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**SUBSTITUTE SENATE BILL 6081**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Haugen, Deccio, Bauer and Winsley)

Read first time 02/04/94.

1 AN ACT Relating to on-site sewage additives; amending RCW  
2 70.118.060; adding new sections to chapter 70.118 RCW; creating new  
3 sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that some on-site  
6 septic system additives may contribute to septic system failure and  
7 ground water contamination. In order to determine which ingredients of  
8 additive products have adverse effects on public health or the  
9 environment, it is necessary to submit such products to a review  
10 procedure.

11 The purpose of this act is: (1) To establish a timely and orderly  
12 procedure for review and approval of on-site septic system additives;  
13 (2) to prohibit the use, sale, or distribution of additives having an  
14 adverse effect on public health or the water quality of the state; (3)  
15 to require the disclosure of the contents of additives that are  
16 advertised, sold, or distributed in the state; and (4) to provide for  
17 consumer protection and education concerning additives.

1       **Sec. 2.** RCW 70.118.060 and 1993 c 321 s 3 are each amended to read  
2 as follows:

3       (1) ~~((After July 1, 1994, a person may not use, sell, or distribute~~  
4 ~~an additive to on-site sewage disposal systems unless such additive has~~  
5 ~~been specifically approved by the department. The department may~~  
6 ~~approve an additive if it can be demonstrated to the satisfaction of~~  
7 ~~the department that the additive has a positive benefit, and no adverse~~  
8 ~~effect, on the operation or performance of an on-site sewage system.~~  
9 ~~Upon written request by an additive manufacturer or distributor for~~  
10 ~~product evaluation,)) After January 1, 1996, no person shall use, sell,~~  
11 ~~or distribute any on-site septic system additive whose ingredients have~~  
12 ~~not been approved by the department, except as provided by this~~  
13 ~~section.~~

14       (2) By October 1, 1994, each manufacturer of an on-site sewage  
15 disposal system additive that is sold, advertised, or distributed in  
16 the state shall submit the following information to the department:  
17 (a) The name and address of the company; (b) the name of the product;  
18 (c) the complete product formulation; (d) the location where the  
19 product is manufactured; (e) the intended method of product  
20 application; and (f) a request that the product be reviewed.

21       (3) By July 1, 1995, the department shall adopt rules providing the  
22 criteria, review procedures, and timelines to be used in reviewing on-  
23 site septic system additives for use, sale, or distribution in the  
24 state. The criteria shall be designed to determine whether any  
25 ingredients in the product have an adverse effect on public health or  
26 water quality. The department may charge a fee sufficient to cover the  
27 costs of evaluating the additive, including the development of  
28 ~~((standards)) criteria and review procedures.~~

29       ~~((+2))~~ A fee schedule shall also be established by rule.

30       (4) By January 1, 1996, the department shall issue a decision as to  
31 whether a product registered pursuant to subsection (2) of this section  
32 is approved or denied. If the department does not issue an approval  
33 or denial by this date, the product may continue to be sold until a  
34 decision is issued.

35       (5) Manufacturers shall reregister their product as provided in  
36 subsection (2) of this section every five years and each time their  
37 product formulation changes or each time the manufacturer changes  
38 ownership.

1       (6) The department may contract with private laboratories for  
2 performance of any duties necessary to carry out the purpose of this  
3 section.

4       (7) The attorney general or appropriate city or county prosecuting  
5 attorney is authorized to bring an appropriate action to enjoin any  
6 violation of the prohibition on the sale or distribution of additives,  
7 or to enjoin any violation of the conditions in section 4 of this act.

8       ~~((+3))~~ (8) The department is responsible for providing written  
9 notification to ((major distributors and wholesalers of)) additives  
10 manufacturers of the ((state wide prohibition on additives)) provisions  
11 of this section and sections 3 through 5 of this act. The notification  
12 shall be provided no later than ((October 1, 1993)) thirty days after  
13 the effective date of this section. Within thirty days of notification  
14 from the department, ((distributors and wholesalers)) manufacturers  
15 shall provide the same notification to their distributors, wholesalers,  
16 and retail customers. ((The department shall also provide notification  
17 to major distributors and wholesalers of additive products that have  
18 been approved.))

19       NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW  
20 to read as follows:

21       The department shall hold confidential any information obtained  
22 pursuant to RCW 70.118.060 when shown by any manufacturer that such  
23 information, if made public, would divulge confidential business  
24 information, methods, or processes entitled to protection as trade  
25 secrets of the manufacturer.

26       NEW SECTION. Sec. 4. A new section is added to chapter 70.118 RCW  
27 to read as follows:

28       (1) Each manufacturer of a certified and approved additive product  
29 advertised, sold, or distributed in the state shall:

30       (a) Make no claims relating to the elimination of the need for  
31 septic tank pumping or proper septic tank maintenance and shall provide  
32 consumer information concerning appropriate septic tank maintenance  
33 either with the product or in separate form;

34       (b) List the components of additive products on the product label,  
35 along with information regarding instructions for use, precautions, and  
36 antidotes;

1 (c) Make no false or misleading statements, design, or graphic  
2 representation relative to an additive product that is inconsistent  
3 with RCW 70.118.060 or sections 3 through 5 of this act; and

4 (d) Make no claims, either direct or implied, about the performance  
5 of the product based on state approval of its ingredients.

6 (2) A violation of this section is an unfair act or practice in  
7 violation of the consumer protection act, chapter 19.86 RCW.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.118 RCW  
9 to read as follows:

10 A person may contest the department's determination under RCW  
11 70.118.060 through an adjudicative proceeding as provided in chapter  
12 34.05 RCW.

13 NEW SECTION. **Sec. 6.** By December 1, 1994, the department shall  
14 report to the legislature on its progress in implementing the  
15 provisions in this act and shall submit information on the anticipated  
16 fee schedule that will be adopted for approving additives. This  
17 section shall expire January 1, 1995.

18 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and shall take  
21 effect immediately.

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