

SENATE BILL REPORT

SB 5056

As of February 18, 2015

Title: An act relating to the use of chemical action plans for recommendations of safer chemicals.

Brief Description: Concerning the use of chemical action plans for recommendations of safer chemicals.

Sponsors: Senators Ericksen and Chase.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 1/22/15.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

Background: Flame-retardant chemicals are added to many consumer products to delay combustion and to meet fire safety standards. The flame retardants polybrominated diphenyl ether (PBDE) were added to a wide variety of household products; however, because of concerns for human health and the environment, the Legislature banned the use of certain PBDEs for use in residential upholstered furniture.

Other flame retardants such as the chemicals tris(1,3-dichloro-2-propyl)phosphate (TDCPP) and tris(2-chloroethyl)phosphate, (TCEP), known collectively as TRIS, hexabromocyclododecane (HBCD), and decabromodiphenyl ether (DecaBDE) are also used as flame retardants. As with PBDEs, these flame retardants are added to plastics, foams, and textiles. Concerns have been raised about these flame retardants because of their widespread use, human exposure, and potential health risks.

Under the Children's Safe Products Act (CSPA), the Department of Ecology (Ecology) in consultation with the Department of Health (DOH), must identify chemicals of high concern for children (CHCC). A high-priority chemical is defined as a chemical that is identified to do one or more of the following:

- harm the normal development of a fetus or child, or cause other developmental toxicity;
- cause cancer, genetic damage, or reproductive harm;
- disrupt the endocrine system;

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.

- damage the nervous system, immune system, or organs, or cause other systemic toxicity;
- be persistent, bioaccumulative, and toxic; or
- be very persistent and very bioaccumulative.

The flame retardants TDCPP, TCEP, HBCD, and DecaBDE are included on CHCC list.

Under the federal Clean Water Act, Section 304(a), the United States Environmental Protection Agency (EPA) develops ambient water quality criteria for the protection of aquatic life and human health. EPA updated its water quality criteria for human health last year. According to EPA, the revision to 94 chemical pollutants of the human health criteria reflects the latest scientific information, exposure factors, bioaccumulation, and toxicity factors. The human health criteria establishes values that limit the amount of chemicals present in the water. These values are the highest concentration of a pollutant in water that is not expected to pose a significant risk to human health. EPA human health ambient water quality criteria are used by individual states to set water quality standards. These state-specific standards must be approved by EPA.

Ecology identifies, reviews, evaluates, and makes recommendations on the use and management of persistent, bioaccumulative, and toxic (PBT) chemicals. These chemicals remain in the environment for long periods of time, accumulate in the food chain, and are toxic to humans and wildlife. Ecology has adopted rules for PBT chemical action plans (CAP) that establish criteria used to identify PBTs, procedures to develop a list of PBTs and periodically update that list, and the scope and content of a CAP. The purpose of a CAP is to provide general information about a PBT, its uses, impacts to the environment and human health, and to determine policy options and recommendations.

Summary of Bill: Beginning July 1, 2016, the manufacture, sale, and distribution of residential upholstered furniture and children's products of which any component contains more than 100 parts per million of TDCPP, TCEP, DecaBde, or HBCD are prohibited. Nonprofit organizations and private parties making sales or purchases of used products are exempt from the prohibitions on chemicals restricted under CSPA.

Beginning January 1, 2016, Ecology must select two substances from the EPA ambient water quality criteria for human health for the development of a CAP. Every two years, Ecology and DOH must complete and publish a CAP for a selected substance. Ecology must seek technical expertise from DOH on human health impacts and provide recommendations to the Legislature on policy options for reducing exposure, designating and developing safer substitutes, and restricting or prohibiting the use of chemicals in consumer products.

Elements of Ecology's rules establishing criteria for CAPs are codified. The CAPs must include information such as chemical information including properties, uses, and manufacturer name; an analysis of available information on the production, unintentional production, uses, and disposal; potential impacts on human health and the environment; and recommendations regarding the managing, reducing, and phasing out of the uses and releases of the chemical, minimizing exposure, safer substitutes, and development of safer alternatives.

Ecology must convene an external advisory committee for each CAP to provide stakeholder input. The external advisory group must include large and small business sectors; community, environmental, and public health advocacy groups; local governments; and affected and interested businesses.

Appropriation: \$1 million.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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