

HOUSE BILL REPORT

SSB 6081

As Reported By House Committee On:
Environmental Affairs
Appropriations

Title: An act relating to on-site sewage additives.

Brief Description: Regulating the use, sale, and distribution of on-site sewage additives.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Haugen, Deccio, Bauer and Winsley).

Brief History:

Reported by House Committee on:
Environmental Affairs, February 24, 1994, DPA;
Appropriations, February 28, 1994, DPA(ENA).

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: Do pass as amended. Signed by 14 members: Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland and Sheahan.

Staff: Rick Anderson (786-7114).

Background: During the 1993 session, the Legislature enacted a law prohibiting the use, sale, or distribution of septic tank additives after July 1, 1994 unless the additive is specifically approved by the Department of Health. The act authorizes the department to approve septic tank additives if it can be demonstrated to the satisfaction of the department that the additive has a positive benefit, and no adverse effect, on the operation of a septic system. The department is also authorized to charge a fee sufficient to cover the costs of evaluating and approving an additive product.

The act required the Department of Health to notify distributors and wholesalers of the statewide prohibition on additives prior to October 1, 1993. Distributors and wholesalers were required to provide notification to their retail customers within 30 days of receiving notice from the department.

The Department of Health is forming an advisory committee to assist the agency in developing product review and approval criteria and standards. Industry representatives, product users, onsite sewage professionals, regulatory agencies and members of the academic community have been invited to apply to sit on the advisory committee. The advisory committee is scheduled to begin meeting in February 1994.

There are generally two types of septic tank additives: chemical-based products which may contain chlorinated organic solvents, strong acids or bases; and biological-based products which may contain enzymes, bacteria, or yeast.

Summary of Amended Bill: Chemical-based additives are prohibited as of July 1, 1994. A process is established to evaluate all other septic tank additive products. No septic tank additive product may be sold after July 1, 1996 without specific approval from the Department of Health.

Manufacturers must register their product with the Department of Health and may request that the product be reviewed. The department must adopt rules establishing the criteria, review procedures, and fees necessary to evaluate additives. The review criteria are to be designed to determine if the product has an adverse effect on public health or water quality. The department must approve or deny an additive within 45 days of receiving a complete evaluation of the additive.

Manufacturers must re-register the product each time the product formulation changes. The department, at its discretion, may require a new evaluation for re-registered products.

Provisions are added to protect the confidentiality of proprietary information given to the department during the review and approval process. Consumer protection provisions dealing with product labeling and advertisement claims are included.

Amended Bill Compared to Substitute Bill: The amended bill adds a provision prohibiting chemical-based additives as of July 1, 1994, and all other additive products that are not approved by the department as of July 1, 1996. The amended bill also adds a provision requiring the department to approve or deny an additive product within 45 days of receiving a complete evaluation of the product. The consumer protection provisions are modified by deleting a requirement that additive manufacturers provide information to consumers on proper maintenance of septic tank systems. The amended bill deletes a requirement that the department

report to the Legislature. The amended bill also deletes a provision allowing persons to contest an agency decision relating to septic tank additive products.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The existing law penalizes additives that have a positive effect on septic tank systems. Additional time is needed for the Department of Health to evaluate septic tank additives.

Testimony Against: Chemically-based additives harm septic tanks and can cause groundwater contamination. There is little evidence demonstrating that additives have any positive effect on septic tank systems.

Witnesses: Rick Wickman, L&F Products (pro); William L. Lafield, L&F Products (pro); Horst Eberspaecher, Septiclear Inc. (pro); Ken Ellin, Century Robucts (con); Sheryl Hutchison, Puget Sound Water Quality Authority; and Karen VanDusen, Department of Health (con).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Environmental Affairs. Signed by 26 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Leonard; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang and Wolfe.

Staff: Jim Lux (786-7152).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Environmental Affairs: No new changes were recommended.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Without this bill, additives that have a positive effect on septic systems would be prohibited. Not all additives are detrimental to groundwater or public health.

Testimony Against: None.

Witnesses: Rick Wickman, L&F Products (in favor); and Mark Soltman, Department of Health (funding concerns).