

**ESSB 6473** - H COMM AMD

By Committee on Environment & Energy

**ADOPTED 03/03/2020**

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.310  
4 RCW to read as follows:

5 (1) Except as provided in subsection (2) of this section, the use  
6 of asbestos-containing building materials in new construction or  
7 renovations is prohibited.

8 (2) Subsection (1) of this section does not apply to:

9 (a) The use of asbestos-containing building materials in  
10 residential construction;

11 (b) The use of asbestos-containing building materials that are,  
12 as of the effective date of this section, already ordered by a  
13 contractor or currently in the possession of the contractor; or

14 (c) The use of asbestos-containing building materials if  
15 complying with subsection (1) of this section would result in the  
16 breach of a contract existing as of the effective date of this  
17 section.

18 **Sec. 2.** RCW 70.310.020 and 2013 c 51 s 2 are each amended to  
19 read as follows:

20 The definitions in this section apply throughout this chapter  
21 unless the context clearly requires otherwise.

22 (1) "Asbestos" includes the asbestiform varieties of actinolite,  
23 amosite (cummingtonite-grunerite), tremolite, chrysotile  
24 (serpentine), crocidolite (riebeckite), anthophyllite, and any of  
25 these minerals that have been chemically treated or altered. The  
26 chemical abstracts service registry number for each is as follows:  
27 Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5),  
28 tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite  
29 (12001-28-4), and anthophyllite (17068-78-9).

30 (2) "Asbestos-containing building material" means (~~any~~):

1       (a) Until January 1, 2025, any building material to which  
2 asbestos is deliberately added in any concentration or that contains  
3 more than one percent asbestos by weight or area as determined using  
4 the United States environmental protection agency method for the  
5 determination of asbestos in building materials, EPA/600/R-93/116,  
6 July 1993; and

7       (b) Beginning January 1, 2025, any building material to which  
8 asbestos is deliberately added in any concentration or that contains  
9 more than one-tenth of one percent asbestos by weight or area as  
10 determined using the United States environmental protection agency  
11 method for the determination of asbestos in building materials,  
12 EPA/600/R-93/116, July 1993.

13       (3) "Building material" includes materials designed for, or used  
14 in, construction, renovation, repair, or maintenance of  
15 institutional, commercial, public, industrial, or residential  
16 buildings and structures. The term does not include automobiles,  
17 recreational vehicles, boats, or other mobile means of  
18 transportation.

19       (4) "Consumer" means any person that acquires a building material  
20 for direct use or ownership, rather than for resale or use in  
21 production and manufacturing.

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

23       (6) "Person" means any individual, firm, public or private  
24 corporation, association, partnership, political subdivision,  
25 municipality, or government agency.

26       (7) "Retailer" means any person that sells goods or commodities  
27 directly to consumers.

28       (8) "Interested party" means any contractor, subcontractor, or  
29 worker that performs, or is reasonably expected to perform, work at a  
30 facility covered under section 3 of this act or any organization  
31 whose members perform, or are reasonably expected to perform, work at  
32 a facility covered under section 3 of this act.

33       (9) "Residential construction" means construction, alteration,  
34 repair, improvement, or maintenance of single-family dwellings,  
35 duplexes, apartments, condominiums, and other residential structures  
36 not to exceed four stories in height, including the basement.

37       NEW SECTION. Sec. 3. A new section is added to chapter 70.310  
38 RCW to read as follows:

1 (1) Every owner of a facility that is engaged in activities  
2 described in codes 31 through 33 of the North American industry  
3 classification system must:

4 (a) Perform an inspection of the facility to determine whether  
5 asbestos-containing building materials are present and, if asbestos-  
6 containing building materials are found during the initial  
7 inspection, reinspect asbestos-containing building materials every  
8 five years thereafter. The inspections must be conducted by persons  
9 meeting the accreditation requirements of the federal toxic  
10 substances control act, 15 U.S.C. Sec. 2646 (b) or (c); and

11 (b) Develop, maintain, and update an asbestos management plan and  
12 keep a copy at the facility. The asbestos management plan must be  
13 updated every five years and after any material changes in asbestos-  
14 containing building materials in the facility. The asbestos  
15 management plan must include:

16 (i) The name and address of the facility and whether the facility  
17 has asbestos-containing building materials, and the type of asbestos-  
18 containing building material;

19 (ii) The date of the original facility inspection;

20 (iii) A plan for reinspections;

21 (iv) A blueprint of the facility that clearly identifies the  
22 location of asbestos-containing building materials;

23 (v) A description of any response action or prevention measures  
24 taken to reduce asbestos exposure;

25 (vi) A copy of the analysis of any building or facility, and the  
26 name and address of any laboratory that sampled the material;

27 (vii) The name, address, and telephone number of a designated  
28 contact to whom the owner has assigned responsibility for ensuring  
29 that the duties of the owner are carried out; and

30 (viii) A description of steps taken to inform workers about  
31 inspections, reinspections, response actions, and periodic  
32 surveillance of the asbestos-containing building materials.

33 (2) Upon request, the asbestos management plan required under  
34 subsection (1)(b) of this section must be made available to the  
35 department, the department of labor and industries, local air  
36 pollution control authorities in jurisdictions where they have been  
37 created under this chapter, and any interested party. In addition to  
38 the penalties established by this chapter, failure to create or  
39 maintain a required asbestos management plan is a violation of

1 chapter 49.17 RCW and subject to the penalties established under RCW  
2 49.17.180 and 49.17.190.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.17  
4 RCW to read as follows:

5 (1) The asbestos plan requirements in section 3(1)(b) of this act  
6 are an industrial health or safety standard adopted under the  
7 authority of this chapter.

8 (2) A violation of the requirements of section 3(1)(b) of this  
9 act is subject to the penalties established under RCW 49.17.180 and  
10 49.17.190 for violations of safety or health standards adopted under  
11 the authority of this chapter.

12 NEW SECTION. **Sec. 5.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected."

16 Correct the title.

EFFECT: The striking amendment makes the following changes to the  
engrossed substitute senate bill:

(1) Makes the restrictions on the use of asbestos-containing  
building materials take effect upon the Act's effective date in 2020,  
rather than in 2025, and delays the changes to the percentage of  
asbestos that qualifies a building material as asbestos-containing  
building materials until January 1, 2025;

(2) Requires periodic reinspection of asbestos-containing  
building materials at manufacturing facilities to be carried out only  
if asbestos-containing building materials are identified during the  
initial inspection;

(3) Requires manufacturing facility owners to conduct inspections  
for asbestos-containing building materials and update asbestos  
management plans every five years, rather than every three years;

(4) Clarifies that asbestos management plans are applicable to a  
single manufacturing facility;

(5) Corrects technical references to asbestos accreditation  
processes under the federal Toxic Substances Control Act;

(6) Clarifies that the asbestos management plans of manufacturing  
facilities are an industrial health and safety standard subject to  
penalties for violations under the Industrial Health and Safety Act;

(7) Makes other technical corrections; and

(8) Adds a severability clause.

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