

**SENATE BILL REPORT**

**SSB 6081**

**AS PASSED SENATE, FEBRUARY 12, 1994**

**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)

**SENATE COMMITTEE ON ECOLOGY & PARKS**

**Majority Report:** That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chairman; Deccio, Moore, Morton, Sutherland and Talmadge.

**Staff:** Cathy Baker (786-7708)

**Hearing Dates:** January 26, 1994; February 4, 1994

**HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS**

**HOUSE COMMITTEE ON APPROPRIATIONS**

**BACKGROUND:**

During the 1993 session, the Legislature enacted a law which prohibits the use, sale, or distribution of septic tank additives within Washington State after July 1, 1994 (L 1993 C 321). Under the provisions of the law, the Department of Health (DOH) is authorized 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 an on-site septic system. DOH is authorized to charge a fee sufficient to cover the costs of evaluating and approving an additive product.

As required by the law, DOH provided notification to approximately 100 major 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 DOH.

DOH 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: (1) chemical-based products which may contain chlorinated organic solvents, strong acids or bases; and (2) biological-based products which may contain enzymes, bacteria, or yeast.

**SUMMARY:**

Biological additives are not specifically exempt from regulation. The deadlines, notification procedures, and approval standards in existing law for additives regulation are substantially modified.

After January 1, 1996, additives whose ingredients have not been approved by the Department of Health (DOH) shall not be used, sold or distributed within the state. By October 1, 1994, manufacturers must register their product with DOH and request that the product be reviewed. By July 1, 1995, DOH shall adopt rules providing criteria, review procedures, and fees necessary for reviewing additives. The review criteria are to be designed to determine whether any ingredient in the product has an adverse effect on public health or water quality.

By January 1, 1996, the department shall issue a decision as to whether a registered product is approved or denied. If the department does not issue approval or denial by this date, the product may continue to be sold until a decision is issued. Manufacturers must re-register the product every five years, each time the product formulation changes, and each time the manufacturer changes ownership.

Provisions are added to protect the confidentiality of any proprietary information that may be obtained by the department during the review and approval process.

Consumer protection provisions dealing with product labeling and advertisement claims are included. Persons may contest department decisions or actions through an adjudicative proceeding provided for in the Administrative Procedure Act.

DOH is to report to the Legislature on its implementation progress and proposed fee schedule by December 1, 1994.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 9, 1994

**TESTIMONY FOR:**

Biological additives should not be regulated in the same manner as chemical additives. Biological additives are not harmful; they actually improve the functioning of an onsite septic system.

**TESTIMONY AGAINST:**

Biological additives should go through the same review procedure as other kinds of additives. There is a lack of objective information about the effects of biological additives.

**TESTIFIED:** PRO: William Laifield and Rick Wickman, L & F Products; Horst Eberspaecher, SeptiClear, Inc.; Jim Schwab, Septic Clear; Steven Thompson, Thompson Company; Dean Selby, MBL Company; Kathy Minsch, Puget Sound Water Quality Authority (con); Karen Van Dusen, Department of Health

**HOUSE AMENDMENT(S):**

Chemical-based additives are prohibited as of July 1, 1994. All other additives are prohibited after July 1, 1996, unless the product has received specific approval from the department. The department must approve or deny an additive within 45 days of receiving a complete evaluation of the product.

The consumer protection provisions are modified to delete a requirement that additive manufacturers provide information to consumers on proper maintenance of septic systems.

The requirement that the department report to the Legislature is removed. The provision allowing persons to contest an agency decision relating to additive products is also removed.

The department is prohibited from funding rule-making, product evaluations, or other activities required by the measure with funds appropriated to implement the Puget Sound water quality plan.