

SENATE BILL REPORT

SHB 1857

As Reported by Senate Committee On:
Environment, Energy & Technology, April 1, 2025

Title: An act relating to asbestos-containing building materials.

Brief Description: Concerning asbestos-containing building materials.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Ley, Doglio, Dye and Parshley).

Brief History: Passed House: 3/12/25, 95-2.

Committee Activity: Environment, Energy & Technology: 3/26/25, 4/01/25 [DPA].

Brief Summary of Amended Bill

- Exempts commercial aggregates from restrictions on the manufacture, wholesale, or distribution of asbestos containing building materials and use in new construction or renovation.
- Exempts commercial aggregates from inspection and management requirements related to manufacturing facilities.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass as amended.

Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Boehnke, Ranking Member; Dhingra, Harris, Liias, Lovelett, MacEwen, Ramos, Short and Wellman.

Staff: Alicia Kinne-Clawson (786-7407)

Background: Asbestos. Asbestos is a naturally occurring mineral fiber found in rock and soil. The federal Environmental Protection Agency (EPA) classifies six categories of asbestos mineral fibers: chrysotile, amosite, crocidolite, tremolite, anthophyllite, and

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actinolite. Asbestos can be used as an insulator or fire retardant in a variety of consumer goods, including in building materials, and is also found as a naturally occurring contaminant in deposits of other mineral types used for commercial purposes.

State Asbestos Regulations. In Washington, the Department of Labor and Industries (L&I) regulates workplace standards related to asbestos use in construction and manufacturing, while the Department of Ecology (Ecology) and local clean air agencies may regulate asbestos removal from structures. The use of asbestos-containing building materials in new construction or renovations in Washington is prohibited. This prohibition does not apply to the use of asbestos containing building materials:

- in residential construction;
- that are already ordered by a contractor or in the possession of the contractor; or
- if compliance would result in the breach of a contract.

Manufacturing, wholesaling, or distributing for sale asbestos-containing building materials in Washington without labeling them as such is prohibited. Asbestos-containing building materials means any building material to which asbestos is deliberately added in any concentration or that contains 0.1 percent asbestos by weight or area. Manufacturers, wholesalers, and distributors may submit a written request for an exemption from labeling. Ecology may grant such an exemption if it determines that the labeling requirements are technically infeasible or create an undue economic hardship. Each exemption may be in effect for no more than three years and is subject to the terms and conditions prescribed by Ecology. Violations of the labeling requirement are subject to civil penalties under the state Clean Air Act of up to \$10,000 per violation.

Summary of Amended Bill: Commercial aggregates with an asbestos content of 0.25 percent or lower are excluded from restrictions on the manufacture, wholesale, or distribution of asbestos containing building materials without labeling them as such.

Commercial aggregates with an asbestos content of 0.25 percent or lower are exempt from:

- prohibitions on the use of asbestos-containing building materials in new construction or renovations; and
- inspection requirements for certain manufacturing facilities for asbestos-containing building materials and asbestos management plans for these facilities.

"Commercial aggregates" means mixtures of mineral fragments, sand, gravel, rocks, cobbles, and stones that originate from quarry operations and are used in construction or the production of cemented materials.

EFFECT OF ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE AMENDMENT(S):

- Specifies that restrictions on asbestos-containing building materials for new construction or manufacturing facilities do not apply to commercial aggregates with

- an asbestos content of 0.25 percent or lower.
- Makes a technical correction.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: I've heard stories from a local aggregate producer in the county that said in some instances if they applied this zero tolerance standard that you would have to import pure asbestos free rock from hundreds if not thousands of miles away. That cost gets passed on to the consumer and it's bad for the environment when we are trucking this rock super long distances. When you have to import naturally occurring rock with no asbestos the costs go up significantly. This allows you to use naturally occurring asbestos in aggregate products when it occurs at very low levels. This bill is friendly in keeping construction affordable by allowing the aggregate to be harvested locally. This bill is a friendly amendment to a prior bill. Locally sourced aggregate can contain asbestos in greater than 0.10 percent. This will alleviate concerns about being able to source compliant materials. By passing this bill you will bring clarity and future cost savings.

OTHER: Asbestos is naturally occurring in all cases. The bill started out in a way that is unconstrained. We would like to see the same restriction on 0.25 percent limit carried throughout the bill.

Persons Testifying: PRO: Representative John Ley, Prime Sponsor; Michael Transue, WA Aggregate and Concrete Association; Ray Dumas.

OTHER: Heather Trim, Zero Waste Washington.

Persons Signed In To Testify But Not Testifying: No one.