
SENATE BILL 5756

State of Washington

61st Legislature

2009 Regular Session

By Senators Oemig, Swecker, Fairley, and Kohl-Welles

Read first time 01/30/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to hazardous substance information; amending RCW
2 70.102.010 and 70.102.020; and adding a new section to chapter 70.102
3 RCW.

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

5 **Sec. 1.** RCW 70.102.010 and 1985 c 410 s 2 are each amended to read
6 as follows:

7 ~~((Unless the context clearly indicates otherwise,))~~ The definitions
8 in this section ~~((shall))~~ apply throughout this chapter unless the
9 context clearly requires otherwise.

10 (1) "Agency" means any state agency or local government entity.

11 (2) ~~((("Hazardous household substances" means those substances~~
12 ~~identified by the department as hazardous household substances in the~~
13 ~~guidelines developed by the department.~~

14 ~~(3))~~ "Department" means the department of ecology.

15 ~~((4))~~ (3) "Director" means the director of the department.

16 (4) "Hazardous household substances" means those substances
17 identified by the department as hazardous household substances in the
18 guidelines developed by the department.

1 (5) "Hazardous substances" or "hazardous materials" means those
2 substances or materials identified as such under regulations adopted
3 pursuant to the federal hazardous materials transportation act, the
4 toxic substances control act, the resource recovery and conservation
5 act, the comprehensive environmental response compensation and
6 liability act, the federal insecticide, fungicide, and rodenticide act,
7 the occupational safety and health act hazardous communications
8 standards, the safe drinking water act, and the state hazardous waste
9 act.

10 (6) "Moderate risk waste" means any waste that exhibits any of the
11 properties of dangerous waste but is exempt from regulation under this
12 chapter solely because the waste is generated in quantities below the
13 threshold for regulation and any household wastes that are generated
14 from the disposal of substances identified by the department as
15 hazardous household substances.

16 **Sec. 2.** RCW 70.102.020 and 2005 c 274 s 339 are each amended to
17 read as follows:

18 There is hereby created the hazardous substance information and
19 education office. Through this office the department shall:

20 (1) Facilitate access to existing information on hazardous
21 substances within a community;

22 (2) Request and obtain information about hazardous substances at
23 specified locations and facilities from agencies that regulate those
24 locations and facilities. The department shall review, approve, and
25 provide confidentiality as provided by statute. Upon request of the
26 department, each agency shall provide the information within forty-five
27 days;

28 (3) At the request of citizens or public health or public safety
29 organizations, compile existing information about hazardous substance
30 use at specified locations and facilities. This information shall
31 include but not be limited to:

32 (a) Point and nonpoint air and water emissions;

33 (b) Extremely hazardous, moderate risk wastes and dangerous wastes
34 as defined in chapter 70.105 RCW produced, used, stored, transported
35 from, or disposed of by any facility;

36 (c) A list of the hazardous substances present at a given site and
37 data on their acute and chronic health and environmental effects;

1 (d) Data on governmental pesticide use at a given site;

2 (e) Data on commercial pesticide use at a given site if such data
3 is only given to individuals who are chemically sensitive; and

4 (f) Compliance history of any facility.

5 (4) Provide education to the public on the proper production, use,
6 storage, and disposal of hazardous substances, including but not
7 limited to:

8 (a) A technical resource center on hazardous substance management
9 for industry and the public;

10 (b) Programs, in cooperation with local government, to educate
11 generators of moderate risk waste, and provide information regarding
12 the potential hazards to human health and the environment resulting
13 from improper use and disposal of the waste and proper methods of
14 handling, reducing, recycling, and disposing of the waste;

15 (c) Public information and education relating to the safe handling
16 and disposal of hazardous household substances; and

17 (d) Guidelines to aid counties in developing and implementing a
18 hazardous household substances program.

19 (5) At the request of citizens or public health or public safety
20 organizations, provide a list of hazardous substances regulated under
21 RCW 70.102.010(5) and compile existing information about hazardous
22 substances.

23 Requests for information from the hazardous substance information
24 and education office may be made by letter or by a toll-free telephone
25 line, if one is established by the department. Requests shall be
26 responded to in accordance with chapter 42.56 RCW.

27 This section shall not require any agency to compile information
28 that is not required by existing laws or rules.

29 NEW SECTION. Sec. 3. A new section is added to chapter 70.102 RCW
30 to read as follows:

31 No person or entity may knowingly administer a product containing
32 a hazardous material in concentrations high enough so that the net
33 product is a hazardous substance, if that product is to be placed upon,
34 ingested by, or injected into another person unless specific disclosure
35 is provided prior to administration of the product. The disclosure
36 must: (1) Name the hazardous material or materials in the product; and

1 (2) inform that the hazardous material or materials exceeds the level
2 set for a hazardous substance.

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