
Environment & Energy Committee

HB 1107

Brief Description: Concerning environmental impacts of fashion.

Sponsors: Representatives Mena, Ramel, Berry, Reed, Macri, Doglio, Gregerson, Simmons, Peterson, Goodman, Pollet, Kloba, Duerr, Berg, Ormsby, Scott, Reeves, Bernbaum and Hill.

Brief Summary of Bill

- Requires producers of certain footwear and apparel to disclose to the Department of Ecology (Ecology) specified information regarding their products, including the presence of certain chemicals, a description of marketing terms used, how the producer addresses excess product, and current activities related to the producer's environmental impacts.
- Requires larger producers of footwear and apparel to disclose their due diligence policies and associated environmental outcomes to Ecology.
- Requires Ecology to complete an initial assessment by October 2026, and an updated assessment by October 2028, that includes recommendations for policy options to reduce the environmental impacts of fashion products.
- Creates a Community Benefit Account to receive penalties issued to fashion producers, for implementing environmental benefit projects that benefit overburdened communities and vulnerable populations.

Hearing Date: 1/13/25

Staff: Jacob Lipson (786-7196).

Background:

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.

Children's Safe Products Act.

The Children's Safe Products Act (CSPA) directs the Department of Ecology (Ecology), working with the Department of Health (DOH), to use fetal and childhood exposure potential to identify high-priority chemicals of concern to children (CHCC). The CSPA requires manufacturers of children's products containing these identified CHCCs to annually report information about the use of the chemicals to Ecology. The annual notice filed with Ecology must include:

- the chemical number of the CHCC used;
- a description of the product or component containing the substance;
- a description of the chemical's function in the product; and
- the amount of the chemical used in each unit of the product.

Safer Products for Washington.

The Safer Products for Washington program establishes an administrative process for the regulation by Ecology of priority chemicals in priority consumer products, in consultation with the DOH. 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 (PCBs), phenolic compounds, phthalates, organohalogen flame retardants, and other flame retardants identified under the CSPA. Ecology is also authorized to designate additional chemicals as priority chemicals every five years beginning June 1, 2024, if the chemicals meet qualifying criteria.

Extended Producer Responsibility and Product Stewardship Programs.

The Legislature has enacted laws that require the establishment of extended producer responsibility or product stewardship programs for the management of six types of products: (1) electronic products; (2) light bulbs that contain mercury; (3) photovoltaic solar panels; (4) pharmaceuticals; (5) paint; and (6) batteries.

In general, the state's extended producer responsibility and product stewardship programs require producers to participate in a stewardship organization or program that is responsible for the collection, transport, and end-of-life management of products covered by each program.

Ecology is responsible for the oversight of the state's extended producer responsibility and product stewardship programs, with the exception of the pharmaceutical stewardship program, which is overseen by the DOH.

Healthy Environment for All Act.

In 2021 the Legislature enacted the Healthy Environment for All Act (HEAL Act) which established several requirements applicable to how state agencies consider environmental justice in their decision-making. The departments of Agriculture, Commerce, Ecology, Health, Natural Resources, Transportation, and the Puget Sound Partnership must apply and comply with specified environmental justice requirements. These agencies must integrate environmental justice, including consideration of environmental harms and benefits, into agency decision-making and activities. One obligation of these agencies is to create and adopt a community

engagement plan that describes planned engagement with overburdened communities and vulnerable populations, and that identifies and prioritizes overburdened communities for the purposes of implementing the agency's environmental justice responsibilities. The HEAL Act also created an Environmental Justice Council, tasked with various responsibilities related to state agencies' implementation of the HEAL Act and the 2021 Climate Commitment Act.

Other.

The Pollution Control Hearings Board (PCHB) is an appeals board with jurisdiction to hear appeals of certain decisions, orders, and penalties issued by Ecology and several other state agencies. Parties aggrieved by a PCHB decision may obtain subsequent judicial review.

Summary of Bill:

Beginning January 1, 2027, each fashion producer of certain types of wearing apparel or footwear (covered products) must annually disclose to Ecology:

- a notice consistent with the CSPA identifying each covered product that contains a high priority chemical under the CSPA or a priority chemical identified under the Safer Products for Washington program;
- a description of terms used in marketing, labels, or public communications regarding the environmental impact or sustainability of covered products;
- a description of how each producer sells, gifts, or disposes of unwanted covered products;
- and a description of the producer's current activities, initiatives, or targets for reducing its environmental impacts.

Fashion producers of covered products whose annual worldwide gross income exceeds 100 million dollars must additionally disclose to Ecology the producer's:

- due diligence policies, processes, and outcomes, including environmental impacts, recycled content measurements, and greenhouse gas emissions associated with covered products; and
- working conditions and the working conditions of their direct suppliers of products or inputs.

For each covered product, a single specified person—either the product's manufacturer, brand owner, brand licensee, importer of record, or distributor of the product in Washington—is defined as the fashion producer responsible for compliance with disclosure requirements.

Ecology may adopt rules to enforce disclosure requirements, including by establishing a de minimis size of fashion producer not required to report information to Ecology. Producers that violate disclosure requirements are subject to civil penalties of up to \$5,000 per violation for a first violation and up to \$10,000 per violation for repeat offenses. Penalties are appealable to the PCHB. Penalties must be deposited in a newly created Community Environmental and Public Health Improvement Account (Account). The Account must be used for environmental benefit

projects that benefit overburdened communities and vulnerable populations, as those benefits, communities, and populations are defined and identified by Ecology under the HEAL Act. Ecology must consult with the Environmental Justice Council in making expenditures on environmental benefit projects from the Account.

By October 15, 2026, Ecology must complete an assessment of policy options for fashion producers to reduce environmental impacts of apparel and footwear. The assessment must address policy and design considerations and best practices for extended producer responsibility requirements for fashion products, and for the development of a public-facing platform and other education and outreach strategies. By October 15, 2028, Ecology must update the assessment to additionally include an assessment of best practices for labeling of environmental attributes for apparel and footwear. Within 45 days of the completion of the assessments, Ecology must submit the assessments with recommendations to the appropriate committees of the Legislature, after soliciting input from potentially impacted stakeholders.

Appropriation: None.

Fiscal Note: Requested on 01/07/2025.

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