

2SSB 5056 - S AMD 112

By Senator McCoy

1 Beginning on page 5, after line 33, strike all material through
2 "children." on page 6, line 2, and insert the following:

3 "(1) Beginning July 1, 2016, no manufacturer, wholesaler, or
4 retailer may manufacture, knowingly sell, offer for sale, distribute
5 for sale, or distribute for use in this state residential upholstered
6 furniture, as defined in RCW 70.76.010, or children's products
7 containing a flame retardant in any product component in amounts
8 greater than one thousand parts per million identified by the
9 department as a high priority chemical of high concern for children
10 as required under RCW 70.240.030.

11 (2) After January 1, 2015, before a flame retardant may be
12 identified as a high priority chemical of high concern for children,
13 the department must submit a report to the legislature no later than
14 at the time of publication of the notice of a rule-making hearing
15 required under RCW 34.05.320. The report to the legislature must
16 contain:

17 (a) A determination whether children or vulnerable populations
18 are likely to be exposed to the chemical directly or indirectly from
19 its use in products. The determination of the department must be made
20 after an evaluation of available information on:

21 (i) Levels of the flame retardants in consumer products;

22 (ii) Migration of the flame retardants out of products during and
23 after use; and

24 (iii) Levels of the flame retardants in humans and the
25 environment, including but not limited to the home environment;

26 (b) A review of available toxicity data to evaluate the health
27 concerns for children or vulnerable populations; and

28 (c) A determination of whether a safer alternative has been
29 identified to meet applicable fire safety standards for residential
30 furniture and children's products by evaluating existing chemical
31 action plans and assessments of safer alternatives.

32 (3) Antimony and antimony compounds, chemical abstracts service
33 number 7440-36-0 as of the effective date of this section, are not
34 flame retardants for purposes of this section and are not subject to
35 the restrictions of subsection (1) of this section."

EFFECT: Deletes the chemical action plan process for flame retardants.

Allows the department of ecology to prohibit the use of flame retardants in amounts greater than 1000 ppm after providing a report to the legislature about levels of flame retardants, toxicity data, and a determination if safer alternatives exist.

Provides an exemption for antimony.

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