

2SHB 1472 - H AMD 239

By Representative Fitzgibbon

ADOPTED 3/11/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Alternatives assessment" means a process for identifying and
7 comparing chemical and nonchemical alternatives currently in
8 existence that can be practicably and economically used to replace
9 the use of a chemical. The objective of an alternatives assessment is
10 to assess less toxic chemicals or nonchemical alternatives to replace
11 the use of a chemical in a product and to avoid the unintended
12 consequence of switching to a substitute that presents an equivalent
13 or greater concern. An alternatives assessment must follow the
14 guidelines issued by the interstate chemicals clearinghouse, the
15 national academy of sciences, or equivalent methodology. At a
16 minimum, an alternatives assessment includes: An evaluation of
17 chemical hazard, exposure, performance, cost, and availability;
18 information for each alternative considered; and the identification
19 of alternatives.

20 (2) "Biomonitoring" means assessment of human exposures to
21 chemicals by measuring the chemicals or their metabolites in human
22 tissues or specimens, such as blood, breast milk, and urine.

23 (3) "Chemical" means a substance, including metals, with a
24 distinct molecular composition or a group of structurally related
25 substances and includes the breakdown products of the substance or
26 substances that form through decomposition, degradation, or
27 metabolism.

28 (4) "Chemical action plan" means a plan that identifies,
29 characterizes, and evaluates uses and releases of a specific chemical
30 or group of chemicals and identifies actions needed to protect human
31 health and the environment.

32 (5) "Department" means the department of ecology.

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

3 (7) "Manufacturer" means any person, firm, association,
4 partnership, corporation, governmental entity, organization, or joint
5 venture that produces a product or is an importer or domestic
6 distributor of a product sold or offered for sale in or into the
7 state. "Manufacturer" does not include small businesses as defined in
8 RCW 19.85.020.

9 (8) "Product" means any item sold for residential or commercial
10 use including any component or product packaging. "Product" does not
11 include the following items, but does include their packaging:

12 (a) Food or beverage;

13 (b) Tobacco products;

14 (c) Drug or biological products regulated by the United States
15 food and drug administration;

16 (d) Products produced under military specifications;

17 (e) Finished products regulated by the federal aviation
18 administration;

19 (f) Chemical products used to produce an agricultural commodity,
20 as defined in RCW 17.21.020; and

21 (g) Any previously owned product sold in casual or isolated sales
22 as defined in RCW 82.04.040 or products sold by nonprofit
23 organizations.

24 (9) "Product component" means a uniquely identifiable material or
25 coating that is included as a part of a finished product.

26 (10) "Safer alternative" means an alternative that is less
27 hazardous to humans or the environment than the existing chemical or
28 chemical process. A safer alternative to a particular chemical may
29 include a chemical substitute or a change in materials or design that
30 eliminates the need for a chemical alternative.

31 (11) "Summary report" means a report prepared by the department
32 summarizing available alternatives assessments and includes a
33 determination regarding the existence of a safer alternative. The
34 summary report also includes a determination of the completeness of
35 the alternatives assessments reviewed and identifies unsuitable
36 alternatives.

37 (12) "Unsuitable alternative" means an alternative identified
38 through the alternatives assessment process that does not meet the
39 hazard, exposure, cost, performance, and availability criteria of a
40 safer alternative.

1 NEW SECTION. **Sec. 2.** (1) Beginning January 1, 2016, and every
2 two years thereafter, the department, in consultation with the
3 department of health, must select up to four chemicals for the
4 development of chemical action plans as specified in section 4 of
5 this act from the following:

6 (a) Chemicals identified by the United States environmental
7 protection agency in section 304(a)(1) of the clean water act, water
8 quality criteria for human health, that impact Washington state clean
9 water bodies as identified under section 303(d) of the clean water
10 act; or

11 (b) Chemicals that meet the criteria of a high priority chemical
12 as defined in RCW 70.240.010 as applied to humans, plants, or
13 wildlife, and either:

14 (i) Meet the criteria for a high priority chemical of high
15 concern for children as described in RCW 70.240.030(1) (a) through
16 (c); or

17 (ii) Have been shown through environmental monitoring studies to
18 be present in fish, wildlife, air, water, soil, or sediment.

19 (2) The department may conduct environmental monitoring or,
20 subject to the availability of amounts appropriated for this specific
21 purpose, may request the department of health to conduct
22 biomonitoring of a chemical to verify the chemical is present in the
23 state's environment or population or to better understand
24 environmental or human exposures in the state. Environmental
25 monitoring and biomonitoring conducted pursuant to this chapter must
26 be of a minimum scope necessary to adequately inform a chemical
27 action plan.

28 (3)(a) At least two of the first four chemicals selected for a
29 chemical action plan must be chosen from the chemicals identified in
30 subsection (1)(a) of this section.

31 (b) When selecting chemicals for the development of chemical
32 action plans, the director shall notify the public of the selection,
33 the basis for the selection, and a draft schedule. The notice must be
34 published in the Washington State Register. The department shall
35 provide the public with an opportunity for review and comment before
36 finalizing the schedule.

37 (c) When selecting chemicals for the development of chemical
38 action plans, the department must consider:

39 (i) Opportunities for reducing or phasing out uses, production,
40 or releases of a chemical;

1 (ii) Scientific evidence on the combined effects of exposure to
2 the chemical and other substances commonly present in the Washington
3 environment;

4 (iii) Scientific evidence on the susceptibility of sensitive
5 population groups and environmental media from exposure to the
6 chemical, as well as cumulative effects of multiple exposures; and

7 (iv) Existing plans or regulatory requirements to reduce or phase
8 out the use and releases of the chemical.

9 (d) The department must identify the sources of information it
10 relied upon in selecting chemicals for the development of chemical
11 action plans under this section, including peer-reviewed science.

12 NEW SECTION. **Sec. 3.** (1) The department may require information
13 from manufacturers of products that contain a chemical selected for a
14 chemical action plan under section 2 of this act. Prior to requesting
15 information from a manufacturer under this subsection, the department
16 must consult with a chemical action plan external advisory committee,
17 if one has been formed yet, to evaluate the particular chemical that
18 is the subject of the information request. The department may only
19 make reasonable requests of manufacturers that are limited in their
20 scope and frequency and that are focused on:

21 (a) The most common and prevalent uses of the chemicals or
22 products containing the chemicals, based on the department's existing
23 knowledge about the chemical;

24 (b) Areas where there is an identified gap in public or
25 department knowledge about a chemical; and

26 (c) Chemical uses or products that the department has reason to
27 believe are likely to be responsible for or associated with a
28 significant portion of releases into the environment or public health
29 exposures.

30 (2) Within six months of a request by the department,
31 manufacturers shall report the following:

32 (a) The name and address of the manufacturer and the name,
33 address, and phone number of a contact person for the manufacturer;

34 (b) The name of the chemical used or produced and its chemical
35 abstracts service registry number;

36 (c) A brief description of the product or product component
37 containing the substance;

38 (d) A description of the function of the chemical in the product;

1 (e) The amount of the chemical used in each unit of the product
2 or product component, which may be reported in ranges, rather than
3 the exact amount;

4 (f) An estimate of average daily, weekly, or monthly commercial
5 consumption of the chemical by businesses or the public; and

6 (g) Any other information the manufacturer deems relevant to the
7 appropriate use of the product.

8 (3) In response to an information request from the department
9 under this section, a manufacturer may extrapolate amounts and
10 estimates from national data. The resulting submission must include
11 the information in subsection (2)(a) of this section for each
12 manufacturer. However, the information required by subsection (2)(b)
13 through (g) of this section is not required to be provided in a
14 manner that identifies individual manufacturers.

15 (4) The department shall specify the required format for
16 submission of the information required under subsection (2) of this
17 section. The format should be generally consistent with the format
18 specified in other states with substantially similar reporting
19 requirements.

20 (5) Multiple businesses, or a business association, may
21 collaborate and submit a single submission on a chemical found in
22 similar products.

23 (6) Where information submitted by a manufacturer under chapter
24 70.240 RCW is the same as the information required to be submitted by
25 the manufacturer in subsection (2) of this section, that manufacturer
26 is not required to submit the same information again.

27 (7) The department may, by order, require a manufacturer subject
28 to the reporting requirement in subsection (2) of this section to
29 provide additional information that is relevant to the development of
30 a chemical action plan under section 4 of this act. An order by the
31 department must also meet the reasonableness criteria of subsection
32 (1) of this section.

33 NEW SECTION. **Sec. 4.** (1) When developing a chemical action
34 plan, the department shall convene an external advisory committee to
35 provide stakeholder input, expertise, and additional information. All
36 advisory committee meetings must be open to the public. The
37 department must invite representatives from, at minimum, the
38 following organizations and entities to serve as external advisory
39 committee members: Large and small business sectors; a representative

1 of a statewide business association with over one thousand total
2 members and that represents multiple business sectors; community,
3 environmental, and public health advocacy groups; local governments;
4 affected and interested businesses; and public health agencies. State
5 agencies and technical experts may be requested to participate.

6 (2) All chemical action plans must include the following types of
7 information, evaluations, and recommendations:

8 (a) Chemical name, properties, uses, and manufacturers;

9 (b) An analysis of the available information on the production,
10 unintentional production, uses, and disposal of the chemical;

11 (c) Information on the known or potential impacts on human health
12 and the environment associated with the use and release of the
13 chemical; and

14 (d) An evaluation of the regulatory and nonregulatory approaches
15 that influence production, uses, releases, and management of the
16 chemical.

17 (3)(a) All chemical action plans must identify actions, if
18 needed, to eliminate or reduce threats to human health and the
19 environment and include recommendations for managing, reducing, or
20 phasing out the different uses and releases of the chemical to
21 minimize exposure.

22 (b) Recommendations must be based on an evaluation of the
23 following factors:

24 (i) Environmental and human health benefits;

25 (ii) Economic and social impacts;

26 (iii) Feasibility;

27 (iv) Availability and effectiveness of safer substitutes for uses
28 of the chemical; and

29 (v) Consistency with existing federal and state regulatory
30 requirements.

31 (4) The department must include in the chemical action plan a
32 summary of any dissenting views held by external advisory committee
33 members regarding the recommendations contained in the plan.

34 (5) The department must identify the sources of information it
35 relied upon in completing a chemical action plan under this section,
36 including peer-reviewed science.

37 NEW SECTION. **Sec. 5.** (1)(a) Consistent with a recommendation in
38 a chemical action plan, the department is authorized to require
39 manufacturers, by order, to conduct alternatives assessments, as

1 detailed in this section. The department may not require
2 manufacturers to complete an alternatives assessment for a greater
3 breadth of uses or products, nor require alternatives assessments to
4 be completed by a greater number of manufacturers, than is necessary
5 to address significant sources of environmental or public health
6 exposures to the chemical.

7 (b) The scope of an alternatives assessment must be:

8 (i) A single type of use of a chemical in a specific type of
9 manufacturing process; or

10 (ii) The inclusion of a chemical in a specific type of product.

11 (2)(a) If ordered by the department, a manufacturer of a product
12 that contains a chemical for which a chemical action plan has been
13 completed under section 4 of this act or under chapter 173-333 WAC
14 must submit an alternatives assessment to the department for each use
15 of the chemical specified by the department.

16 (b) The manufacturer must submit the alternatives assessment to
17 the department within one year of receipt of the department's order;
18 however, the department may grant an extension on a case-by-case
19 basis for good cause if the manufacturer shows that additional time
20 is necessary to complete an alternatives assessment or would
21 substantially improve the quality of the alternatives assessment.
22 Multiple businesses, or a business association, may collaborate and
23 submit a single alternatives assessment on a chemical found in
24 similar products.

25 (c) In lieu of an alternatives assessment, a manufacturer may
26 submit a certificate of compliance, as described in (d) of this
27 subsection, if:

28 (i) The manufacturer has ceased using the chemical for which it
29 would be required to do an alternatives assessment; or

30 (ii) The manufacturer can demonstrate its plans to phase out the
31 use of the chemical within a time frame that is reasonable based on
32 the manufacturing process used to produce the product and the use of
33 the product.

34 (d) A certificate of compliance must include the following:

35 (i) Chemical names and chemical abstracts service registry
36 numbers for all chemicals that currently contribute to the specific
37 function previously served by the prohibited chemical;

38 (ii) How the manufacturer is meeting the function of the
39 prohibited chemical with a safer alternative; and

1 (iii) The signature of an authorized official of the
2 manufacturer.

3 (3) If the department determines that a submitted alternatives
4 assessment does not meet the definition or required objectives of an
5 alternatives assessment, or the department does not identify a
6 manufacturer that may be required to submit an alternatives
7 assessment, the department may contract with an independent
8 scientific organization to conduct an independent alternatives
9 assessment in consultation with the chemical action plan advisory
10 committee. Any alternatives assessment conducted by the independent
11 contractor must include a process to involve interested parties.

12 (4) The department may rely on existing information indicating
13 that a safer alternative for a chemical exists if that information is
14 equivalent to an alternatives assessment.

15 NEW SECTION. **Sec. 6.** (1)(a) The department, in consultation
16 with the department of health, shall prepare a summary report of all
17 reviewed alternatives assessments and other relevant information
18 assembled under section 5 of this act. The summary report must
19 include a determination of whether a safer alternative exists and
20 identify unsuitable alternatives.

21 (b) In making its determination, the department shall evaluate
22 whether the alternatives assessment submitted by manufacturers:

23 (i) Follows the guidelines on alternatives assessment issued by
24 the interstate chemicals clearinghouse, the national academy of
25 sciences, or equivalent methodology;

26 (ii) Identifies safer alternatives as defined in section 1 of
27 this act; and

28 (iii) Identifies unsuitable alternatives as defined in section 1
29 of this act.

30 (2) If the department determines that a safer alternative exists,
31 based on a completed alternatives assessment or equivalent
32 information, the department must submit a recommendation to prohibit
33 specific uses of the chemical, in the form of draft legislation, to
34 the appropriate committees of the house of representatives and
35 senate.

36 (3) If the department determines that a safer alternative does
37 not exist, then the department may reevaluate information on the

1 availability of safer alternatives not more often than once every
2 five years.

3 NEW SECTION. **Sec. 7.** (1) A manufacturer violating a requirement
4 of this chapter, a rule adopted under this chapter, or an order
5 issued under this chapter, is subject to a civil penalty not to
6 exceed five thousand dollars for each violation in the case of a
7 first offense. Manufacturers who are repeat violators are subject to
8 a civil penalty not to exceed ten thousand dollars for each repeat
9 offense.

10 (2) Any penalty provided for in this section, and any order
11 issued by the department under this chapter, maybe appealed to the
12 pollution control hearings board.

13 (3) All penalties collected under this chapter shall be deposited
14 in the state toxics control account created in RCW 70.105D.070.

15 NEW SECTION. **Sec. 8.** Manufacturers submitting information or
16 records to the department may request that the information or records
17 be made available only for the confidential use of the director, the
18 department, or the appropriate division of the department. The
19 director shall give consideration to the request and if such action
20 would not be detrimental to the public interest and is otherwise
21 within accord with the policies and purposes of chapter 43.21A RCW,
22 the director must grant the request for the information to remain
23 confidential as authorized in RCW 43.21A.160. Under the procedures
24 established under RCW 43.21A.160, the department must keep
25 confidential any records furnished by a manufacturer under this
26 chapter that relate to proprietary manufacturing processes or
27 chemical formulations used in products or processes.

28 NEW SECTION. **Sec. 9.** The department may adopt rules as
29 necessary for the purpose of implementing, administering, and
30 enforcing this chapter.

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 39.26
32 RCW to read as follows:

33 (1) The department shall establish purchasing and procurement
34 policies that provide a preference for products and products in
35 packaging that do not contain:

1 (a) Persistent, bioaccumulative, and toxic chemicals as defined
2 in chapter 173-333 WAC as of the effective date of this section; and

3 (b) Chemicals that have been addressed by a completed chemical
4 action plan that has included a recommendation that the state adopt a
5 purchasing and procurement policy for products and products in
6 packaging that do not contain the chemical.

7 (2) No agency may knowingly purchase products or products in
8 packaging containing chemicals identified in subsection (1) of this
9 section unless there is no cost-effective and technologically
10 feasible alternative. When all available products contain a chemical
11 identified in subsection (1) of this section, a preference must be
12 given to alternative products that contain lesser amounts of
13 chemicals identified in subsection (1) of this section.

14 (3) Nothing in this section requires the department or any other
15 state agency to breach an existing contract or dispose of stock that
16 has been ordered or is in the possession of the department or other
17 state agency as of the effective date of this section.

18 (4) This section does not require the department or any other
19 agency to test every product procured.

20 (5) The department or any other agency may request suppliers of
21 products to provide testing data from an accredited laboratory or
22 testing facility documenting levels of a chemical identified in
23 subsection (1) of this section in products or product packaging.
24 Requested or voluntarily received testing data from businesses,
25 manufacturers, organizations, and individuals must be submitted for
26 review to the department of ecology.

27 **Sec. 11.** RCW 43.21B.110 and 2013 c 291 s 33 are each amended to
28 read as follows:

29 (1) The hearings board shall only have jurisdiction to hear and
30 decide appeals from the following decisions of the department, the
31 director, local conservation districts, the air pollution control
32 boards or authorities as established pursuant to chapter 70.94 RCW,
33 local health departments, the department of natural resources, the
34 department of fish and wildlife, the parks and recreation commission,
35 and authorized public entities described in chapter 79.100 RCW:

36 (a) Civil penalties imposed pursuant to RCW 18.104.155,
37 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250,
38 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
39 90.64.102.

1 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
2 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
3 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

4 (c) A final decision by the department or director made under
5 chapter 183, Laws of 2009.

6 (d) Except as provided in RCW 90.03.210(2), the issuance,
7 modification, or termination of any permit, certificate, or license
8 by the department or any air authority in the exercise of its
9 jurisdiction, including the issuance or termination of a waste
10 disposal permit, the denial of an application for a waste disposal
11 permit, the modification of the conditions or the terms of a waste
12 disposal permit, or a decision to approve or deny an application for
13 a solid waste permit exemption under RCW 70.95.300.

14 (e) Decisions of local health departments regarding the grant or
15 denial of solid waste permits pursuant to chapter 70.95 RCW.

16 (f) Decisions of local health departments regarding the issuance
17 and enforcement of permits to use or dispose of biosolids under RCW
18 70.95J.080.

19 (g) Decisions of the department regarding waste-derived
20 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
21 decisions of the department regarding waste-derived soil amendments
22 under RCW 70.95.205.

23 (h) Decisions of local conservation districts related to the
24 denial of approval or denial of certification of a dairy nutrient
25 management plan; conditions contained in a plan; application of any
26 dairy nutrient management practices, standards, methods, and
27 technologies to a particular dairy farm; and failure to adhere to the
28 plan review and approval timelines in RCW 90.64.026.

29 (i) Any other decision by the department or an air authority
30 which pursuant to law must be decided as an adjudicative proceeding
31 under chapter 34.05 RCW.

32 (j) Decisions of the department of natural resources, the
33 department of fish and wildlife, and the department that are
34 reviewable under chapter 76.09 RCW, and the department of natural
35 resources' appeals of county, city, or town objections under RCW
36 76.09.050(7).

37 (k) Forest health hazard orders issued by the commissioner of
38 public lands under RCW 76.06.180.

1 (l) Decisions of the department of fish and wildlife to issue,
2 deny, condition, or modify a hydraulic project approval permit under
3 chapter 77.55 RCW.

4 (m) Decisions of the department of natural resources that are
5 reviewable under RCW 78.44.270.

6 (n) Decisions of an authorized public entity under RCW 79.100.010
7 to take temporary possession or custody of a vessel or to contest the
8 amount of reimbursement owed that are reviewable by the hearings
9 board under RCW 79.100.120.

10 (o) Decisions regarding a restriction, order, or penalty issued
11 under chapter 70.--- RCW (the new chapter created in section 14 of
12 this act).

13 (2) The following hearings shall not be conducted by the hearings
14 board:

15 (a) Hearings required by law to be conducted by the shorelines
16 hearings board pursuant to chapter 90.58 RCW.

17 (b) Hearings conducted by the department pursuant to RCW
18 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
19 90.44.180.

20 (c) Appeals of decisions by the department under RCW 90.03.110
21 and 90.44.220.

22 (d) Hearings conducted by the department to adopt, modify, or
23 repeal rules.

24 (3) Review of rules and regulations adopted by the hearings board
25 shall be subject to review in accordance with the provisions of the
26 administrative procedure act, chapter 34.05 RCW.

27 **Sec. 12.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to
28 read as follows:

29 (1) The hearings board shall only have jurisdiction to hear and
30 decide appeals from the following decisions of the department, the
31 director, local conservation districts, the air pollution control
32 boards or authorities as established pursuant to chapter 70.94 RCW,
33 local health departments, the department of natural resources, the
34 department of fish and wildlife, the parks and recreation commission,
35 and authorized public entities described in chapter 79.100 RCW:

36 (a) Civil penalties imposed pursuant to RCW 18.104.155,
37 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250,
38 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
39 90.64.102.

1 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
2 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
3 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

4 (c) Except as provided in RCW 90.03.210(2), the issuance,
5 modification, or termination of any permit, certificate, or license
6 by the department or any air authority in the exercise of its
7 jurisdiction, including the issuance or termination of a waste
8 disposal permit, the denial of an application for a waste disposal
9 permit, the modification of the conditions or the terms of a waste
10 disposal permit, or a decision to approve or deny an application for
11 a solid waste permit exemption under RCW 70.95.300.

12 (d) Decisions of local health departments regarding the grant or
13 denial of solid waste permits pursuant to chapter 70.95 RCW.

14 (e) Decisions of local health departments regarding the issuance
15 and enforcement of permits to use or dispose of biosolids under RCW
16 70.95J.080.

17 (f) Decisions of the department regarding waste-derived
18 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
19 decisions of the department regarding waste-derived soil amendments
20 under RCW 70.95.205.

21 (g) Decisions of local conservation districts related to the
22 denial of approval or denial of certification of a dairy nutrient
23 management plan; conditions contained in a plan; application of any
24 dairy nutrient management practices, standards, methods, and
25 technologies to a particular dairy farm; and failure to adhere to the
26 plan review and approval timelines in RCW 90.64.026.

27 (h) Any other decision by the department or an air authority
28 which pursuant to law must be decided as an adjudicative proceeding
29 under chapter 34.05 RCW.

30 (i) Decisions of the department of natural resources, the
31 department of fish and wildlife, and the department that are
32 reviewable under chapter 76.09 RCW, and the department of natural
33 resources' appeals of county, city, or town objections under RCW
34 76.09.050(7).

35 (j) Forest health hazard orders issued by the commissioner of
36 public lands under RCW 76.06.180.

37 (k) Decisions of the department of fish and wildlife to issue,
38 deny, condition, or modify a hydraulic project approval permit under
39 chapter 77.55 RCW.

1 (l) Decisions of the department of natural resources that are
2 reviewable under RCW 78.44.270.

3 (m) Decisions of an authorized public entity under RCW 79.100.010
4 to take temporary possession or custody of a vessel or to contest the
5 amount of reimbursement owed that are reviewable by the hearings
6 board under RCW 79.100.120.

7 (n) Decisions regarding a restriction, order, or penalty issued
8 under chapter 70.--- RCW (the new chapter created in section 14 of
9 this act).

10 (2) The following hearings shall not be conducted by the hearings
11 board:

12 (a) Hearings required by law to be conducted by the shorelines
13 hearings board pursuant to chapter 90.58 RCW.

14 (b) Hearings conducted by the department pursuant to RCW
15 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
16 90.44.180.

17 (c) Appeals of decisions by the department under RCW 90.03.110
18 and 90.44.220.

19 (d) Hearings conducted by the department to adopt, modify, or
20 repeal rules.

21 (3) Review of rules and regulations adopted by the hearings board
22 shall be subject to review in accordance with the provisions of the
23 administrative procedure act, chapter 34.05 RCW.

24 NEW SECTION. Sec. 13. If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 2015, in the omnibus appropriations act, this
27 act is null and void.

28 NEW SECTION. Sec. 14. Sections 1 through 9 of this act
29 constitute a new chapter in Title 70 RCW.

30 NEW SECTION. Sec. 15. A new section is added to chapter 43.131
31 RCW to read as follows:

32 The authority of the department of ecology to do the following
33 under the authority of chapter 70.--- RCW (the new chapter created in
34 section 14 of this act) expires June 30, 2025: Require manufacturers
35 to provide information on chemicals and conduct alternatives
36 assessments; prepare summary reports on alternatives assessments;
37 prohibit the use of chemicals and the sale, offer for sale, or

1 distribution of a product containing a prohibited chemical; and
2 assess penalties.

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.131
4 RCW to read as follows:

5 The following acts or parts of acts, as now existing or hereafter
6 amended, are each repealed, effective June 30, 2026:

- 7 (1) Section 1 of this act;
- 8 (2) Section 2 of this act;
- 9 (3) Section 3 of this act;
- 10 (4) Section 4 of this act;
- 11 (5) Section 5 of this act;
- 12 (6) Section 6 of this act;
- 13 (7) Section 7 of this act;
- 14 (8) Section 8 of this act; and
- 15 (9) Section 9 of this act.

16 NEW SECTION. **Sec. 17.** This act may be known and cited as the
17 toxics reduction act.

18 NEW SECTION. **Sec. 18.** Section 11 of this act expires June 30,
19 2019.

20 NEW SECTION. **Sec. 19.** Section 12 of this act takes effect June
21 30, 2019.

22 NEW SECTION. **Sec. 20.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected."

26 Correct the title.

EFFECT: Eliminates the chemical safety committee responsible for consulting on information requests to manufacturers and with approving department of ecology alternatives assessment orders to manufacturers and restrictions on chemicals. Eliminates the department of ecology's authority to restrict chemicals for which a safer alternative has been identified. Requires the department of ecology to recommend, in the form of draft legislation, that the legislature prohibit specific uses of a chemical for which the department has identified a safer alternative. Exempts businesses that have plans to phase out the use of a chemical from alternatives

assessment requirements if the phase out is to take place within a reasonable amount of time based on the use and manufacturing process for a product, rather than within two years. Authorizes the department of ecology to complete an alternatives assessment based on a chemical action plan recommendation if the department does not identify any manufacturers that may be required to perform an alternatives assessment. Requires at least two of the first four chemicals subject to a chemical action plan to be chemicals regulated under the federal clean water act. Requires chemical action plans to include a summary of dissenting views held by members of the external advisory committee convened for the chemical action plan. Requires the department of ecology to consider scientific evidence of chemical exposure effects, human and environmental susceptibility to chemical exposure, existing chemical regulation and management, and chemical reduction and phase-out opportunities when selecting chemicals for chemical action plan development. Requires the department of ecology to cite the sources of information that it relied upon in selecting chemicals for chemical action plan development and in completing chemical action plans. Directs the state purchasing and procurement policy to address chemicals that a chemical action plan recommends for inclusion under the policy. Eliminates the intent section.

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