

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5931

68th Legislature
2024 Regular Session

Passed by the Senate March 5, 2024
Yeas 39 Nays 10

President of the Senate

Passed by the House February 29, 2024
Yeas 85 Nays 11

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5931** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5931

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Salomon, Kauffman, Billig, Frame, Lovelett, Pedersen, Shewmake, and Wellman)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to addressing 6PPD in motorized vehicle tires
2 through safer products for Washington; amending RCW 70A.350.010 and
3 70A.350.050; adding a new section to chapter 70A.350 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that 6PPD is a
7 chemical commonly used in motor vehicle tires to keep them flexible
8 and prevent them from degrading quickly. 6PPD works by moving to the
9 surface of the tire and forming a film that protects the tire. As the
10 film breaks down, it produces 6PPD-quinone. When it rains, tire
11 particles containing 6PPD-quinone are washed into streams, rivers,
12 and other water bodies through stormwater runoff.

13 (2) The legislature also finds that 6PPD-quinone is directly
14 linked to urban runoff mortality syndrome, a condition where Coho
15 salmon die prior to spawning. 6PPD-quinone is known to be toxic to
16 aquatic species and is the primary causal toxicant for Coho salmon.
17 In June 2023, the department of ecology identified 6PPD as a draft
18 priority chemical under safer products for Washington, cycle 2.
19 Additionally, 6PPD has been identified as a hazardous substance under
20 the model toxics control act and as a chemical of concern for
21 sensitive populations and sensitive species.

1 (3) The legislature finds it important to reduce sources and uses
2 of 6PPD in Washington to protect aquatic life, particularly salmon.
3 Since 6PPD is ubiquitous in motorized vehicle tires, the legislature
4 intends to identify 6PPD as a priority chemical and certain motorized
5 vehicle tires containing 6PPD as priority consumer products under
6 safer products for Washington.

7 **Sec. 2.** RCW 70A.350.010 and 2020 c 20 s 1451 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "6PPD" means the chemical compound N-(1,3-dimethylbutyl)-N'-
12 phenyl-p-phenylenediamine.

13 (2) "Consumer product" means any item, including any component
14 parts and packaging, sold for residential or commercial use.

15 ~~((2))~~ (3) "Department" means the department of ecology.

16 ~~((3))~~ (4) "Director" means the director of the department.

17 ~~((4))~~ (5) "Electronic product" includes personal computers,
18 audio and video equipment, calculators, wireless phones, game
19 consoles, and handheld devices incorporating a video screen that are
20 used to access interactive software, and the peripherals associated
21 with such products.

22 ~~((5))~~ (6) "Inaccessible electronic component" means a part or
23 component of an electronic product that is located inside and
24 entirely enclosed within another material and is not capable of
25 coming out of the product or being accessed during any reasonably
26 foreseeable use or abuse of the product.

27 ~~((6))~~ (7) "Manufacturer" means any person, firm, association,
28 partnership, corporation, governmental entity, organization, or joint
29 venture that produces a product or is an importer or domestic
30 distributor of a product sold or offered for sale in or into the
31 state.

32 ~~((7))~~ (8) (a) "Motorized vehicle" means, for purposes of 6PPD as
33 a priority chemical, a motorized vehicle intended for on-highway or
34 off-highway use.

35 (b) "Motorized vehicle" does not include, for purposes of 6PPD as
36 a priority chemical, the tires equipped on the vehicle nor tires sold
37 separately for replacement purposes.

38 (9) "Organohalogen" means a class of chemicals that includes any
39 chemical containing one or more halogen elements bonded to carbon.

1 ~~((8))~~ (10) "Perfluoroalkyl and polyfluoroalkyl substances" or
2 "PFAS chemicals" means a class of fluorinated organic chemicals
3 containing at least one fully fluorinated carbon atom.

4 ~~((9))~~ (11) "Phenolic compounds" means alkylphenol ethoxylates
5 and bisphenols.

6 ~~((10))~~ (12) "Phthalates" means synthetic chemical esters of
7 phthalic acid.

8 ~~((11))~~ (13) "Polychlorinated biphenyls" or "PCBs" means
9 chemical forms that consist of two benzene rings joined together and
10 containing one to ten chlorine atoms attached to the benzene rings.

11 ~~((12))~~ (14) "Priority chemical" means a chemical or chemical
12 class used as, used in, or put in a consumer product including:

- 13 (a) Perfluoroalkyl and polyfluoroalkyl substances;
14 (b) Phthalates;
15 (c) Organohalogen flame retardants;
16 (d) Flame retardants, as identified by the department under
17 chapter 70A.430 RCW;

- 18 (e) Phenolic compounds;
19 (f) Polychlorinated biphenyls; ~~((15))~~
20 (g) 6PPD; or

21 (h) A chemical identified by the department as a priority
22 chemical under RCW 70A.350.020.

23 ~~((13))~~ (15) "Safer alternative" means an alternative that is
24 less hazardous to humans or the environment than the existing
25 chemical or chemical process. A safer alternative to a particular
26 chemical may include a chemical substitute or a change in materials
27 or design that eliminates the need for a chemical alternative.

28 ~~((14))~~ (16) "Sensitive population" means a category of people
29 that is identified by the department that may be or is
30 disproportionately or more severely affected by priority chemicals,
31 such as:

- 32 (a) Men and women of childbearing age;
33 (b) Infants and children;
34 (c) Pregnant women;
35 (d) Communities that are highly impacted by toxic chemicals;
36 (e) Persons with occupational exposure; and
37 (f) The elderly.

38 ~~((15))~~ (17) "Sensitive species" means a species or grouping of
39 animals that is identified by the department that may be or is

1 disproportionately or more severely affected by priority chemicals,
2 such as:

- 3 (a) Southern resident killer whales;
- 4 (b) Salmon; and
- 5 (c) Forage fish.

6 **Sec. 3.** RCW 70A.350.050 and 2022 c 264 s 2 are each amended to
7 read as follows:

8 (1)(a) By June 1, 2020, and consistent with RCW 70A.350.030, the
9 department shall identify priority consumer products that are a
10 significant source of or use of priority chemicals specified in RCW
11 70A.350.010(~~((+12+))~~) (14) (a) through (f).

12 (b) By June 1, 2022, and consistent with RCW 70A.350.040, the
13 department must determine regulatory actions regarding the priority
14 chemicals and priority consumer products identified in (a) of this
15 subsection. The deadline of June 1, 2022, does not apply to the
16 priority consumer products identified in RCW 70A.350.090.

17 (c) By June 1, 2023, the department must adopt rules to implement
18 regulatory actions determined under (b) of this subsection.

19 (2)(a) By June 1, 2024, and every five years thereafter, the
20 department shall select at least five priority chemicals specified in
21 RCW 70A.350.010(~~((+12+))~~) (14) (a) through (~~((+g+))~~) (h) that are
22 identified consistent with RCW 70A.350.020.

23 (b) By June 1, 2025, and every five years thereafter, the
24 department must identify priority consumer products that contain any
25 new priority chemicals after notifying the appropriate committees of
26 the legislature, consistent with RCW 70A.350.030.

27 (c) By June 1, 2027, and every five years thereafter, the
28 department must determine regulatory actions for any priority
29 chemicals in priority consumer products identified under (b) of this
30 subsection, consistent with RCW 70A.350.040.

31 (d) By June 1, 2028, and every five years thereafter, the
32 department must adopt rules to implement regulatory actions
33 identified under (c) of this subsection.

34 (3)(a) The designation of priority chemicals by the department
35 does not take effect until the adjournment of the regular legislative
36 session immediately following the identification of chemicals, in
37 order to allow an opportunity for the legislature to add to, limit,
38 or otherwise amend the list of priority chemicals to be considered by
39 the department.

1 (b) The designation of priority consumer products by the
2 department does not take effect until the adjournment of the regular
3 legislative session immediately following the identification of
4 priority consumer products, in order to allow an opportunity for the
5 legislature to add to, limit, or otherwise amend the list of priority
6 consumer products to be considered by the department.

7 (c) The determination of regulatory actions by the department
8 does not take effect until the adjournment of the regular legislative
9 session immediately following the determination by the department, in
10 order to allow an opportunity for the legislature to add to, limit,
11 or otherwise amend the regulatory determinations by the department.

12 (d) Nothing in this subsection (3) limits the authority of the
13 department to:

14 (i) Begin to identify priority consumer products for a priority
15 chemical prior to the effective date of the designation of a priority
16 chemical;

17 (ii) Begin to consider possible regulatory actions prior to the
18 effective date of the designation of a priority consumer product; or

19 (iii) Initiate a rule-making process prior to the effective date
20 of a determination of a regulatory action.

21 (4)(a) When identifying priority chemicals and priority consumer
22 products under this chapter, the department must notify the public of
23 the selection, including the identification of the peer-reviewed
24 science and other sources of information that the department relied
25 upon, the basis for the selection, and a draft schedule for making
26 determinations. The notice must be published in the Washington State
27 Register. The department shall provide the public with an opportunity
28 for review and comment on the regulatory determinations.

29 (b)(i) By June 1, 2020, the department must create a stakeholder
30 advisory process to provide expertise, input, and a review of the
31 department's rationale for identifying priority chemicals and
32 priority consumer products and proposed regulatory determinations.
33 The input received from a stakeholder process must be considered and
34 addressed when adopting rules.

35 (ii) The stakeholder process must include, but is not limited to,
36 representatives from: Large and small business sectors; community,
37 environmental, and public health advocacy groups; local governments;
38 affected and interested businesses; an expert in scientific data
39 analysis; and public health agencies.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 70A.350
2 RCW to read as follows:
3 For the purposes of the regulatory process established in this
4 chapter, a motorized vehicle tire containing 6PPD that is equipped on
5 or intended to be installed as a replacement tire on a motorized
6 vehicle for on-highway use is a priority consumer product. For these
7 priority products, the department must determine regulatory actions
8 and adopt rules to implement those regulatory determinations
9 consistent with the process established in RCW 70A.350.040 and
10 70A.350.050. In determining regulatory actions under this section,
11 the department must specifically consider the effect of the
12 regulatory actions on driver and passenger safety.

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