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**SUBSTITUTE HOUSE BILL 2421**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Hall, Berry, Parshley, Zahn, Ramel, Pollet, Reed, and Hill)

READ FIRST TIME 02/03/26.

1 AN ACT Relating to 6PPD and regrettable 6PPD substitutes in  
2 tires; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding  
3 a new chapter to Title 70A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that 6PPD  
6 (N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine) is a chemical  
7 commonly used in motor vehicle tires to keep them from cracking and  
8 degrading quickly. 6PPD works by moving to the surface of the tire  
9 and forming a film that protects the tire. When 6PPD is exposed to  
10 oxygen and ozone at the surface of a tire, it forms 6PPD-quinone  
11 (2-((4-methylpentan-2-yl)amino)-5-(phenylamino)cyclohexa-2,5-diene-1,  
12 4-dione). As tires are used and degrade, they release 6PPD-quinone as  
13 tire wear particles that are washed or deposited into streams,  
14 rivers, and other water bodies through stormwater runoff, aerial  
15 deposition, and other pathways.

16 (2) The legislature further finds that 6PPD-quinone is directly  
17 linked to urban runoff mortality syndrome, a condition where coho  
18 salmon die prior to spawning. 6PPD-quinone is known to be toxic to  
19 aquatic species and is the primary causal toxicant for coho salmon.

20 (3) The legislature recognizes the urgency in reducing and  
21 stopping the release of 6PPD-quinone into Washington waterways by

1 incentivizing the development and use of safer alternatives to  
2 protect salmon, trout, and other aquatic species. Salmon, trout, and  
3 other aquatic species are central to Washington's ecosystems, treaty-  
4 reserved tribal rights, cultural heritage, recreational fishing, and  
5 the state's economy. Ongoing mortality of salmonids linked to 6PPD-  
6 quinone undermines ecological health, fisheries, and community well-  
7 being.

8 (4) The legislature further finds that alternatives to 6PPD are  
9 under development. Phasing out 6PPD in favor of safer alternatives  
10 will incentivize innovation, protect aquatic species, reduce  
11 stormwater pollution, align with Washington's leadership in toxics  
12 reduction and salmonid recovery, and provide the timing necessary to  
13 identify an alternative to 6PPD that ensures motorist safety and  
14 protection of human health and the environment.

15 (5) It is therefore the legislature's intent to restrict 6PPD in  
16 tires after providing time for the industry to bring 6PPD  
17 alternatives into the marketplace, and restrict 6PPD substitutes that  
18 are not safer alternatives to 6PPD in tires.

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

22 (1) "6PPD" has the same meaning as in RCW 70A.350.010(1).

23 (2) "Department" means the department of ecology.

24 (3) "Regrettable 6PPD substitute" means a chemical or chemicals  
25 that are not determined by the department to be a safer alternative  
26 consistent with section 3 of this act.

27 (4) "Safer alternative" has the same meaning as in RCW  
28 70A.350.010.

29 (5) "Vehicle" has the same meaning as in RCW 46.04.670.

30 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2035, no person  
31 may manufacture, sell, offer for sale, distribute for sale, or  
32 distribute for use in this state a new vehicle tire containing  
33 intentionally added 6PPD or a regrettable 6PPD substitute identified  
34 by rule by the department.

35 (2) In adopting rules to identify regrettable 6PPD substitutes  
36 subject to the requirements of this section, the department, in  
37 consultation with the department of health, must consider information  
38 generated by other states or nations to identify regrettable 6PPD

1 substitutes. The department must, at minimum, identify as a  
2 regrettable 6PPD substitute any alternative that it determines is not  
3 a safer alternative consistent with the criteria established under  
4 chapter 70A.350 RCW.

5 (3) The provisions of this section do not apply to vehicle tires  
6 for use on products certified, regulated, or specified by the United  
7 States federal aviation administration, United States department of  
8 defense, United States department of homeland security, or the  
9 national aeronautics and space administration.

10 (4) Nothing in this chapter limits the authority of the  
11 department with respect to tires, 6PPD, or 6PPD substitutes under  
12 chapter 70A.350 RCW.

13 NEW SECTION. **Sec. 4.** (1) The department may adopt rules as  
14 necessary for implementing, administering, and enforcing this  
15 chapter.

16 (2) A person violating a requirement of this chapter, a rule  
17 adopted under this chapter, or an order issued under this chapter, is  
18 subject to a civil penalty not to exceed \$5,000 for each violation in  
19 the case of a first offense. Repeat violations are subject to a civil  
20 penalty not to exceed \$10,000 for each repeat offense.

21 (3) The department may issue a corrective action order to a  
22 person in violation of the requirements of this chapter.

23 (4) Any penalty provided for in this section, and any order  
24 issued by the department under this chapter, may be appealed to the  
25 pollution control hearings board.

26 (5) All penalties collected under this chapter shall be deposited  
27 in the model toxics control operating account created in RCW  
28 70A.305.180.

29 **Sec. 5.** RCW 43.21B.110 and 2025 c 327 s 1, 2025 c 319 s 6, 2025  
30 c 316 s 301, 2025 c 314 s 13, 2025 c 311 s 7, and 2025 c 58 s 1008  
31 are each reenacted and amended to read as follows:

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

1 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and  
2 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.205.740,  
3 70A.205.280, 70A.205.545, 70A.355.070, 70A.430.070, 70A.500.260,  
4 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060,  
5 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130,  
6 70A.245.140, 70A.65.200, 70A.455.090, 70A.535.180, 70A.550.030,  
7 70A.555.110, 70A.560.020, 70A.208.230, section 4 of this act,  
8 70A.565.030, 76.04.205, 76.09.170, 77.55.440, 78.44.250, 88.46.090,  
9 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

10 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
11 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,  
12 70A.15.6010, 70A.205.740, 70A.205.280, 70A.214.140, 70A.300.120,  
13 70A.350.070, 70A.245.020, 70A.65.200, 70A.535.180, 70A.505.100,  
14 70A.555.110, 70A.560.020, 70A.208.230, section 4 of this act,  
15 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,  
16 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

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

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

31 (e) Decisions of local health departments regarding the issuance  
32 and enforcement of permits to use or dispose of biosolids under RCW  
33 70A.226.090.

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

36 (g) Decisions of local conservation districts related to the  
37 denial of approval or denial of certification of a dairy nutrient  
38 management plan; conditions contained in a plan; application of any  
39 dairy nutrient management practices, standards, methods, and  
40 technologies to a particular dairy farm; and failure to adhere to the

1 plan review and approval timelines in RCW 90.64.026 as provided in  
2 RCW 90.64.028.

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

6 (i) Decisions of the department of natural resources, the  
7 department of fish and wildlife, and the department that are  
8 reviewable under chapter 76.09 RCW, and the department of natural  
9 resources' appeals of county, city, or town objections under RCW  
10 76.09.050(7).

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

13 (k) Decisions of the department of fish and wildlife to issue,  
14 deny, condition, or modify a hydraulic project approval permit under  
15 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
16 comply, to issue a civil penalty, or to issue a notice of intent to  
17 disapprove applications.

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

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

24 (n) Decisions of the department of ecology that are appealable  
25 under RCW 70A.245.020 to set recycled minimum postconsumer content  
26 for products or to temporarily exclude types of products in plastic  
27 containers from minimum postconsumer recycled content requirements.

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

29 (p) Decisions by the department of ecology under RCW  
30 70A.208.150(5) regarding a proposal by a producer responsibility  
31 organization to count materials sent to an alternative recycling  
32 facility towards recycling performance targets.

33 (q) Decisions of the department of natural resources under RCW  
34 76.04.205.

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

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

1 (b) Hearings conducted by the department pursuant to RCW  
2 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
3 70A.15.3110, and 90.44.180.

4 (c) Appeals of decisions by the department under RCW 90.03.110  
5 and 90.44.220.

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

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

11 **Sec. 6.** RCW 43.21B.300 and 2025 c 316 s 302 and 2025 c 58 s 3008  
12 are each reenacted and amended to read as follows:

13 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
14 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040,  
15 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,  
16 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110,  
17 70A.555.110, 70A.560.020, 70A.208.230, section 4 of this act,  
18 70A.565.030, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144,  
19 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be  
20 imposed by a notice in writing, either by certified mail with return  
21 receipt requested or by personal service, to the person incurring the  
22 penalty from the department or the local air authority, describing  
23 the violation with reasonable particularity. For penalties issued by  
24 local air authorities, within 30 days after the notice is received,  
25 the person incurring the penalty may apply in writing to the  
26 authority for the remission or mitigation of the penalty. Upon  
27 receipt of the application, the authority may remit or mitigate the  
28 penalty upon whatever terms the authority in its discretion deems  
29 proper. The authority may ascertain the facts regarding all such  
30 applications in such reasonable manner and under such rules as it may  
31 deem proper and shall remit or mitigate the penalty only upon a  
32 demonstration of extraordinary circumstances such as the presence of  
33 information or factors not considered in setting the original  
34 penalty.

35 (2) Any penalty imposed under this section may be appealed to the  
36 pollution control hearings board in accordance with this chapter if  
37 the appeal is filed with the hearings board and served on the  
38 department or authority 30 days after the date of receipt by the  
39 person penalized of the notice imposing the penalty or 30 days after

1 the date of receipt of the notice of disposition by a local air  
2 authority of the application for relief from penalty.

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

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

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

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

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

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

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

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

28 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,  
29 70A.430.070, 70A.555.110, 70A.560.020, and 70A.565.030 must be  
30 credited to the model toxics control operating account created in RCW  
31 70A.305.180;

32 (d) Penalties imposed pursuant to RCW 70A.245.040, 70A.245.050,  
33 and chapter 70A.208 RCW must be credited to the recycling enhancement  
34 account created in RCW 70A.245.100;

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

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

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

3 (h) Penalties imposed pursuant to RCW 70A.355.070 must be  
4 credited to the underground storage tank account created in RCW  
5 70A.355.090.

6 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act  
7 constitute a new chapter in Title 70A RCW.

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

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