
HOUSE BILL 1107

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

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1 AN ACT Relating to environmental impacts of fashion; amending RCW
2 70A.430.060; reenacting and amending RCW 43.21B.110 and 43.21B.300;
3 adding a new chapter to Title 70A RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the fashion
6 industry has many negative environmental impacts, including high
7 levels of water use, runoff pollution from the use of agrochemicals
8 and dyes, carbon emissions, industry waste, and hazardous work
9 environments.

10 (2) The United Nations estimates that a single pair of jeans
11 requires a kilogram of cotton, and because cotton tends to be grown
12 in dry environments, producing this kilogram requires about 7,500 to
13 10,000 liters of water, which is approximately 10 years' worth of
14 drinking water for one person. The industry accounts for nearly 20
15 percent of global wastewater, with fabric dyes polluting water bodies
16 and impacting aquatic life and drinking water. Cotton production also
17 uses a high amount of fertilizers and pesticides, discharging toxic
18 substances to waterways. In terms of greenhouse gases, the fashion
19 industry accounts for about eight to 10 percent of global carbon
20 emissions, more than both aviation and shipping combined.

1 (3) The synthetic polymer polyester is the most common fabric
2 used in clothing and, globally, 65 percent of the clothing that we
3 wear is polymer-based. Around 70,000,000 barrels of oil a year are
4 used to make polyester fibers in our clothes, from waterproof jackets
5 to scarves. Polyester takes hundreds of years to decompose and can
6 lead to microfibers escaping into the environment. The United States
7 environmental protection agency estimates that in 2018, 11,300,000
8 tons of textiles ended up in landfills, while another 3,200,000 tons
9 were incinerated. According to the Ellen MacArthur foundation, the
10 average number of times a piece of clothing is worn decreased by 36
11 percent between 2000 and 2015, and according to the world bank, 40
12 percent of clothing purchased in some countries is never used.

13 (4) The legislature intends for Washington to serve as a leader
14 in mitigating the environmental impact of the fashion industry by
15 requiring disclosure of certain environmental impacts by fashion
16 producers and sellers and by studying and planning for additional
17 measures to reduce fashion's impacts.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires
20 otherwise.

21 (1) "Article of wearing apparel" means any costume or article of
22 clothing worn or intended to be worn by individuals.

23 (2) "Covered product" means an article of wearing apparel or
24 footwear.

25 (3) "Department" means the department of ecology.

26 (4) "Due diligence" means the process companies carry out to
27 identify, prevent, mitigate, and account for how they address actual
28 and potential adverse impacts in their own operations, their supply
29 chain, and other business relationships, in the manner recommended in
30 the organization for economic cooperation and development guidelines
31 for multinational enterprises, the organization for economic
32 cooperation and development due diligence guidance for responsible
33 business conduct, and United Nations guiding principles of business
34 and human rights, as those guidelines and guidance existed as of
35 January 1, 2024.

36 (5) "Fashion producer" means the following person responsible for
37 compliance with the requirements of this chapter for a covered
38 product sold, offered for sale, or distributed for sale into the
39 state:

1 (a) If the covered product is sold under the brand of the covered
2 product manufacturer, the producer is the person that manufactures
3 the covered product;

4 (b) If the covered product is sold under a retail brand or under
5 a brand owned by a person other than the manufacturer, the producer
6 is the brand owner;

7 (c) If there is no person to which (a) or (b) of this subsection
8 applies, the producer is the person that is the licensee of a brand
9 or trademark under which the covered product is sold, offered for
10 sale, or distributed in or into this state;

11 (d) If there is no person described in (a) through (c) of this
12 subsection within the United States, the producer is the person who
13 is the importer of record for the covered product into the United
14 States that sells, offers for sale, or distributes the covered
15 product in this state;

16 (e) If there is no person described in (a) through (d) of this
17 subsection with a commercial presence within the state, the producer
18 is the person who first sells, offers for sale, or distributes the
19 covered product in or into this state.

20 (6) "Footwear" means any covering worn or intended to be worn on
21 the foot.

22 (7) "Gross income of the business" means the value proceeding or
23 accruing by reason of the transaction of the business engaged in and
24 includes gross proceeds of sales, compensation for the rendition of
25 services, gains realized from trading in stocks, bonds, or other
26 evidences of indebtedness, interest, discount, rents, royalties,
27 fees, commissions, dividends, and other emoluments however
28 designated, all without any deduction on account of the cost of
29 tangible property sold, the cost of materials used, labor costs,
30 interest, discount, delivery costs, taxes, or any other expense
31 whatsoever paid or accrued and without any deduction on account of
32 losses.

33 (8) (a) "Working conditions" means the:

34 (i) Average number of employees by employment type: Full-time,
35 part-time, and temporary;

36 (ii) Average hourly wage, including all nondiscretionary wages
37 and bonuses, by hourly wage bands: \$15 or below, \$15.01-\$20, \$20.01-
38 \$25, \$25.01-\$30, \$30.01-\$50, and \$50.01 or greater;

39 (iii) Average total number of employees enrolled in medical plans
40 provided by the employer;

1 (iv) Average total number of employees enrolled in dental plans
2 provided by the employer;

3 (v) Average total number of employees enrolled in retirement
4 plans provided by the employer; and

5 (vi) Total case incident rate for the prior calendar year.

6 (b) For the purpose of this subsection, "average" means the mean
7 value:

8 (i) For the two previous years; or

9 (ii) If the business has been operational for less than two
10 years, since the business has been operational.

11 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2027, each
12 fashion producer must annually disclose the following to the
13 department:

14 (a) A notice consistent with RCW 70A.430.060 identifying each
15 covered product that contains a high priority chemical identified
16 under RCW 70A.430.040 or a priority chemical identified in RCW
17 70A.350.010 or that is the subject of a rule adopted under chapter
18 70A.350;

19 (b) A description of any terms used in marketing, labels, or
20 public-facing communications by the producer to describe elements of
21 the environmental impact or sustainability of the producer's covered
22 products including, but not limited to, terms such as "sustainable,"
23 "green," "low impact," or "environmentally friendly," and how the
24 producer defines or measures such terms;

25 (c) A description of how each producer sells, gifts, or otherwise
26 disposes of unwanted excess covered products that are not sold to
27 consumers through retail sales, and the volume of such unwanted
28 excess covered products disposed of during the most recent calendar
29 year; and

30 (d) A description of the producer's current activities,
31 initiatives, or targets related to reducing the fashion producer's
32 environmental impacts.

33 (2) In addition to the requirements of subsection (1) of this
34 section, beginning January 1, 2027, each fashion producer that has an
35 annual worldwide gross income of the business that exceeds
36 \$100,000,000 must disclose the following to the department:

37 (a) The environmental due diligence policies, processes, and
38 outcomes of the fashion producer, including:

1 (i) Significant real or potential adverse environmental impacts
2 associated with the fashion producer;

3 (ii) The contents of any environmental sustainability reports
4 related to the fashion producer's operations;

5 (iii) Measurements of the amount and type of recycled content in
6 each covered product produced by the manufacturer; and

7 (iv) Measurements of the greenhouse gas emissions associated with
8 the fashion producer's covered products, including the methodology
9 associated with such measurements; and

10 (b) The working conditions of the fashion producer and direct
11 suppliers of products for or inputs to the fashion producer.

12 NEW SECTION. **Sec. 4.** (1) By October 15, 2026, the department
13 must complete an assessment of policy options for fashion producers
14 to reduce environmental impacts associated with covered products. The
15 assessment must address policy design considerations and best
16 practices for extended producer responsibility requirements
17 applicable to fashion products and for the development of a public-
18 facing platform and other education and outreach strategies to
19 facilitate consumer consideration of the environmental attributes and
20 impacts of covered products, including the information reported under
21 section 3 of this act.

22 (2) By October 15, 2028, the department must update the
23 assessment in subsection (1) of this section to additionally include
24 an assessment of the best practices for the labeling of environmental
25 attributes associated with covered products. The department must
26 consider the information submitted under section 3 of this act in the
27 identification of best practices for labeling environmental
28 attributes associated with covered products.

29 (3) No later than 45 days after completion, the assessments
30 required in this section must be submitted, with recommendations, to
31 the appropriate committees of the legislature. The department must
32 solicit input from potentially impacted stakeholders, including
33 fashion producers and overburdened communities and vulnerable
34 populations identified consistent with chapter 70A.02 RCW, prior to
35 the finalization of recommendations to the legislature under this
36 subsection.

37 (4) In its assessments and recommendations under this section,
38 the department must consider any anticipated public health benefits

1 and economic impacts to vulnerable populations, as defined in RCW
2 70A.02.010.

3 NEW SECTION. **Sec. 5.** (1)(a) The department may adopt rules as
4 necessary for the purpose of implementing, administering, and
5 enforcing this chapter.

6 (b) By rule, the department may adopt a de minimis size of
7 fashion producer that is not required to report the information
8 required in section 3(1) of this act.

9 (2) A fashion producer that violates a disclosure requirement
10 established in section 3 of this act is subject to a civil penalty
11 not to exceed \$5,000 for each violation in the case of a first
12 offense. Repeat violators are subject to a civil penalty not to
13 exceed \$10,000 for each repeat offense.

14 (3) Any penalty provided for in this section, and any order
15 issued by the department under this chapter, may be appealed to the
16 pollution control hearings board.

17 (4) All penalties collected under this chapter must be deposited
18 in the community environmental and public health improvement account
19 created in section 6 of this act.

20 NEW SECTION. **Sec. 6.** (1) The community environmental and public
21 health improvement account is created in the custody of the state
22 treasurer. All receipts from penalties imposed under section 5 of
23 this act must be deposited into the account. Expenditures from the
24 account may be used only for the purpose of implementing one or more
25 environmental benefit projects that directly and verifiably benefit
26 overburdened communities and vulnerable populations identified by the
27 department in a manner consistent with chapter 70A.02 RCW. Only the
28 director of the department or the director's designee may authorize
29 expenditures from the account. The account is subject to allotment
30 procedures under chapter 43.88 RCW, but an appropriation is not
31 required for expenditures.

32 (2) The department must consult with the environmental justice
33 council established in RCW 70A.02.110 in making expenditures under
34 this section.

35 (3) For the purposes of this section, "environmental benefit" has
36 the same meaning as "environmental benefits" defined in RCW
37 70A.02.010.

1 **Sec. 7.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and
2 2024 c 339 s 16 are each reenacted and amended to read as follows:

3 (1) The hearings board shall only have jurisdiction to hear and
4 decide appeals from the following decisions of the department, the
5 director, local conservation districts, the air pollution control
6 boards or authorities as established pursuant to chapter 70A.15 RCW,
7 local health departments, the department of natural resources, the
8 department of fish and wildlife, the parks and recreation commission,
9 and authorized public entities described in chapter 79.100 RCW:

10 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
11 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
12 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100,
13 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040,
14 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,
15 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020,
16 70A.565.030, section 5 of this act, 76.09.170, 77.55.440, 78.44.250,
17 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
18 90.64.102.

19 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
20 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
21 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,
22 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,
23 70A.565.030, section 5 of this act, 86.16.020, 88.46.070, 90.03.665,
24 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

25 (c) Except as provided in RCW 90.03.210(2), the issuance,
26 modification, or termination of any permit, certificate, or license
27 by the department or any air authority in the exercise of its
28 jurisdiction, including the issuance or termination of a waste
29 disposal permit, the denial of an application for a waste disposal
30 permit, the modification of the conditions or the terms of a waste
31 disposal permit, a decision to approve or deny a solid waste
32 management plan under RCW 70A.205.055, approval or denial of an
33 application for a beneficial use determination under RCW 70A.205.260,
34 an application for a change under RCW 90.03.383, or a permit to
35 distribute reclaimed water under RCW 90.46.220.

36 (d) Decisions of local health departments regarding the granting
37 or denial of solid waste permits pursuant to chapter 70A.205 RCW,
38 including appeals by the department as provided in RCW 70A.205.130.

1 (e) Decisions of local health departments regarding the issuance
2 and enforcement of permits to use or dispose of biosolids under RCW
3 70A.226.090.

4 (f) Decisions of the department regarding waste-derived
5 fertilizer or micronutrient fertilizer under RCW 15.54.820.

6 (g) Decisions of local conservation districts related to the
7 denial of approval or denial of certification of a dairy nutrient
8 management plan; conditions contained in a plan; application of any
9 dairy nutrient management practices, standards, methods, and
10 technologies to a particular dairy farm; and failure to adhere to the
11 plan review and approval timelines in RCW 90.64.026 as provided in
12 RCW 90.64.028.

13 (h) Any other decision by the department or an air authority
14 which pursuant to law must be decided as an adjudicative proceeding
15 under chapter 34.05 RCW.

16 (i) Decisions of the department of natural resources, the
17 department of fish and wildlife, and the department that are
18 reviewable under chapter 76.09 RCW, and the department of natural
19 resources' appeals of county, city, or town objections under RCW
20 76.09.050(7).

21 (j) Forest health hazard orders issued by the commissioner of
22 public lands under RCW 76.06.180.

23 (k) Decisions of the department of fish and wildlife to issue,
24 deny, condition, or modify a hydraulic project approval permit under
25 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
26 comply, to issue a civil penalty, or to issue a notice of intent to
27 disapprove applications.

28 (l) Decisions of the department of natural resources that are
29 reviewable under RCW 78.44.270.

30 (m) Decisions of an authorized public entity under RCW 79.100.010
31 to take temporary possession or custody of a vessel or to contest the
32 amount of reimbursement owed that are reviewable by the hearings
33 board under RCW 79.100.120.

34 (n) Decisions of the department of ecology that are appealable
35 under RCW 70A.245.020 to set recycled minimum postconsumer content
36 for covered products or to temporarily exclude types of covered
37 products in plastic containers from minimum postconsumer recycled
38 content requirements.

39 (o) Orders by the department of ecology under RCW 70A.455.080.

1 (2) The following hearings shall not be conducted by the hearings
2 board:

3 (a) Hearings required by law to be conducted by the shorelines
4 hearings board pursuant to chapter 90.58 RCW, except where appeals to
5 the pollution control hearings board and appeals to the shorelines
6 hearings board have been consolidated pursuant to RCW 43.21B.340.

7 (b) Hearings conducted by the department pursuant to RCW
8 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
9 70A.15.3110, and 90.44.180.

10 (c) Appeals of decisions by the department under RCW 90.03.110
11 and 90.44.220.

12 (d) Hearings conducted by the department to adopt, modify, or
13 repeal rules.

14 (3) Review of rules and regulations adopted by the hearings board
15 shall be subject to review in accordance with the provisions of the
16 administrative procedure act, chapter 34.05 RCW.

17 **Sec. 8.** RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5 are
18 each reenacted and amended to read as follows:

19 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,
20 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040,
21 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,
22 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110,
23 70A.555.110, 70A.560.020, 70A.565.030, 86.16.081, 88.46.090,
24 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102
25 and chapter 70A.355 RCW shall be imposed by a notice in writing,
26 either by certified mail with return receipt requested or by personal
27 service, to the person incurring the penalty from the department or
28 the local air authority, describing the violation with reasonable
29 particularity. For penalties issued by local air authorities, within
30 30 days after the notice is received, the person incurring the
31 penalty may apply in writing to the authority for the remission or
32 mitigation of the penalty. Upon receipt of the application, the
33 authority may remit or mitigate the penalty upon whatever terms the
34 authority in its discretion deems proper. The authority may ascertain
35 the facts regarding all such applications in such reasonable manner
36 and under such rules as it may deem proper and shall remit or
37 mitigate the penalty only upon a demonstration of extraordinary
38 circumstances such as the presence of information or factors not
39 considered in setting the original penalty.

1 (2) Any penalty imposed under this section may be appealed to the
2 pollution control hearings board in accordance with this chapter if
3 the appeal is filed with the hearings board and served on the
4 department or authority 30 days after the date of receipt by the
5 person penalized of the notice imposing the penalty or 30 days after
6 the date of receipt of the notice of disposition by a local air
7 authority of the application for relief from penalty.

8 (3) A penalty shall become due and payable on the later of:

9 (a) 30 days after receipt of the notice imposing the penalty;

10 (b) 30 days after receipt of the notice of disposition by a local
11 air authority on application for relief from penalty, if such an
12 application is made; or

13 (c) 30 days after receipt of the notice of decision of the
14 hearings board if the penalty is appealed.

15 (4) If the amount of any penalty is not paid to the department
16 within 30 days after it becomes due and payable, the attorney
17 general, upon request of the department, shall bring an action in the
18 name of the state of Washington in the superior court of Thurston
19 county, or of any county in which the violator does business, to
20 recover the penalty. If the amount of the penalty is not paid to the
21 authority within 30 days after it becomes due and payable, the
22 authority may bring an action to recover the penalty in the superior
23 court of the county of the authority's main office or of any county
24 in which the violator does business. In these actions, the procedures
25 and rules of evidence shall be the same as in an ordinary civil
26 action.

27 (5) All penalties recovered shall be paid into the state treasury
28 and credited to the general fund except the following:

29 (a) Penalties imposed pursuant to RCW 18.104.155 must be credited
30 to the reclamation account as provided in RCW 18.104.155(7);

31 (b) Penalties imposed pursuant to RCW 70A.15.3160 must be
32 disposed of pursuant to RCW 70A.15.3160;

33 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,
34 70A.430.070, 70A.555.110, ~~((and))~~ 70A.560.020, and 70A.565.030 must
35 be credited to the model toxics control operating account created in
36 RCW 70A.305.180;

37 (d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050
38 must be credited to the recycling enhancement account created in RCW
39 70A.245.100;

1 (e) Penalties imposed pursuant to RCW 70A.500.260 must be
2 deposited into the electronic products recycling account created in
3 RCW 70A.500.130;

4 (f) Penalties imposed pursuant to RCW 70A.65.200 must be credited
5 to the climate investment account created in RCW 70A.65.250;

6 (g) Penalties imposed pursuant to RCW 90.56.330 must be credited
7 to the coastal protection fund established in RCW 90.48.390; (~~and~~)

8 (h) Penalties imposed pursuant to RCW 70A.355.070 must be
9 credited to the underground storage tank account created in RCW
10 70A.355.090; and

11 (i) Penalties imposed pursuant to section 5 of this act must be
12 credited to the community environmental and public health improvement
13 account created in section 6 of this act.

14 **Sec. 9.** RCW 70A.430.060 and 2020 c 20 s 1408 are each amended to
15 read as follows:

16 A manufacturer of a children's product, footwear, article of
17 wearing apparel, or a consumer product containing a priority chemical
18 subject to a rule adopted to implement a determination made
19 consistent with RCW 70A.350.040(1)(b), or a trade organization on
20 behalf of its member manufacturers, shall provide notice to the
21 department that the manufacturer's product contains a high priority
22 chemical or a priority chemical identified under chapter 70A.350 RCW.
23 The notice must be filed annually with the department and must
24 include the following information:

25 (1) The name of the chemical used or produced and its chemical
26 abstracts service registry number;

27 (2) A brief description of the product or product component
28 containing the substance;

29 (3) A description of the function of the chemical in the product;

30 (4) The amount of the chemical used in each unit of the product
31 or product component. The amount may be reported in ranges, rather
32 than the exact amount;

33 (5) The name and address of the manufacturer and the name,
34 address, and phone number of a contact person for the manufacturer;
35 and

36 (6) Any other information the manufacturer deems relevant to the
37 appropriate use of the product.

1 NEW SECTION. **Sec. 10.** This chapter may be known and cited as
2 the Washington fashion sustainability accountability act.

3 NEW SECTION. **Sec. 11.** Sections 1 through 6 and 10 of this act
4 constitute a new chapter in Title 70A RCW.

5 NEW SECTION. **Sec. 12.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

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