
HOUSE BILL 2632

State of Washington

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By Representatives Doglio, Fitzgibbon, Senn, Appleton, Ortiz-Self, McBride, Macri, Tarleton, Hudgins, Ryu, Pollet, Goodman, and Stanford

Read first time 01/11/18. Referred to Committee on Environment.

1 AN ACT Relating to limiting public exposure to certain dangerous
2 chemicals through restrictions on chemicals in certain consumer
3 products and improved public disclosure; amending RCW 70.240.025 and
4 70.240.040; and reenacting and amending RCW 70.240.010.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.240.010 and 2016 c 176 s 1 are each reenacted and
7 amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Additive TBBPA" means the chemical tetrabromobisphenol A,
11 chemical abstracts service number 79-94-7, as of June 9, 2016, in a
12 form that has not undergone a reactive process and is not covalently
13 bonded to a polymer in a product or product component.

14 (2) "Children's cosmetics" means cosmetics that are made for,
15 marketed for use by, or marketed to children under the age of twelve.
16 "Children's cosmetics" includes cosmetics that meet any of the
17 following conditions:

18 (a) Represented in its packaging, display, or advertising as
19 appropriate for use by children;

1 (b) Sold in conjunction with, attached to, or packaged together
2 with other products that are packaged, displayed, or advertised as
3 appropriate for use by children; or

4 (c) Sold in any of the following:

5 (i) Retail store, catalogue, or online web site, in which a
6 person exclusively offers for sale products that are packaged,
7 displayed, or advertised as appropriate for use by children; or

8 (ii) A discrete portion of a retail store, catalogue, or online
9 web site, in which a person offers for sale products that are
10 packaged, displayed, or advertised as appropriate for use by
11 children.

12 (3) "Children's jewelry" means jewelry that is made for, marketed
13 for use by, or marketed to children under the age of twelve.
14 "Children's jewelry" includes jewelry that meets any of the following
15 conditions:

16 (a) Represented in its packaging, display, or advertising as
17 appropriate for use by children under the age of twelve;

18 (b) Sold in conjunction with, attached to, or packaged together
19 with other products that are packaged, displayed, or advertised as
20 appropriate for use by children;

21 (c) Sized for children and not intended for use by adults; or

22 (d) Sold in any of the following:

23 (i) A vending machine;

24 (ii) Retail store, catalogue, or online web site, in which a
25 person exclusively offers for sale products that are packaged,
26 displayed, or advertised as appropriate for use by children; or

27 (iii) A discrete portion of a retail store, catalogue, or online
28 web site, in which a person offers for sale products that are
29 packaged, displayed, or advertised as appropriate for use by
30 children.

31 (4)(a) "Children's product" includes any of the following:

32 (i) Toys;

33 (ii) Children's cosmetics;

34 (iii) Children's jewelry;

35 (iv) A product designed or intended by the manufacturer to help a
36 child with sucking or teething, to facilitate sleep, relaxation, or
37 the feeding of a child, or to be worn as clothing by children; or

38 (v) Portable infant or child safety seat designed to attach to an
39 automobile seat.

40 (b) "Children's product" does not include the following:

1 (i) Batteries;
2 (ii) Slings and catapults;
3 (iii) Sets of darts with metallic points;
4 (iv) Toy steam engines;
5 (v) Bicycles and tricycles;
6 (vi) Video toys that can be connected to a video screen and are
7 operated at a nominal voltage exceeding twenty-four volts;
8 (vii) Chemistry sets;
9 (viii) Consumer and children's electronic products, including but
10 not limited to personal computers, audio and video equipment,
11 calculators, wireless phones, game consoles, and handheld devices
12 incorporating a video screen, used to access interactive software and
13 their associated peripherals;
14 (ix) Interactive software, intended for leisure and
15 entertainment, such as computer games, and their storage media, such
16 as compact disks;
17 (x) BB guns, pellet guns, and air rifles;
18 (xi) Snow sporting equipment, including skis, poles, boots, snow
19 boards, sleds, and bindings;
20 (xii) Sporting equipment, including, but not limited to bats,
21 balls, gloves, sticks, pucks, and pads;
22 (xiii) Roller skates;
23 (xiv) Scooters;
24 (xv) Model rockets;
25 (xvi) Athletic shoes with cleats or spikes; and
26 (xvii) Pocket knives and multitools.
27 (5) "Cosmetics" includes articles intended to be rubbed, poured,
28 sprinkled, or sprayed on, introduced into, or otherwise applied to
29 the human body or any part thereof for cleansing, beautifying,
30 promoting attractiveness, or altering the appearance, and articles
31 intended for use as a component of such an article. "Cosmetics" does
32 not include soap, dietary supplements, or food and drugs approved by
33 the United States food and drug administration.
34 (6) "Decabromodiphenyl ether" means the chemical
35 decabromodiphenyl ether, chemical abstracts service number 1163-19-5,
36 as of June 9, 2016.
37 (7) "Department" means the department of ecology.
38 (8) "HBCD" means the chemical hexabromocyclododecane, chemical
39 abstracts service number 25637-99-4, as of June 9, 2016.

1 (9) "High priority chemical" means a chemical identified by a
2 state agency, federal agency, or accredited research university, or
3 other scientific evidence deemed authoritative by the department on
4 the basis of credible scientific evidence as known to do one or more
5 of the following:

6 (a) Harm the normal development of a fetus or child or cause
7 other developmental toxicity;

8 (b) Cause cancer, genetic damage, or reproductive harm;

9 (c) Disrupt the endocrine system;

10 (d) Damage the nervous system, immune system, or organs or cause
11 other systemic toxicity;

12 (e) Be persistent, bioaccumulative, and toxic; or

13 (f) Be very persistent and very bioaccumulative.

14 (10) "IPTPP" means the chemical isopropylated triphenyl
15 phosphate, chemical abstracts service number 68937-41-7, as of June
16 9, 2016.

17 (11) "Manufacturer" includes any person, firm, association,
18 partnership, corporation, governmental entity, organization, or joint
19 venture that produces residential upholstered furniture as defined in
20 RCW 70.76.010 or children's product or an importer or domestic
21 distributor of residential upholstered furniture as defined in RCW
22 70.76.010 or children's product. For the purposes of this subsection,
23 "importer" means the owner of the residential upholstered furniture
24 as defined in RCW 70.76.010 or children's product.

25 (12) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP),
26 dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl
27 phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl
28 phthalate (DnOP).

29 (13) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-
30 tetrabromobenzoate, chemical abstracts service number 183658-27-7, as
31 of June 9, 2016.

32 (14) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-
33 tetrabromophthalate, chemical abstracts service number 26040-51-7, as
34 of June 9, 2016.

35 (15) "TCEP" means the chemical (tris(2-chloroethyl)phosphate);
36 chemical abstracts service number 115-96-8, as of June 9, 2016.

37 (16) "TCPP" means the chemical tris (1-chloro-2-propyl)
38 phosphate); chemical abstracts service number 13674-84-5, as of June
39 9, 2016.

1 (17) "TDCPP" means the chemical (tris(1,3-dichloro-2-
2 propyl)phosphate); chemical abstracts service number 13674-87-8, as
3 of June 9, 2016.

4 (18) "Toy" means a product designed or intended by the
5 manufacturer to be used by a child at play.

6 (19) "TPP" means the chemical triphenyl phosphate, chemical
7 abstracts service number 115-86-6, as of June 9, 2016.

8 (20) "Trade association" means a membership organization of
9 persons engaging in a similar or related line of commerce, organized
10 to promote and improve business conditions in that line of commerce
11 and not to engage in a regular business of a kind ordinarily carried
12 on for profit.

13 (21) "V6" means the chemical bis(chloromethyl) propane-1,3-
14 diyltetakis (2-chloroethyl) bisphosphate, chemical abstracts service
15 number 385051-10-4, as of June 9, 2016.

16 (22) "Very bioaccumulative" means having a bioconcentration
17 factor or bioaccumulation factor greater than or equal to five
18 thousand, or if neither are available, having a log Kow greater than
19 5.0.

20 (23) "Very persistent" means having a half-life greater than or
21 equal to one of the following:

22 (a) A half-life in soil or sediment of greater than one hundred
23 eighty days;

24 (b) A half-life greater than or equal to sixty days in water or
25 evidence of long-range transport.

26 (24) "Organohalogen" means a class of chemicals that include any
27 chemical containing one or more halogen elements bonded to carbon.

28 **Sec. 2.** RCW 70.240.025 and 2016 c 176 s 2 are each amended to
29 read as follows:

30 (1) Beginning July 1, 2017, no manufacturer, wholesaler, or
31 retailer may manufacture, knowingly sell, offer for sale, distribute
32 for sale, or distribute for use in this state children's products or
33 residential upholstered furniture, as defined in RCW 70.76.010,
34 containing any of the following flame retardants in amounts greater
35 than one thousand parts per million in any product component:

36 ~~((1))~~ (a) TDCPP;

37 ~~((2))~~ (b) TCEP;

38 ~~((3))~~ (c) Decabromodiphenyl ether;

39 ~~((4))~~ (d) HBCD; or

1 ~~((5))~~ (e) Additive TBBPA.

2 (2) Beginning July 1, 2020, manufacturers, wholesalers, and
3 retailers may not manufacture, knowingly sell, offer for sale,
4 distribute for sale, or distribute for use in this state children's
5 products, mattresses as defined in RCW 70.76.010, electronic
6 enclosures as defined in RCW 70.76.010 for consumer or children's
7 electronics products, or residential upholstered furniture, as
8 defined in RCW 70.76.010 that contain any combination of
9 organohalogen flame retardants in total amounts greater than one
10 thousand parts per million in any product component.

11 **Sec. 3.** RCW 70.240.040 and 2008 c 288 s 5 are each amended to
12 read as follows:

13 Beginning six months after the department has adopted rules under
14 ~~((section 8(5) of this act))~~ chapter 288, Laws of 2008, a
15 manufacturer of a children's product, or a trade organization on
16 behalf of its member manufacturers, shall provide notice to the
17 department that the manufacturer's product contains a high priority
18 chemical. Beginning January 1, 2019, a manufacturer of consumer or
19 children's electronic products specified in RCW
20 70.240.010(4)(b)(viii) shall provide notice to the department that
21 the manufacturer's product contains a high priority chemical. The
22 notice must be filed annually with the department and must include
23 the following information:

24 (1) The name of the chemical used or produced and its chemical
25 abstracts service registry number;

26 (2) A brief description of the product or product component
27 containing the substance;

28 (3) A description of the function of the chemical in the product;

29 (4) The amount of the chemical used in each unit of the product
30 or product component. The amount may be reported in ranges, rather
31 than the exact amount;

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

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

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