H-2636.4

HOUSE BILL 2605

State of Washington 69th Legislature 2026 Regular Session

By Representative Ley

Read first time 01/21/26. Referred to Committee on Environment & Energy.

AN ACT Relating to naturally occurring fibrous silicate materials; amending RCW 70A.450.030, 70A.450.060, and 70A.450.070; and reenacting and amending RCW 70A.450.020.

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

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

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

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

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

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

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

~~(b) Beginning January 1, 2025,~~)) any building material to which asbestos is deliberately added in any concentration or that contains more than ((~~one-tenth of one~~)) 0.25 percent asbestos by weight or area as determined using the United States environmental protection agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993.

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

(4) "Commercial aggregates" means sand, gravel, rocks, cobbles, and stones that: (a) May or may not be crushed; (b) originate from quarry operations; and (c) are used in construction or the production of asphalt concrete, Portland cement concrete, or other similarly cemented materials.

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

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

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

((~~(7)~~)) (8) "Naturally occurring fibrous silicate material" means any building material where fibrous silicate materials exist naturally either by weight or area as determined using the United States environmental protection agency method for the determination of naturally occurring fibrous materials in building materials, EPA/600/R-93/116, and includes the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), and anthophyllite when any of these materials have not been chemically treated or altered.

(9) "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

((~~(8)~~)) (10) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single-family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including the basement.

((~~(9)~~)) (11) "Retailer" means any person that sells goods or commodities directly to consumers.

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

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

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

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

(c) Subsection (1) of this section does not apply to commercial aggregates that have a naturally occurring fibrous silicate material content or asbestos containing building materials with a content of 0.25 percent or lower.

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

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

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

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

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

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

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

(d) Commercial aggregates or asphalt and concrete materials that have naturally occurring fibrous silicate material or asbestos containing building materials with a content of 0.25 percent or lower.

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

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

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

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

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

(ii) The date of the original facility inspection;

(iii) A plan for reinspections;

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

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

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

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

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

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

(3) Subsections (1) and (2) of this section do not apply to commercial aggregates or asphalt and concrete materials that have naturally occurring fibrous silicate material or asbestos containing building materials with a content of 0.25 percent or lower.

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