

SENATE BILL REPORT

ESSB 5458

As Passed Senate, March 13, 2013

Title: An act relating to the labeling of certain asbestos-containing building materials.

Brief Description: Concerning the labeling of certain asbestos-containing building materials.

Sponsors: Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Billig, Ranker, Kohl-Welles and Kline).

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/19/13 [DPS, w/oRec].

Passed Senate: 3/13/13, 47-2.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Ranker, Ranking Member; Billig, Chase, Cleveland and Litzow.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

Staff: Jan Odano (786-7486)

Background: Asbestos is a naturally occurring mineral fiber found in rock and soil. Because of its strength and heat resistance, asbestos has been used as insulation and as a fire retardant.

Exposure to asbestos is recognized as a health hazard. Breathing asbestos fibers can damage the lungs, and impair lung functions that may lead to disability and death. Asbestos also causes lung cancer and other diseases such as mesothelioma, which is a cancer of the membrane lining the lungs or stomach.

The U.S. Environmental Protection Agency (EPA) began regulating asbestos in 1973. In 1989, EPA banned most uses of asbestos. However, that rule was overturned, which resulted in allowing most of the existing manufacture, importation, processing, or distribution for

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many of the products containing asbestos that were banned. Prohibited asbestos-containing uses include spray-applied surfacing, pipe insulation and block insulation on boilers and hot water tanks, artificial fireplace embers, and wall-patching compounds. Products containing asbestos that are not banned include the following: cement flat sheet, clothing, pipeline wrap, roofing felt, vinyl floor tile, cement shingles, cement pipe, millboard, automobile components, and non-roofing and roof coatings.

The Occupational Safety & Health Administration provides worker safety regulations for uses and proper handling of asbestos. Within the state, local clean air agencies regulate asbestos abatement in homes and commercial buildings. The regulations provide for the safe removal and disposal of asbestos-containing materials.

Summary of Engrossed Substitute Bill: Beginning January 1, 2014, building materials containing asbestos must be labeled as such to be manufactured, sold, or distributed in the state. Stock on hand must be labeled after December 31, 2013. Retailers that do not manufacture, wholesale, or distribute asbestos-containing building materials are exempt. Building materials do not include mobile means of transportation, such as cars, recreational vehicles, or boats.

Asbestos-containing building materials must have a label that clearly identifies it as containing asbestos as provided or as required by the EPA. A label must be placed on the exterior packaging or wrapping with the product name and description and on the exterior surface of the building material itself. The minimum requirements for the label are specified. The labeling of asbestos-containing materials does not apply to materials used for U.S. military purposes or building materials already applied, installed, or used by consumers.

A manufacturer, wholesaler, or distributor may request in writing an exemption to the labeling requirement. The Department of Ecology (Ecology) may grant the exemption, and apply terms and conditions, if it determines the requirements are technically infeasible or will create an undue hardship. The exemption may not exceed three years.

Ecology and local clean air agencies enforce the labeling requirements through provisions under the Clean Air Act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Asbestos is a known carcinogen. People thought the use of asbestos was banned. This is a good step forward to protect the public. It provides transparency. If people are informed they can choose products without asbestos.

Persons Testifying: PRO: Senator Billig, prime sponsor; Nick Federici, WA Toxics Coalition; Bill Dameworth, Spokane Clean Air Agency.