
SUBSTITUTE HOUSE BILL 1857

State of Washington

69th Legislature

2025 Regular Session

By House Environment & Energy (originally sponsored by Representatives Ley, Doglio, Dye, and Parshley)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to asbestos-containing building materials;
2 amending RCW 70A.450.030, 70A.450.060, and 70A.450.070; and
3 reenacting and amending RCW 70A.450.020.

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

5 **Sec. 1.** RCW 70A.450.020 and 2020 c 100 s 2 are each reenacted
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Asbestos" includes the asbestiform varieties of actinolite,
10 amosite (cummingtonite-grunerite), tremolite, chrysotile
11 (serpentine), crocidolite (riebeckite), anthophyllite, and any of
12 these minerals that have been chemically treated or altered. The
13 chemical abstracts service registry number for each is as follows:
14 Asbestos (1332-21-4), actinolite (~~((13768-00-8))~~) (77536-66-4),
15 amosite (12172-73-5), tremolite (~~((14567-73-8))~~) (77536-68-6),
16 chrysotile (12001-29-5), crocidolite (12001-28-4), and anthophyllite
17 (~~((17068-78-9))~~) (77536-67-5).

18 (2) "Asbestos-containing building material" means:

19 (a) Until January 1, 2025, any building material to which
20 asbestos is deliberately added in any concentration or that contains
21 more than one percent asbestos by weight or area as determined using

1 the United States environmental protection agency method for the
2 determination of asbestos in building materials, EPA/600/R-93/116,
3 July 1993; and

4 (b) Beginning January 1, 2025, any building material to which
5 asbestos is deliberately added in any concentration or that contains
6 more than (~~one-tenth of one~~) 0.1 percent asbestos by weight or area
7 as determined using the United States environmental protection agency
8 method for the determination of asbestos in building materials,
9 EPA/600/R-93/116, July 1993.

10 (3) "Building material" includes materials designed for, or used
11 in, construction, renovation, repair, or maintenance of
12 institutional, commercial, public, industrial, or residential
13 buildings and structures. The term does not include automobiles,
14 recreational vehicles, boats, or other mobile means of
15 transportation.

16 (4) "Commercial aggregates" means mixtures of mineral fragments,
17 sand, gravel, rocks, cobbles, rocks, and stones that:

18 (a) May or may not be crushed;

19 (b) Originate from quarry operations; and

20 (c) Are used in construction or the production of asphalt
21 concrete, Portland cement concrete, or other similarly cemented
22 materials.

23 (5) "Consumer" means any person that acquires a building material
24 for direct use or ownership, rather than for resale or use in
25 production and manufacturing.

26 (~~(5)~~) (6) "Department" means the department of ecology.

27 (~~(6)~~) (7) "Interested party" means any contractor,
28 subcontractor, or worker that performs, or is reasonably expected to
29 perform, work at a facility covered under RCW 70A.450.070 or any
30 organization whose members perform, or are reasonably expected to
31 perform, work at a facility covered under RCW 70A.450.070.

32 (~~(7)~~) (8) "Person" means any individual, firm, public or
33 private corporation, association, partnership, political subdivision,
34 municipality, or government agency.

35 (~~(8)~~) (9) "Residential construction" means construction,
36 alteration, repair, improvement, or maintenance of single-family
37 dwellings, duplexes, apartments, condominiums, and other residential
38 structures not to exceed four stories in height, including the
39 basement.

1 (~~(9)~~) (10) "Retailer" means any person that sells goods or
2 commodities directly to consumers.

3 **Sec. 2.** RCW 70A.450.030 and 2020 c 20 s 1426 are each amended to
4 read as follows:

5 (1) Effective January 1, 2014, it is unlawful to manufacture,
6 wholesale, or distribute for sale an asbestos-containing building
7 material that is not labeled as required by RCW 70A.450.040 or as
8 required under federal law, 40 C.F.R. part 763, subpart I, Sec.
9 173.171 (1994). The labeling requirement also applies to stock-on-
10 hand, meaning any asbestos-containing building material in their
11 possession or control after December 31, 2013, must be labeled.
12 Retailers that do not manufacture, wholesale, or distribute asbestos-
13 containing building materials are exempt from this chapter.

14 (2) (a) Subsection (1) of this section does not apply to asbestos-
15 containing building materials that have already been installed,
16 applied, or used by the consumer.

17 (b) Subsection (1) of this section does not apply to asbestos-
18 containing building materials used solely for United States military
19 purposes.

20 (c) Subsection (1) of this section does not apply to commercial
21 aggregates that have an asbestos content of 0.25 percent or lower.

22 (3) Any manufacturer, wholesaler, or distributor may submit a
23 written request for an exemption from the labeling requirements of
24 this chapter, and the department may grant such an exemption if it
25 determines that the labeling requirements are technically infeasible
26 or create an undue economic hardship. Each exemption is in effect for
27 a period not to exceed three years from the date issued and is
28 subject to the terms and conditions prescribed by the department.

29 **Sec. 3.** RCW 70A.450.060 and 2020 c 100 s 1 are each amended to
30 read as follows:

31 (1) Except as provided in subsection (2) of this section, the use
32 of asbestos-containing building materials in new construction or
33 renovations is prohibited.

34 (2) Subsection (1) of this section does not apply to:

35 (a) The use of asbestos-containing building materials in
36 residential construction;

1 (b) The use of asbestos-containing building materials that are,
2 as of June 11, 2020, already ordered by a contractor or currently in
3 the possession of the contractor; (~~or~~)

4 (c) The use of asbestos-containing building materials if
5 complying with subsection (1) of this section would result in the
6 breach of a contract existing as of June 11, 2020; or

7 (d) Commercial aggregates.

8 **Sec. 4.** RCW 70A.450.070 and 2020 c 100 s 3 are each amended to
9 read as follows:

10 (1) Every owner of a facility that is engaged in activities
11 described in codes 31 through 33 of the North American industry
12 classification system must:

13 (a) Perform an inspection of the facility to determine whether
14 asbestos-containing building materials are present and, if asbestos-
15 containing building materials are found during the initial
16 inspection, reinspect asbestos-containing building materials every
17 five years thereafter. The inspections must be conducted by persons
18 meeting the accreditation requirements of the federal toxic
19 substances control act, 15 U.S.C. Sec. 2646 (b) or (c); and

20 (b) Develop, maintain, and update an asbestos management plan and
21 keep a copy at the facility. The asbestos management plan must be
22 updated every five years and after any material changes in asbestos-
23 containing building materials in the facility. The asbestos
24 management plan must include:

25 (i) The name and address of the facility and whether the facility
26 has asbestos-containing building materials, and the type of asbestos-
27 containing building material;

28 (ii) The date of the original facility inspection;

29 (iii) A plan for reinspections;

30 (iv) A blueprint of the facility that clearly identifies the
31 location of asbestos-containing building materials;

32 (v) A description of any response action or prevention measures
33 taken to reduce asbestos exposure;

34 (vi) A copy of the analysis of any building or facility, and the
35 name and address of any laboratory that sampled the material;

36 (vii) The name, address, and telephone number of a designated
37 contact to whom the owner has assigned responsibility for ensuring
38 that the duties of the owner are carried out; and

1 (viii) A description of steps taken to inform workers about
2 inspections, reinspections, response actions, and periodic
3 surveillance of the asbestos-containing building materials.

4 (2) Upon request, the asbestos management plan required under
5 subsection (1)(b) of this section must be made available to the
6 department, the department of labor and industries, local air
7 pollution control authorities in jurisdictions where they have been
8 created under this chapter, and any interested party. In addition to
9 the penalties established by this chapter, failure to create or
10 maintain a required asbestos management plan is a violation of
11 chapter 49.17 RCW and subject to the penalties established under RCW
12 49.17.180 and 49.17.190.

13 (3) Subsections (1) and (2) of this section do not apply to
14 commercial aggregates.

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