
Environment Committee

HB 2547

Brief Description: Ensuring that recreational facilities with synthetic turf materials are not a hazard to public health.

Sponsors: Representatives Pollet, Farrell, Senn, Orwall, Walkinshaw, Kuderer, McBride, Ormsby, Gregerson and Bergquist.

Brief Summary of Bill

- Requires a demonstration of the safety of synthetic turf that contains used tire material prior to turf installation or replacement at a recreational facility.
- Requires the operators of a recreational facility with synthetic turf containing used tire material to post warning signage at the recreational facility if the synthetic turf has not been subject to a safety demonstration.
- Requires the Department of Health to establish a registry to track incidences of cancer and lung diseases among users of synthetic turf facilities.

Hearing Date: 1/26/16

Staff: Jacob Lipson (786-7196).

Background:

Artificial playing surfaces used for recreational and other purposes may contain a variety of constituent materials. In some playing surfaces, ground used tire material is used as a filler layer underneath and between plastic blades of grass. Ground used tires and other filler materials used in synthetic playing fields must typically be refilled and replaced after several years. According to the Washington Department of Health (DOH), used tire material may contain a variety of hazardous substances. The DOH has determined that available research indicates that synthetic tire used fields are unlikely to pose a significant public health risk, although it plans to continue to monitor new research on health and environmental impacts.

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 Model Toxics Control Act (MTCA) establishes standards for the cleanup of hazardous substances at contaminated sites. Hazardous substances subject to cleanup requirements include substances regulated under federal cleanup laws, the state's dangerous waste management laws, and petroleum. The MTCA rules adopted by the Department of Ecology (ECY) require that contaminated sites be cleaned up to certain standards. For many contaminated sites, these cleanup standards include health-based criteria designed to limit the expected additional cancer incidences and the expected chronic or acute toxic effects that would be expected to result from exposure to the site.

The Children's Safe Product Act (CSPA) establishes allowable limits for lead, cadmium, and phthalates in certain types of children's products.

Aggrieved parties may appeal many types of ECY administrative decisions, orders, and penalties to the Pollution Control Hearings Board (PCHB), which is a quasi-judicial agency.

Since 1991 the DOH has maintained a cancer registry. Health care facilities that diagnose cancer cases must report the diagnosis to the cancer registry, along with certain information from the cancer patient's medical records.

Summary of Bill:

Regulatory Requirements for Manufacturers, Installers, and Operators of Synthetic Turf Facilities Containing Used Tires.

Prior to installing, refilling or replacing synthetic turf containing used tire materials at a recreational facility, the producer, importer, or installer of the synthetic turf must demonstrate the turf's safety to the ECY. In order to demonstrate the safety of synthetic turf, test results from an independent laboratory certified by the ECY must indicate that the turf will not result in releases that exceed allowable levels of lead, cadmium, and phthalates in children's products under the CSPA, or levels of hazardous substances that exceed the allowable hazard risks at a MTCA site. The demonstration that a synthetic turf field meets the MTCA acceptable risk standard must include a demonstration that the field does not release:

- an individual hazardous substance at a level associated with an excess cancer risk rate of greater than one in one million;
- a combination of hazardous substances at excess cancer risk rates of greater than one in one hundred thousand; or
- hazardous substances in concentrations that would cause acute or chronic toxic effects on human health.

The DOH must form a synthetic turf health advisory workgroup (workgroup) containing scientists, health risk professions, and others with specified subject matter expertise. In consultation with the ECY and the workgroup, the DOH must adopt rules to establish the synthetic turf safety testing procedures that must be followed prior to the installation or replacement of used tired synthetic turf surfaces. The safety testing conditions must replicate normal use conditions, reasonable heat, friction, and fill displacement, other conditions that reflect use scenarios that render turf fill airborne, and scenarios that would lead to the highest reasonable expected levels of exposure to hazardous substances.

If a synthetic turf recreational facility containing used tires has not been subject to a safety demonstration, the operator of the facility must post a health advisory warning at the facility. The warning sign must inform potential users that the synthetic turf may contain hazardous substances, and may lead to unsafe levels of exposure. The signage must also include recommendations for how users might minimize their exposure. The DOH is directed to adopt rules related to the content and placement of the health advisory warning signage, and must consult the workgroup.

The ECY may issue corrective action orders and penalties to recreational facility operators for violations of warning signage requirements or to manufacturers and installers of used tire synthetic turf if they do not submit required safety determinations to the ECY. Penalties and orders issued by the ECY are appealable to the PCHB.

Non-Regulatory Provisions.

The DOH is directed to establish a registry that tracks incidences of cancer and lung diseases among users of synthetic turf recreational facilities.

The DOH must submit a report to the Legislature by December 1, 2019 regarding the health risks associated with synthetic turf facilities containing used tire materials. The report must include analysis of data from the DOH's registry, a review of research, and an assessment conducted with the ECY of the cost, public safety, environmental impacts, and feasibility of alternatives to used tire material in synthetic turf facilities. The DOH must also periodically provide updated reports to the Legislature as relevant new information becomes available.

Appropriation: None.

Fiscal Note: Requested on 1/19/16.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 12, relating to jurisdiction of the Pollution Control Hearings Board which, takes effect 6/30/19.