

**SB 5515-S2 - DIGEST**

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Prohibits the sale of products that contain polybrominated diphenyl ethers.

Declares that, except as provided in this act, after July 1, 2007, no person may manufacture or knowingly sell, offer for sale, or distribute for sale or distribute for use in this state noncomestible products containing polybrominated diphenyl ethers.

Requires a manufacturer of products containing polybrominated diphenyl ether that has been restricted under this act to, once the restriction takes effect, notify persons that sell the manufacturer's products about the provisions of this act.

Does not apply to: (1) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any raw material or component part used in a transportation vehicle or any new transportation vehicle with component parts, including original parts and spare parts, containing commercial decabromodiphenylether;

(2) The sale or distribution of any used transportation vehicle with component parts containing polybrominated diphenyl ethers;

(3) The sale of any used transportation vehicle parts, or new transportation vehicle parts manufactured prior to July 1, 2007, that contain polybrominated diphenyl ethers;

(4) The use of commercial decabromodiphenylether in the maintenance, refurbishment, or modification of transportation equipment;

(5) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment containing polybrominated diphenyl ethers and use primarily for military or federally funded space program application. This exemption does not cover consumer-based goods with broad applicability;

(6) The sale or distribution by a business, charity, or private party of any used product containing polybrominated diphenyl ethers; or

(7) The manufacture, sale, or distribution of any new product or product component consisting of recycled or used materials containing commercial decabromodiphenylether. Products containing any new polybrominated diphenyl ethers do not qualify for this exemption.

Provides that, subject to available funding, the department of general administration and the department of health shall conduct two separate stakeholder processes to develop a proposal for a ban on the use of decabromodiphenylether in transportation vehicles, and a proposal for the ban or management of used and recycled products containing polybrominated diphenyl ethers.

Requires the department and the department of health to report the findings and recommendations of the stakeholder process to the appropriate committees of the legislature by December 15, 2005. The preparation of the reports required in this provision is subject to available funding.

Provides that, by January 1, 2006, the department of general administration shall: (1) Give priority and preference to the purchase of equipment, supplies, and other products that do not contain polybrominated diphenyl ethers; and

(2) Make available for purchase and use by all state agencies only equipment, supplies, and other products that do not contain polybrominated diphenyl ethers.

Directs the department of general administration to, by January 1, 2006, revise its rules, policies, and guidelines to implement the purposes of this act.

Provides that a manufacturer of products containing polybrominated diphenyl ethers in violation of this act is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.