with

1 the requirements of RCW 70A.525.020, beginning with whichever covered
2 products are manufactured later:

3 (a) Covered products manufactured on or after a date 24 months
4 after a covered entity receives label approval from the United States
5 environmental protection agency; or

6 (b) Covered products manufactured on or after July 1, 2025.

7 (2) For covered products newly introduced into commerce in
8 Washington after July 1, 2023, the covered entity must begin
9 complying with the requirements of RCW 70A.525.020 on July 1, 2025,
10 except as provided in subsections (3) and (4)(a) of this section.

11 (3) If the United States environmental protection agency or the
12 department of agriculture do not approve a product label that
13 otherwise complies with the labeling requirements of RCW 70A.525.020,
14 the covered entity must use a label that meets as many of the
15 requirements of RCW 70A.525.020 as the department and the United
16 States environmental protection agency have approved.

17 (4)(a) A covered entity may include on a covered product words or
18 phrases in addition to those required under this chapter if the words
19 or phrases are necessary for a label to obtain approval from the
20 United States environmental protection agency or the department of
21 agriculture.

22 (b) A covered entity specified in subsection (1) of this section
23 that has not yet received approval of a label for a covered product
24 from the department of agriculture 24 months after approval of the
25 label by the United States environmental protection agency is in
26 compliance with the requirements of this chapter if the covered
27 entity, upon request, provides evidence of the timely submission of
28 the label to the department of agriculture under subsection (1) of
29 this section.

30 **Sec. 2.** RCW 70A.525.020 and 2020 c 121 s 3 are each amended to
31 read as follows:

32 (1) A covered entity must clearly and conspicuously label a
33 package containing a covered product as "do not flush" as follows:

34 ~~((1))~~ (a) Use the "do not flush" symbol, or a gender equivalent
35 thereof, described in the INDA/EDANA code of practice 2 (COP2, as
36 published in "Guidelines for Assessing the Flushability of Disposable
37 Nonwoven Products," Edition 4, May 2018, by INDA/EDANA);

38 ~~((2))~~ (b) Place the symbol on the principal display panel in a
39 prominent and reasonably visible location on the package which, in

1 the case of packaging intended to dispense individual wipes, is
2 permanently affixed in a location that is visible to a person each
3 time a wipe is dispensed from the package;

4 ~~((3))~~ (c) Size the symbol to cover at least two percent of the
5 surface area of the principal display panel on which the symbol is
6 presented;

7 ~~((4))~~ (d) Ensure the symbol is not obscured by packaging seams,
8 folds, or other package design elements;

9 ~~((5))~~ (e) Ensure the symbol has sufficiently high contrast with
10 the immediate background of the packaging to render it likely to be
11 read by the ordinary individual under customary conditions of
12 purchase and use. In the case of a printed symbol, "high contrast" is
13 defined as follows:

14 ~~((a))~~ (i) Provided with either a light symbol on a dark
15 background or a dark symbol on a light background; and

16 ~~((b))~~ (ii) A minimum level or percentage of contrast between
17 the symbol artwork and the background of at least ~~((seventy))~~ 70
18 percent. Contrast in percent is determined by:

19 ~~((i))~~ (A) Contrast = $(B1 - B2) \times 100 / B1$; and

20 ~~((ii))~~ (B) Where B1 = light reflectance value of the lighter
21 area and B2 = light reflectance value of the darker area; and

22 ~~((6))~~ (2) Beginning January 1, 2023, no package ~~((or box))~~
23 containing a covered product manufactured on or before July 1, 2022,
24 may be offered for distribution or sale in the state unless the
25 covered product is labeled consistent with the requirements of
26 subsection (1) of this section.

27 NEW SECTION. **Sec. 3.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect immediately.

--- END ---