

FINAL BILL REPORT

ESSB 5458

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Synopsis as Enacted

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).

Senate Committee on Energy, Environment & Telecommunications
House Committee on Environment

Background: Asbestos is a naturally occurring mineral fiber found in rock and soil. Because of its strength and heat resistance, asbestos is 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.

Asbestos is regulated at the federal level by the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA). OSHA regulations apply to asbestos exposure in the workplace and provides worker safety regulations for uses and proper handling of asbestos. The EPA addresses asbestos exposure and potential asbestos exposure in non-occupational settings. Both agencies set regulatory levels for allowable asbestos exposure.

The EPA began regulating asbestos in 1973. In 1989, the EPA issued a rule that banned most uses of asbestos. However, that rule was overturned by the 5th Circuit Court of Appeals. This resulted in allowing most of the existing manufacture, importation, processing, or distribution of many of the products containing asbestos that were banned. 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. 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.

Within the state, the Department of Labor and Industries (L&I) regulates workplace safety for uses and proper handling of asbestos. L&I also licenses asbestos abatement contractors.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington Clean Air Act (CAA) grants the Department of Ecology (Ecology) and local clean air agencies the authority to regulate air quality. Under these provisions, asbestos abatement, the removal and disposal of asbestos-containing materials in homes and commercial buildings, is regulated. Violators of certain provisions of the CAA may incur civil penalties of up to \$10,000 per day per violation, which may be appealed to the Pollution Control Hearings Board.

Summary: Beginning January 1, 2014, the manufacture, wholesale, or distribution of building materials containing asbestos must be labeled. 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. 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 CAA.

Votes on Final Passage:

Senate	47	2
House	65	28

Effective: July 28, 2013.