

HB 2821 - H AMD TO H AMD (AMH SPRI DURB 231) **1426**
By Representative Short

FAILED 04/06/2012

1 On page 1, line 2 of the amendment, after "and insert" strike
2 "Beginning" and insert "Except as provided in subsection (2) of this
3 section, beginning"

4 On page 1, line 5 of the amendment, after "line 8" insert
5 "Manufacturers, wholesalers, and retailers may sell children's products
6 containing tris(1,3-dichloro-2-propyl)phosphate until the department
7 and the department of health identify that a safer and technically
8 feasible alternative is available that provides a level of ignition
9 resistance the same as or greater than that provided by tris(1,3-
10 dichloro-2-propyl)phosphate as specified in section 3 of this act, and
11 the fire safety committee, created in section 4 of this act, determines
12 that the identified alternatives meets applicable fire safety
13 standards.

14 (3)"

15 On page 1, line 7 of the amendment, after "sections 3 and 4" insert
16 "and insert the following:

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.240 RCW
18 to read as follows:

19 (1) The department and the department of health shall review
20 assessments, scientific studies, and other relevant findings regarding
21 alternatives to the use of tris(1,3-dichloro-2-propyl)phosphate in
22 children's products.

23 (2) If the department and the department of health jointly find
24 that safer and technically feasible alternatives are available that
25 provide a level of ignition resistance the same as or greater than that
26 provided by tris(1,3-dichloro-2-propyl)phosphate, the department shall
27 convene the fire safety committee created in section 4 of this act to

1 determine whether the identified alternatives meet applicable fire
2 safety standards.

3 (3) By majority vote, the fire safety committee created in section
4 of this act shall make a finding as to whether an alternative
5 identified under subsection (2) of this section meets applicable fire
6 safety standards. The fire safety committee shall report its finding
7 to the state fire marshal. After reviewing the finding of the fire
8 safety committee, the state fire marshal shall determine whether an
9 alternative identified under subsection (2) of this section meets
10 applicable fire safety standards. The determination of the state fire
11 marshal must be based upon the finding of the fire safety committee.
12 The state fire marshal shall report the determination to the
13 department.

14 (4) The department shall seek public input on its findings, the
15 findings of the fire safety committee, and the determination by the
16 state fire marshal. The department shall publish these findings in the
17 Washington State Register, and submit them in a report to the
18 appropriate committees of the legislature. The department shall
19 initially report these findings by December 31, 2013.

20 (5) If the December 31, 2013, report required in subsection (4) of
21 this section finds that a safer and technically feasible alternative
22 that meets applicable fire safety standards is available, and that
23 alternative provides a level of ignition resistance the same as or
24 greater than that provided by tris(1,3-dichloro-2-propyl)phosphate,
25 then beginning July 1, 2014, no manufacturer, wholesaler, or retailer
26 may manufacture, knowingly sell, offer for sale, distribute for sale,
27 or distribute for use in the state a children's product containing
28 tris(1,3-dichloro-2-propyl)phosphate in amounts greater than one
29 hundred parts per million in any component.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.240 RCW
31 to read as follows:

32 (1) The fire safety committee is created for the exclusive purpose
33 of finding whether an alternative identified by the department and the
34 department of health under section 3 of this act meets applicable fire
35 safety standards.

36 (2) A majority vote of the members of the fire safety committee

1 constitutes a finding that an alternative meets applicable fire safety
2 standards.

3 (3) The fire safety committee consists of the following members:

4 (a) A representative from the department, who shall chair the fire
5 safety committee and serve as an ex officio nonvoting member.

6 (b) Five voting members, appointed by the governor, as follows:

7 (i) A representative of the office of the state fire marshal;

8 (ii) A representative of a statewide association representing the
9 interests of fire chiefs;

10 (iii) A representative of a statewide association representing the
11 interests of fire commissioners;

12 (iv) A representative of a recognized statewide council, affiliated
13 with an international association representing the interests of
14 firefighters; and

15 (v) A representative of a statewide association representing the
16 interests of volunteer firefighters."

EFFECT: Changes the ban on children's products containing TDCPP by allowing the sale of such products until the department of ecology and the department of health have jointly identified a safer and technically feasible alternative and that alternative: (1) Meets applicable fire safety standards; and (2) provides a level of ignition resistance that is the same as or greater than that provided by TDCPP. Creates a fire safety committee to review and make a finding as to whether an identified alternative meets applicable fire safety standards.

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