
HOUSE BILL 2818

State of Washington

60th Legislature

2008 Regular Session

By Representatives Campbell and Hudgins

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1 AN ACT Relating to the duties of the office of waste reduction and
2 sustainable production within the department of ecology; amending RCW
3 70.95C.010, 70.95C.020, 70.95C.030, 70.95C.040, and 70.95C.070; and
4 adding a new section to chapter 70.95C RCW.

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

6 **Sec. 1.** RCW 70.95C.010 and 1990 c 114 s 1 are each amended to read
7 as follows:

8 The legislature finds that:

9 (1) Land disposal and incineration of solid and hazardous waste can
10 be both harmful to the environment and costly to those who must dispose
11 of the waste.

12 (2) There are adverse effects on human health and the environment
13 from persistent, bioaccumulative, and toxic (PBT) chemicals, heavy
14 metals, and other chemicals found in the products we buy and use.

15 (3) Toxic chemicals end up in our soil, storm water, streams,
16 lakes, rivers, Puget Sound, and the bodies of all human and nonhuman
17 residents of the state; with children at a higher risk of harm from
18 exposure to toxic chemicals than adults.

1 (4) The public has a right to know about the potential human health
2 and environmental impacts of chemicals found in consumer products.

3 (5) Citizens, parents, businesses, workers, and government need
4 adequate tools and information to make informed choices about safer
5 chemical alternatives.

6 (6) It is practical and cost-effective to employ a systematic
7 approach to prevent the use and release of toxic chemicals where
8 cumulative costs exceed benefits due to significant or irreparable harm
9 to human health or the environment.

10 (7) In order to ((address this problem)) approach the management of
11 solid and hazardous waste in the most cost-effective and
12 environmentally sound manner, and to implement the highest waste
13 management priority as articulated in RCW 70.95.010 and 70.105.150,
14 public and private efforts should focus on reducing the generation of
15 waste and reducing the use of toxic chemicals. Waste and toxic
16 chemicals use reduction can be achieved by encouraging voluntary
17 efforts to redesign industrial, commercial, production, and other
18 processes to result in the reduction or elimination of waste byproducts
19 and to maximize the in-process reuse or reclamation of valuable spent
20 material.

21 (8) In the interest of protecting the public health, safety, and
22 the environment, the legislature declares that it is the policy of the
23 state of Washington to encourage reduction in the use of hazardous
24 substances and reduction in the generation of hazardous waste whenever
25 economically and technically practicable.

26 ~~((The legislature finds that))~~ (9) Hazardous wastes are generated
27 by numerous different sources including, but not limited to, large and
28 small business, households, and state and local government. ((The
29 legislature further finds that))

30 (10) A goal against which efforts at waste reduction may be
31 measured is essential for an effective hazardous waste reduction
32 program. The Pacific Northwest hazardous waste advisory council has
33 endorsed a goal of reducing, through hazardous substance use reduction
34 and waste reduction techniques, the generation of hazardous waste ((by
35 fifty percent by 1995. The legislature adopts this as a policy goal
36 for the state of Washington)). ((The legislature recognizes that))

37 (11) A goal against which efforts at toxic chemicals use reduction
38 may be measured is essential for an effective hazardous waste and toxic

1 chemicals reduction program. The legislature endorses a goal of
2 reducing, through hazardous substance use reduction and waste reduction
3 techniques, the use of toxic chemicals in the state by fifty percent by
4 2020 and adopts this as a policy goal for the state.

5 (12) Many individual businesses have already reduced the generation
6 of hazardous waste through appropriate hazardous waste reduction
7 techniques. The legislature (~~also~~) recognizes that there are some
8 basic industrial processes which by their nature have limited potential
9 for significantly reducing the use of certain raw materials or
10 substantially reducing the generation of hazardous wastes. Therefore,
11 the goal of reducing hazardous waste generation and use of toxic
12 chemicals by fifty percent cannot be applied as a regulatory
13 requirement.

14 (13) Pollution prevention plan requirements in RCW 70.95C.200 and
15 RCW 70.95E.030 must be evaluated for their ability to help meet the
16 2020 toxic chemicals use reduction goal. The legislature directs the
17 department to convene a balanced stakeholder group and report its
18 findings and recommendations by December 31, 2008.

19 **Sec. 2.** RCW 70.95C.020 and 1991 c 319 s 313 are each amended to
20 read as follows:

21 (~~As used in~~) The definitions in this section apply throughout
22 this chapter(~~, the following terms have the meanings indicated~~)
23 unless the context clearly requires otherwise.

24 (1) "Department" means the department of ecology.

25 (2) "Director" means the director of the department of ecology or
26 the director's designee.

27 (3) "Dangerous waste" shall have the same definition as set forth
28 in RCW 70.105.010(5) and shall specifically include those wastes
29 designated as dangerous by rules adopted pursuant to chapter 70.105
30 RCW.

31 (4) "EPA/state identification number" means the number assigned by
32 the EPA (environmental protection agency) or by the department of
33 ecology to each generator and/or transporter and treatment, storage,
34 and/or disposal facility.

35 (5) "Extremely hazardous waste" shall have the same definition as
36 set forth in RCW 70.105.010(6) and shall specifically include those

1 wastes designated as extremely hazardous by rules adopted pursuant to
2 chapter 70.105 RCW.

3 (6) "Fee" means the annual hazardous waste fees imposed under RCW
4 70.95E.020 and 70.95E.030.

5 (7) "Generate" means any act or process which produces hazardous
6 waste or first causes a hazardous waste to become subject to
7 regulation.

8 (8) "Hazardous substance" means any hazardous substance listed as
9 a hazardous substance as of March 21, 1990, pursuant to section 313 of
10 Title III of the Superfund Amendments and Reauthorization Act, any
11 other substance determined by the director by rule to present a threat
12 to human health or the environment, and all ozone depleting compounds
13 as defined by the Montreal Protocol of October 1987.

14 (9)(a) "Hazardous substance use reduction" means the reduction,
15 avoidance, or elimination of the use or production of hazardous
16 substances without creating substantial new risks to human health or
17 the environment.

18 (b) "Hazardous substance use reduction" includes proportionate
19 changes in the usage of hazardous substances as the usage of a
20 hazardous substance or hazardous substances changes as a result of
21 production changes or other business changes.

22 (10) "Hazardous substance user" means any facility required to
23 report under section 313 of Title III of the Superfund Amendments and
24 Reauthorization Act, except for those facilities which only distribute
25 or use fertilizers or pesticides intended for commercial agricultural
26 applications.

27 (11) "Hazardous waste" means and includes all dangerous and
28 extremely hazardous wastes, but does not include radioactive wastes or
29 a substance composed of both radioactive and hazardous components and
30 does not include any hazardous waste generated as a result of a
31 remedial action under state or federal law.

32 (12) "Hazardous waste generator" means any person generating
33 hazardous waste regulated by the department.

34 (13) "Office" means the office of waste reduction and sustainable
35 production.

36 (14) "Plan" means the plan provided for in RCW 70.95C.200.

37 (15) "Person" means an individual, trust, firm, joint stock
38 company, partnership, association, state, public or private or

1 municipal corporation, commission, political subdivision of a state,
2 interstate body, the federal government, including any agency or
3 officer thereof, and any Indian tribe or authorized tribal
4 organization.

5 (16) "Process" means all industrial, commercial, production, and
6 other processes that result in the generation of waste.

7 (17) "Recycled for beneficial use" means the use of hazardous
8 waste, either before or after reclamation, as a substitute for a
9 commercial product or raw material, but does not include: (a) Use
10 constituting disposal; (b) incineration; or (c) use as a fuel.

11 (18) "Recycling" means reusing waste materials and extracting
12 valuable materials from a waste stream. Recycling does not include
13 burning for energy recovery.

14 (19) "Toxic chemicals" means chemicals with an adverse effect on
15 human health and the environment. "Toxic chemicals" includes but is
16 not limited to those that are persistent, bioaccumulative, toxic,
17 endocrine disruptive, carcinogenic, mutagenic, neurotoxic, immunotoxic,
18 toxic to reproduction, or have degradation products that exhibit any of
19 these characteristics. "Toxic chemicals" also includes critical
20 materials designated in RCW 90.52.010.

21 (20) "Treatment" means the physical, chemical, or biological
22 processing of waste to render it completely innocuous, produce a
23 recyclable by-product, reduce toxicity, or substantially reduce the
24 volume of material requiring disposal as described in the priorities
25 established in RCW 70.105.150. Treatment does not include
26 incineration.

27 ((+20)) (21) "Used oil" means (a) lubricating fluids that have
28 been removed from an engine crankcase, transmission, gearbox, hydraulic
29 device, or differential of an automobile, bus, truck, vessel, plane,
30 heavy equipment, or machinery powered by an internal combustion engine;
31 (b) any oil that has been refined from crude oil, used, and as a result
32 of use, has been contaminated with physical or chemical impurities; and
33 (c) any oil that has been refined from crude oil and, as a consequence
34 of extended storage, spillage, or contamination, is no longer useful to
35 the original purchaser. "Used oil" does not include used oil to which
36 hazardous wastes have been added.

37 ((+21)) (22) "Waste" means any solid waste as defined under RCW

1 70.95.030, any hazardous waste, any air contaminant as defined under
2 RCW 70.94.030, and any organic or inorganic matter that shall cause or
3 tend to cause water pollution as defined under RCW 90.48.020.

4 ~~((+22+))~~ (23) "Waste generator" means any individual, business,
5 government agency, or any other organization that generates waste.

6 ~~((+23+))~~ (24) "Waste reduction" means all in-plant practices that
7 reduce, avoid, or eliminate the generation of wastes or the toxicity of
8 wastes, prior to generation, without creating substantial new risks to
9 human health or the environment. As used in RCW 70.95C.200 through
10 70.95C.240, "waste reduction" refers to hazardous waste only.

11 **Sec. 3.** RCW 70.95C.030 and 1998 c 245 s 133 are each amended to
12 read as follows:

13 (1) There is established in the department an office of waste
14 reduction and sustainable production. The office shall use its
15 authorities to encourage the voluntary reduction of hazardous substance
16 usage and waste generation by waste generators and hazardous substance
17 users, and encourage the production of safer consumer products. The
18 office ~~((shall prepare and submit a quarterly progress report to the
19 director))~~ will promote the following purposes through research,
20 development, technology demonstration, technology transfer, education,
21 outreach, recognition, and training programs:

22 (a) Innovative and cost-effective methods for reducing or
23 eliminating the use of toxic substances in manufacturing and other
24 processes through research and development of environmental
25 technologies that result in sustainable production and toxic chemical
26 use reduction over the course of product life cycles;

27 (b) Pollution prevention as a means for preventing the risks
28 associated with the use and production of hazardous substances,
29 including risks to human health and the environment;

30 (c) Pollution prevention as a means for reducing energy and
31 resource consumption, and reducing or eliminating the generation of
32 hazardous substances, pollution, and waste;

33 (d) Implementation of affordable and cost-effective methods of
34 achieving pollution prevention as a means of sustaining and
35 safeguarding the competitive advantage of large and small businesses in
36 the state and advancing innovation in the reduction of energy and

1 resource consumption and the reduction or elimination of hazardous
2 substances, pollution, and waste; and

3 (e) Voluntary implementation of pollution prevention as a means for
4 meeting the requirements of state or federal environmental laws or
5 regulations.

6 (2) The office shall prepare and submit a biennial progress report
7 to the legislature.

8 (3) The office shall: (a) Be the coordinating center for all state
9 agency programs that provide technical assistance to waste generators
10 and hazardous substance users; (b) work with federal, state, and local
11 agencies and private organizations administering programs related to
12 pollution prevention, energy consumption, resource consumption, the use
13 and generation of hazardous substances, or the generation of waste or
14 pollution; and ((shall)) (c) serve as the state's lead agency and
15 promoter for such programs.

16 (4) In addition to ((this)) the coordinating function under
17 subsection (3) of this section, the office shall encourage hazardous
18 substance use reduction and waste reduction by:

19 (a) Providing for the rendering of advice and consultation to waste
20 generators and hazardous substance users on hazardous substance use
21 reduction and waste reduction techniques, including assistance in
22 preparation of plans provided for in RCW 70.95C.200;

23 (b) Sponsoring or co-sponsoring with public or private
24 organizations technical workshops and seminars on waste reduction and
25 hazardous substance use reduction;

26 (c) Administering a waste reduction and hazardous substance use
27 reduction database and hot line providing comprehensive referral
28 services to waste generators and hazardous substance users;

29 (d) Administering a waste reduction and hazardous substance use
30 reduction research and development program;

31 (e) Coordinating a waste reduction and hazardous substance use
32 reduction public education program that includes the utilization of
33 existing publications from public and private sources, as well as
34 publishing necessary new materials on waste reduction;

35 (f) Recommending to institutions of higher education in the state
36 courses and curricula in areas related to waste reduction and hazardous
37 substance use reduction; and

1 (g) Operating an intern program in cooperation with institutions of
2 higher education and other outside resources to provide technical
3 assistance on hazardous substance use reduction and waste reduction
4 techniques and to carry out research projects as needed within the
5 office.

6 **Sec. 4.** RCW 70.95C.040 and 1990 c 114 s 5 are each amended to read
7 as follows:

8 (1) The office shall establish a waste reduction and hazardous
9 substance use reduction consultation program to be coordinated with
10 other state waste reduction and hazardous substance use reduction
11 consultation programs.

12 (2) The director may grant a request by any waste generator or
13 hazardous substance user for advice and consultation on waste reduction
14 and hazardous substance use reduction techniques and assistance in
15 preparation or modification of a plan, executive summary, or annual
16 progress report, or assistance in the implementation of a plan required
17 by RCW 70.95C.200. Pursuant to a request from a facility such as a
18 business, governmental entity, or other process site in the state, the
19 director may visit the facility making the request for the purposes of
20 observing hazardous substance use and the waste-generating process,
21 obtaining information relevant to waste reduction and hazardous
22 substance use reduction, rendering advice, and making recommendations.
23 No such visit may be regarded as an inspection or investigation, and no
24 notices or citations may be issued, or civil penalty be assessed, upon
25 such a visit. A representative of the director providing advisory or
26 consultative services under this section may not have any enforcement
27 authority.

28 (3) Consultation and advice given under this section shall be
29 limited to the matters specified in the request and shall include
30 specific techniques of waste reduction and hazardous substance use
31 reduction tailored to the relevant process. In granting any request
32 for advisory or consultative services, the director may provide for an
33 alternative means of affording consultation and advice other than on-
34 site consultation.

35 (4) Any proprietary information obtained by the director while
36 carrying out the duties required under this section shall remain

1 confidential and shall not be publicized or become part of the database
2 established under RCW 70.95C.060 without written permission of the
3 requesting party.

4 (5) The consultation program shall provide engineering technical
5 assistance services to businesses and manufacturers in the state
6 seeking to use safer chemical alternatives, reduce waste, increase
7 efficiency, and redesign industrial processes. The director may award,
8 on a competitive basis, within amounts appropriated, contracts to
9 public or private institutions able to offer these services.

10 **Sec. 5.** RCW 70.95C.070 and 1988 c 177 s 7 are each amended to read
11 as follows:

12 (1) The office (~~may~~) shall administer a waste reduction and safer
13 chemical alternatives research and development program. The director
14 may contract with any public or private organization for the purpose of
15 developing methods and technologies that achieve waste and toxic
16 chemical use reduction. The office shall develop a toxic chemicals
17 registry of critical materials as designated in RCW 90.52.010 and
18 establish reduction strategies for the highest priority chemicals,
19 create reduction programs for those chemicals, and maintain a database
20 of chemicals used in the state. A safer chemical alternatives advisory
21 committee may assist the department with development of the registry
22 and reduction strategies.

23 (2) All research performed and all methods or technologies
24 developed as a result of a contract entered into under this section
25 shall become the property of the state and shall be incorporated into
26 the database system established under RCW 70.95C.060.

27 (~~(+2)~~) (3) Any contract entered into under this section shall be
28 awarded only after requests for proposals have been circulated to
29 persons, firms, or organizations who have requested that their names be
30 placed on a proposal list. The director shall establish a proposal
31 list and shall review and evaluate all proposals received.

32 (4) The waste reduction and safer chemical alternatives research
33 and development program may establish or participate in a multistate
34 chemicals clearinghouse to collect and share information and resources
35 related to safer chemical alternatives. Responsibilities for the
36 clearinghouse include the following:

1 (a) Share information on safer chemicals initiatives at the state
2 and local level;

3 (b) Collaborate on interstate efforts;

4 (c) Provide fact sheets and guidance documents on chemical use,
5 hazards, and substitutes;

6 (d) Provide a forum for receiving and disseminating United States
7 environmental protection agency or other suitable chemical use and
8 hazard data; and

9 (e) The department may, on a biennial basis, convene a one-day
10 conference that brings together representatives from large and small
11 businesses, government agencies, private agencies, and the general
12 public to discuss progress and exchange ideas consistent with toxic
13 chemicals use reduction.

14 (5) Companies using toxic chemicals or selling products in the
15 state containing toxic chemicals shall provide toxicity data on their
16 chemicals and products to the department. Companies are encouraged to
17 share with the office toxicity data provided to meet other regulatory
18 requirements. If the office deems the toxicity data adequate to meet
19 the goals of this section, no further toxicity data is required. Any
20 proprietary information obtained by the department while carrying out
21 the duties required under this section must remain confidential as
22 required in RCW 43.21A.160.

23 (6) The office will determine, with consultation if necessary, what
24 toxicity information is required to be submitted if toxicity data is
25 insufficient. This information will enable consumers to make informed
26 decisions on the toxicity of the products they buy.

27 NEW SECTION. Sec. 6. A new section is added to chapter 70.95C RCW
28 to read as follows:

29 The department may adopt rules to fully implement this chapter.

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