
HOUSE BILL 2279

State of Washington

53rd Legislature

1994 Regular Session

By Representatives L. Johnson, Horn, Rust, Foreman, Cothorn, Dunshee, Caver, Brown, Karahalios, Quall, Johanson, Jones and Rayburn

Read first time 01/12/94. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to toxic household products; amending RCW
2 70.106.010 and 70.106.030; reenacting and amending RCW 42.17.310 and
3 42.17.310; adding new sections to chapter 70.106 RCW; creating a new
4 section; repealing RCW 70.106.040, 70.106.050, 70.106.060, 70.106.070,
5 70.106.080, and 70.106.090; prescribing penalties; providing effective
6 dates; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) Many poisonings involve children under six years of age.

10 (2) The federal poison prevention packaging act of 1970 requires
11 child-resistant safety packaging for various toxic household products
12 in order to inhibit a child's ability to access poisonous substances.
13 This effort, in conjunction with the formation of poison control
14 centers, education efforts, availability of ipecac syrup for home
15 treatment, and labeling requirements, has significantly reduced the
16 number of poisonings. However, most poisonings occur while the product
17 is in use, rather than when stored, and many toxic household products
18 remain exempt from the child-resistant safety packaging laws.

1 (3) The national safety council, the American medical association,
2 and the American association of poison control centers have noted that
3 the addition of nontoxic aversive agents to toxic household products
4 may make these products so unpalatable that many children reject the
5 products upon, or shortly after, tasting them. These organizations
6 have urged manufacturers of toxic household products to add nontoxic
7 aversive agents to their products in addition to child-resistant
8 closures in order that ingestion of these products may be reduced, thus
9 providing another means to prevent or mitigate severe poisonings.

10 (4) Aversive agents are currently being used in various household
11 products to mitigate child poisonings.

12 **Sec. 2.** RCW 70.106.010 and 1974 ex.s. c 49 s 1 are each amended to
13 read as follows:

14 The purpose of this chapter is to provide for special packaging and
15 other preventive measures to protect children from personal injury,
16 serious illness or death resulting from handling, using or ingesting
17 household substances, and to provide penalties.

18 **Sec. 3.** RCW 70.106.030 and 1974 ex.s. c 49 s 3 are each amended to
19 read as follows:

20 The definitions in (~~RCW 70.106.040 through 70.106.090~~) this
21 section, unless the context otherwise requires, shall govern the
22 construction of this chapter.

23 (1) "Director" means the director of the department of agriculture
24 of the state of Washington, or his or her duly authorized
25 representative.

26 (2) "Household substance" means a substance that is customarily
27 produced or distributed for sale for consumption or use, or customarily
28 stored, by individuals in or about the household and that is:

29 (a) A "hazardous substance," which means (i) a substance or mixture
30 of substances or product that (A) is toxic, (B) is corrosive, (C) is an
31 irritant, (D) is a strong sensitizer, (E) is flammable or combustible,
32 or (F) generates pressure through decomposition, heat, or other means,
33 if such substance or mixture of substances may cause substantial
34 personal injury or substantial illness during or as a proximate result
35 of a customary or reasonably foreseeable handling or use, including
36 reasonably foreseeable ingestion by children; (ii) a substance that the
37 director by rule finds to meet the requirements of (a)(i) of this

1 subsection; (iii) a radioactive substance, if, with respect to such
2 substance as used in a particular class of article or as packaged, the
3 director determines by rule that the substance is sufficiently
4 hazardous to require labeling in accordance with this chapter in order
5 to protect the public health, safety or welfare; and (iv) a toy or
6 other article intended for use by children that the director by rule
7 determines presents an electrical, mechanical, or thermal hazard;

8 (b) A pesticide as defined in the Washington Pesticide Control Act,
9 chapter 15.58 RCW;

10 (c) A food, drug, or cosmetic as those terms are defined in the
11 Uniform Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW;

12 (d) A substance intended for use as fuel when stored in portable
13 containers and used in the heating, cooking, or refrigeration system of
14 a house; or

15 (e) Any other substance that the director may declare to be a
16 household substance subsequent to a hearing as provided for under the
17 provisions of chapter 34.05 RCW, the Administrative Procedure Act, for
18 the adoption of rules.

19 (3) "Labeling" means all labels and other written, printed, or
20 graphic matter upon any household substance or its package, or
21 accompanying such substance.

22 (4) "Package" means the immediate container or wrapping in which
23 any household substance is contained for consumption, use, or storage
24 by individuals in or about the household, and, for purposes of RCW
25 70.106.110(1)(b), also means an outer container or wrapping used in the
26 retail display of the substance to consumers. The term does not
27 include:

28 (a) A shipping container or wrapping used solely for the
29 transportation of a household substance in bulk or in quantity to
30 manufacturers, packers, or processors, or to wholesale or retail
31 distributors thereof; or

32 (b) A shipping container or outer wrapping used by retailers to
33 ship or deliver a household substance to consumers unless it is the
34 only container or wrapping.

35 (5) "Sale" means to sell, offer for sale, hold for sale, handle or
36 use as an inducement in the promotion of a household substance or the
37 sale of another article or product.

38 (6) "Special packaging" means packaging that is designed or
39 constructed to be significantly difficult for children under five years

1 of age to open or obtain a toxic or harmful amount of the substance
2 contained therein within a reasonable time and not difficult for normal
3 adults to use properly, but does not mean packaging which all such
4 children cannot open or obtain a toxic or harmful amount within a
5 reasonable time.

6 (7) "Toxic household product" means:

7 (a) Antifreeze containing ten percent or more ethylene glycol by
8 weight.

9 (b) Windshield washer fluid containing four percent or more methyl
10 alcohol (methanol) by weight.

11 NEW SECTION. Sec. 4. A toxic household product manufactured on or
12 after July 1, 1995, and offered for sale in this state, shall include
13 an aversive agent approved by the poison prevention task force within
14 the product in a concentration so as to render the product unpalatable.

15 NEW SECTION. Sec. 5. (1) The poison prevention task force is
16 created within the department of health and shall consist of six
17 members as follows:

18 (a) The medical director of the poison information center or
19 designee, who shall serve as chair;

20 (b) A designee of the state emergency medical services and trauma
21 care steering committee;

22 (c) A pediatrician licensed under chapter 18.71 RCW, appointed by
23 the governor;

24 (d) A chemist from an academic institution, appointed by the
25 governor;

26 (e) A representative of a manufacturer of toxic household products,
27 appointed by the governor; and

28 (f) A public representative.

29 (2) Each member shall serve without compensation but shall be
30 reimbursed for travel expenses as provided in RCW 43.03.050 and
31 43.03.060.

32 (3) The task force shall meet as considered necessary by the chair
33 or on the call of three members of the task force.

34 (4) The task force shall review, grant, or deny requests for
35 exemptions from and extensions to the requirements of this chapter and
36 shall establish approved aversive agents required by section 4 of this
37 act.

1 NEW SECTION. **Sec. 6.** Not later than April 1, 1995, a manufacturer
2 may apply to the poison prevention task force for an extension of time
3 to comply with the requirements of this chapter. The task force may
4 grant an extension for one hundred twenty days and may grant an
5 extension for a longer period of time if the manufacturer demonstrates
6 to the satisfaction of the task force the need for a longer extension
7 of time.

8 NEW SECTION. **Sec. 7.** (1) A manufacturer may apply to the poison
9 prevention task force on or before April 1, 1995, for an exemption from
10 the requirements of this chapter for a toxic household product that
11 cannot be produced in a way that is compatible with the addition of an
12 aversive agent.

13 (2) The task force may grant an exemption if the manufacturer
14 demonstrates to the task force, and the task force finds, that the
15 toxic household product meets the exemption criteria described in
16 subsection (1) of this section.

17 NEW SECTION. **Sec. 8.** (1) The poison prevention task force may
18 request efficacy and toxicity data, or other pertinent data it
19 considers necessary, from the manufacturer of any toxic household
20 product. The information shall be made available by the manufacturer
21 to the task force upon request and shall remain confidential under RCW
22 42.17.310, if so requested.

23 (2) The task force may request data from and use the technical
24 expertise of other state agencies and health care providers to evaluate
25 the incidence and severity of poisoning, drug overdose, and toxic
26 exposure.

27 NEW SECTION. **Sec. 9.** Every two years the task force shall
28 evaluate state-wide poisoning incidence and severity data for the prior
29 two years. Based on this and other relevant information, the task
30 force shall recommend to the governor and appropriate standing
31 committees of the legislature appropriate changes to the list of
32 substances defined as toxic household products in RCW 70.106.030(7).
33 The task force shall also report to the appropriate standing committees
34 of the legislature additional measures that the task force concludes
35 will reduce the incidence and severity of poisoning, including poison

1 prevention education activities, and child-resistant closure
2 effectiveness.

3 NEW SECTION. **Sec. 10.** (1) It is unlawful for a person to
4 distribute or sell a toxic household product or cause a toxic household
5 product to be distributed or sold in this state if it does not meet the
6 requirements of this chapter.

7 (2) The prohibition contained in subsection (1) of this section
8 does not apply to a person engaged in the business of wholesale or
9 retail distribution of a toxic household product, unless the person is
10 engaged in the manufacture of the product, or has knowledge that a
11 toxic household product that the person is distributing or selling is
12 in violation of this chapter.

13 (3) A distributor of a house brand is not considered a manufacturer
14 for purposes of filing an application for an extension under section 6
15 of this act or for an exemption under section 7 of this act. Nothing
16 in this subsection is intended to exempt a distributor of a house brand
17 from other provisions of this chapter.

18 NEW SECTION. **Sec. 11.** (1) A person may bring a civil action in a
19 court of competent jurisdiction to enforce the requirements of this
20 chapter. The court may grant injunctive relief in an action brought
21 under this section.

22 (2) If the person bringing an action under this section is the
23 prevailing party, the person shall be awarded reasonable attorneys'
24 fees and costs by the court.

25 NEW SECTION. **Sec. 12.** A person who violates any provision of this
26 chapter shall be liable for a civil penalty not to exceed five thousand
27 dollars for each day of violation, which shall be assessed and
28 recovered in a civil action brought by the department of health.

29 NEW SECTION. **Sec. 13.** All civil penalties collected under section
30 13 of this act shall be deposited in the general fund.

31 NEW SECTION. **Sec. 14.** Sections 4 through 13 of this act are each
32 added to chapter 70.106 RCW.

1 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
2 each repealed:

- 3 (1) RCW 70.106.040 and 1974 ex.s. c 49 s 4;
- 4 (2) RCW 70.106.050 and 1974 ex.s. c 49 s 5;
- 5 (3) RCW 70.106.060 and 1974 ex.s. c 49 s 6;
- 6 (4) RCW 70.106.070 and 1974 ex.s. c 49 s 7;
- 7 (5) RCW 70.106.080 and 1974 ex.s. c 49 s 8; and
- 8 (6) RCW 70.106.090 and 1974 ex.s. c 49 s 9.

9 **Sec. 16.** RCW 42.17.310 and 1993 c 360 s 2 and 1993 c 320 s 9 are
10 each reenacted and amended to read as follows:

11 (1) The following are exempt from public inspection and copying:

12 (a) Personal information in any files maintained for students in
13 public schools, patients or clients of public institutions or public
14 health agencies, or welfare recipients.

15 (b) Personal information in files maintained for employees,
16 appointees, or elected officials of any public agency to the extent
17 that disclosure would violate their right to privacy.

18 (c) Information required of any taxpayer in connection with the
19 assessment or collection of any tax if the disclosure of the
20 information to other persons would (i) be prohibited to such persons by
21 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
22 in unfair competitive disadvantage to the taxpayer.

23 (d) Specific intelligence information and specific investigative
24 records compiled by investigative, law enforcement, and penology
25 agencies, and state agencies vested with the responsibility to
26 discipline members of any profession, the nondisclosure of which is
27 essential to effective law enforcement or for the protection of any
28 person's right to privacy.

29 (e) Information revealing the identity of persons who are witnesses
30 to or victims of crime or who file complaints with investigative, law
31 enforcement, or penology agencies, other than the public disclosure
32 commission, if disclosure would endanger any person's life, physical
33 safety, or property. If at the time a complaint is filed the
34 complainant, victim or witness indicates a desire for disclosure or
35 nondisclosure, such desire shall govern. However, all complaints filed
36 with the public disclosure commission about any elected official or
37 candidate for public office must be made in writing and signed by the
38 complainant under oath.

1 (f) Test questions, scoring keys, and other examination data used
2 to administer a license, employment, or academic examination.

3 (g) Except as provided by chapter 8.26 RCW, the contents of real
4 estate appraisals, made for or by any agency relative to the
5 acquisition or sale of property, until the project or prospective sale
6 is abandoned or until such time as all of the property has been
7 acquired or the property to which the sale appraisal relates is sold,
8 but in no event shall disclosure be denied for more than three years
9 after the appraisal.

10 (h) Valuable formulae, designs, drawings, and research data
11 obtained by any agency within five years of the request for disclosure
12 when disclosure would produce private gain and public loss.

13 (i) Preliminary drafts, notes, recommendations, and intra-agency
14 memorandums in which opinions are expressed or policies formulated or
15 recommended except that a specific record shall not be exempt when
16 publicly cited by an agency in connection with any agency action.

17 (j) Records which are relevant to a controversy to which an agency
18 is a party but which records would not be available to another party
19 under the rules of pretrial discovery for causes pending in the
20 superior courts.

21 (k) Records, maps, or other information identifying the location of
22 archaeological sites in order to avoid the looting or depredation of
23 such sites.

24 (l) Any library record, the primary purpose of which is to maintain
25 control of library materials, or to gain access to information, which
26 discloses or could be used to disclose the identity of a library user.

27 (m) Financial information supplied by or on behalf of a person,
28 firm, or corporation for the purpose of qualifying to submit a bid or
29 proposal for (i) a ferry system construction or repair contract as
30 required by RCW 47.60.680 through 47.60.750 or (ii) highway construc-
31 tion or improvement as required by RCW 47.28.070.

32 (n) Railroad company contracts filed prior to July 28, 1991, with
33 the utilities and transportation commission under RCW 81.34.070, except
34 that the summaries of the contracts are open to public inspection and
35 copying as otherwise provided by this chapter.

36 (o) Financial and commercial information and records supplied by
37 private persons pertaining to export services provided pursuant to
38 chapter 43.163 RCW and chapter 53.31 RCW.

1 (p) Financial disclosures filed by private vocational schools under
2 chapter 28C.10 RCW.

3 (q) Records filed with the utilities and transportation commission
4 or attorney general under RCW 80.04.095 that a court has determined are
5 confidential under RCW 80.04.095.

6 (r) Financial and commercial information and records supplied by
7 businesses during application for loans or program services provided by
8 chapter 43.163 RCW and chapters 43.31, 43.63A, 43.160, and 43.168 RCW.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of
15 applicants, resumes, and other related materials submitted with respect
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of
22 the customers of a public utility contained in the records or lists
23 held by the public utility of which they are customers.

24 (w)(i) The federal social security number of individuals governed
25 under chapter 18.130 RCW maintained in the files of the department of
26 health, except this exemption does not apply to requests made directly
27 to the department from federal, state, and local agencies of
28 government, and national and state licensing, credentialing,
29 investigatory, disciplinary, and examination organizations; (ii) the
30 current residential address and current residential telephone number of
31 a health care provider governed under chapter 18.130 RCW maintained in
32 the files of the department, if the provider requests that this
33 information be withheld from public inspection and copying, and
34 provides to the department an accurate alternate or business address
35 and business telephone number. On or after January 1, 1995, the
36 current residential address and residential telephone number of a
37 health care provider governed under RCW 18.130.140 maintained in the
38 files of the department shall automatically be withheld from public

1 inspection and copying if the provider has provided the department with
2 an accurate alternative or business address and telephone number.

3 (x) Information obtained by the board of pharmacy as provided in
4 RCW 69.45.090.

5 (y) Information obtained by the board of pharmacy or the department
6 of health and its representatives as provided in RCW 69.41.044,
7 69.41.280, and 18.64.420.

8 (z) Financial information, business plans, examination reports, and
9 any information produced or obtained in evaluating or examining a
10 business and industrial development corporation organized or seeking
11 certification under chapter 31.24 RCW.

12 (aa) Financial and commercial information supplied to the state
13 investment board by any person when the information relates to the
14 investment of public trust or retirement funds and when disclosure
15 would result in loss to such funds or in private loss to the providers
16 of this information.

17 (bb) Financial and valuable trade information under RCW 51.36.120.

18 (cc) Client records maintained by an agency that is a domestic
19 violence program as defined in RCW 70.123.020 or a rape crisis center
20 as defined in RCW 70.125.030.

21 (dd) Information that identifies a person who, while an agency
22 employee: (i) Seeks advice, under an informal process established by
23 the employing agency, in order to ascertain his or her rights in
24 connection with a possible unfair practice under chapter 49.60 RCW
25 against the person; and (ii) requests his or her identity or any
26 identifying information not be disclosed.

27 (ee) Business related information protected from public inspection
28 and copying under RCW 15.86.110.

29 (ff) Data provided to the poison prevention task force under
30 section 8 of this act.

31 (2) Except for information described in subsection (1)(c)(i) of
32 this section and confidential income data exempted from public
33 inspection pursuant to RCW 84.40.020, the exemptions of this section
34 are inapplicable to the extent that information, the disclosure of
35 which would violate personal privacy or vital governmental interests,
36 can be deleted from the specific records sought. No exemption may be
37 construed to permit the nondisclosure of statistical information not
38 descriptive of any readily identifiable person or persons.

1 (3) Inspection or copying of any specific records exempt under the
2 provisions of this section may be permitted if the superior court in
3 the county in which the record is maintained finds, after a hearing
4 with notice thereof to every person in interest and the agency, that
5 the exemption of such records is clearly unnecessary to protect any
6 individual's right of privacy or any vital governmental function.

7 (4) Agency responses refusing, in whole or in part, inspection of
8 any public record shall include a statement of the specific exemption
9 authorizing the withholding of the record (or part) and a brief
10 explanation of how the exemption applies to the record withheld.

11 **Sec. 17.** RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and
12 1993 c 280 s 35 are each reenacted and amended to read as follows:

13 (1) The following are exempt from public inspection and copying:

14 (a) Personal information in any files maintained for students in
15 public schools, patients or clients of public institutions or public
16 health agencies, or welfare recipients.

17 (b) Personal information in files maintained for employees,
18 appointees, or elected officials of any public agency to the extent
19 that disclosure would violate their right to privacy.

20 (c) Information required of any taxpayer in connection with the
21 assessment or collection of any tax if the disclosure of the
22 information to other persons would (i) be prohibited to such persons by
23 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
24 in unfair competitive disadvantage to the taxpayer.

25 (d) Specific intelligence information and specific investigative
26 records compiled by investigative, law enforcement, and penology
27 agencies, and state agencies vested with the responsibility to
28 discipline members of any profession, the nondisclosure of which is
29 essential to effective law enforcement or for the protection of any
30 person's right to privacy.

31 (e) Information revealing the identity of persons who are witnesses
32 to or victims of crime or who file complaints with investigative, law
33 enforcement, or penology agencies, other than the public disclosure
34 commission, if disclosure would endanger any person's life, physical
35 safety, or property. If at the time a complaint is filed the
36 complainant, victim or witness indicates a desire for disclosure or
37 nondisclosure, such desire shall govern. However, all complaints filed
38 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

3 (f) Test questions, scoring keys, and other examination data used
4 to administer a license, employment, or academic examination.

5 (g) Except as provided by chapter 8.26 RCW, the contents of real
6 estate appraisals, made for or by any agency relative to the
7 acquisition or sale of property, until the project or prospective sale
8 is abandoned or until such time as all of the property has been
9 acquired or the property to which the sale appraisal relates is sold,
10 but in no event shall disclosure be denied for more than three years
11 after the appraisal.

12 (h) Valuable formulae, designs, drawings, and research data
13 obtained by any agency within five years of the request for disclosure
14 when disclosure would produce private gain and public loss.

15 (i) Preliminary drafts, notes, recommendations, and intra-agency
16 memorandums in which opinions are expressed or policies formulated or
17 recommended except that a specific record shall not be exempt when
18 publicly cited by an agency in connection with any agency action.

19 (j) Records which are relevant to a controversy to which an agency
20 is a party but which records would not be available to another party
21 under the rules of pretrial discovery for causes pending in the
22 superior courts.

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

26 (l) Any library record, the primary purpose of which is to maintain
27 control of library materials, or to gain access to information, which
28 discloses or could be used to disclose the identity of a library user.

29 (m) Financial information supplied by or on behalf of a person,
30 firm, or corporation for the purpose of qualifying to submit a bid or
31 proposal for (i) a ferry system construction or repair contract as
32 required by RCW 47.60.680 through 47.60.750 or (ii) highway
33 construction or improvement as required by RCW 47.28.070.

34 (n) Railroad company contracts filed prior to July 28, 1991, with
35 the utilities and transportation commission under RCW 81.34.070, except
36 that the summaries of the contracts are open to public inspection and
37 copying as otherwise provided by this chapter.

1 (o) Financial and commercial information and records supplied by
2 private persons pertaining to export services provided pursuant to
3 chapter 43.163 RCW and chapter 53.31 RCW.

4 (p) Financial disclosures filed by private vocational schools under
5 chapter 28C.10 RCW.

6 (q) Records filed with the utilities and transportation commission
7 or attorney general under RCW 80.04.095 that a court has determined are
8 confidential under RCW 80.04.095.

9 (r) Financial and commercial information and records supplied by
10 businesses during application for loans or program services provided by
11 chapters 43.163, 43.160, 43.330, and 43.168 RCW.

12 (s) Membership lists or lists of members or owners of interests of
13 units in timeshare projects, subdivisions, camping resorts,
14 condominiums, land developments, or common-interest communities
15 affiliated with such projects, regulated by the department of
16 licensing, in the files or possession of the department.

17 (t) All applications for public employment, including the names of
18 applicants, resumes, and other related materials submitted with respect
19 to an applicant.

20 (u) The residential addresses and residential telephone numbers of
21 employees or volunteers of a public agency which are held by the agency
22 in personnel records, employment or volunteer rosters, or mailing lists
23 of employees or volunteers.

24 (v) The residential addresses and residential telephone numbers of
25 the customers of a public utility contained in the records or lists
26 held by the public utility of which they are customers.

27 (w)(i) The federal social security number of individuals governed
28 under chapter 18.130 RCW maintained in the files of the department of
29 health, except this exemption does not apply to requests made directly
30 to the department from federal, state, and local agencies of
31 government, and national and state licensing, credentialing,
32 investigatory, disciplinary, and examination organizations; (ii) the
33 current residential address and current residential telephone number of
34 a health care provider governed under chapter 18.130 RCW maintained in
35 the files of the department, if the provider requests that this
36 information be withheld from public inspection and copying, and
37 provides to the department an accurate alternate or business address
38 and business telephone number. On or after January 1, 1995, the
39 current residential address and residential telephone number of a

1 health care provider governed under RCW 18.130.140 maintained in the
2 files of the department shall automatically be withheld from public
3 inspection and copying if the provider has provided the department with
4 an accurate alternative or business address and telephone number.

5 (x) Information obtained by the board of pharmacy as provided in
6 RCW 69.45.090.

7 (y) Information obtained by the board of pharmacy or the department
8 of health and its representatives as provided in RCW 69.41.044,
9 69.41.280, and 18.64.420.

10 (z) Financial information, business plans, examination reports, and
11 any information produced or obtained in evaluating or examining a
12 business and industrial development corporation organized or seeking
13 certification under chapter 31.24 RCW.

14 (aa) Financial and commercial information supplied to the state
15 investment board by any person when the information relates to the
16 investment of public trust or retirement funds and when disclosure
17 would result in loss to such funds or in private loss to the providers
18 of this information.

19 (bb) Financial and valuable trade information under RCW 51.36.120.

20 (cc) Client records maintained by an agency that is a domestic
21 violence program as defined in RCW 70.123.020 or a rape crisis center
22 as defined in RCW 70.125.030.

23 (dd) Information that identifies a person who, while an agency
24 employee: (i) Seeks advice, under an informal process established by
25 the employing agency, in order to ascertain his or her rights in
26 connection with a possible unfair practice under chapter 49.60 RCW
27 against the person; and (ii) requests his or her identity or any
28 identifying information not be disclosed.

29 (ee) Business related information protected from public inspection
30 and copying under RCW 15.86.110.

31 (ff) Data provided to the poison prevention task force under
32 section 8 of this act.

33 (2) Except for information described in subsection (1)(c)(i) of
34 this section and confidential income data exempted from public
35 inspection pursuant to RCW 84.40.020, the exemptions of this section
36 are inapplicable to the extent that information, the disclosure of
37 which would violate personal privacy or vital governmental interests,
38 can be deleted from the specific records sought. No exemption may be

1 construed to permit the nondisclosure of statistical information not
2 descriptive of any readily identifiable person or persons.

3 (3) Inspection or copying of any specific records exempt under the
4 provisions of this section may be permitted if the superior court in
5 the county in which the record is maintained finds, after a hearing
6 with notice thereof to every person in interest and the agency, that
7 the exemption of such records is clearly unnecessary to protect any
8 individual's right of privacy or any vital governmental function.

9 (4) Agency responses refusing, in whole or in part, inspection of
10 any public record shall include a statement of the specific exemption
11 authorizing the withholding of the record (or part) and a brief
12 explanation of how the exemption applies to the record withheld.

13 NEW SECTION. **Sec. 18.** Section 10 of this act shall take effect
14 July 1, 1995.

15 NEW SECTION. **Sec. 19.** Section 17 of this act shall take effect
16 July 1, 1994.

17 NEW SECTION. **Sec. 20.** Section 16 of this act shall expire July 1,
18 1994.

19 NEW SECTION. **Sec. 21.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

--- END ---