

FINAL BILL REPORT

ESSB 6473

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Synopsis as Enacted

Brief Description: Concerning asbestos-containing building materials.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Stanford, Frockt, Conway, Keiser, Hasegawa, Lias, Van De Wege, Billig, Hunt and Saldaña).

Senate Committee on Labor & Commerce
House Committee on Environment & Energy

Background: Asbestos is a naturally occurring mineral fiber found in rock and soil. Because of its strength and heat resistance, asbestos has been used as insulation and as a fire retardant.

The U.S. Environmental Protection Agency (EPA) began regulating asbestos in 1973. In 1989, EPA banned most uses of asbestos. However, that rule was overturned, which resulted in allowing most of the existing manufacture, importation, processing, or distribution for many of the products containing asbestos that were banned. The manufacture, importation, and distribution of the following products are still banned by the EPA under the Toxic Substances Control Act: corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and new commercial uses. Under the Clean Air Act, certain types of asbestos pipe insulations and spray-applied surfacing materials containing asbestos are also banned.

Asbestos Hazard Emergency Response Act. The Asbestos Hazard Emergency Response Act and its regulations require public and non-profit private schools to inspect school buildings for asbestos-containing building material, prepare asbestos management plans, and perform asbestos response actions to prevent or reduce asbestos hazards.

Labeling of Asbestos-Containing Building Materials. Since January 1, 2014, manufacturing, wholesaling, or distributing for sale asbestos-containing building materials without labeling them as such is prohibited. An asbestos-containing building material is any building material to which asbestos is deliberately added in any concentration or that contains 1 percent asbestos by weight or area. Building material includes materials designed for, or used in, construction, renovation, repair, or maintenance of institutional, commercial, public, industrial, or residential buildings and structures. Building material does not include automobiles, recreational vehicles, boats, or other mobile means of transportation.

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.

A violation of the labeling requirement is subject to the penalties under the Washington Clean Air Act up to \$10,000 per day per violation.

Summary: For purposes of existing labeling laws pertaining to asbestos-containing building materials and new use restrictions on asbestos-containing building materials, asbestos-containing building materials are defined to include any building material to which asbestos is deliberately added in any concentration or that contains 0.1 percent asbestos by weight or area. This change takes effect January 1, 2025.

The use of asbestos-containing building materials in new construction or renovations is prohibited. This prohibition does not apply to the use of asbestos-containing building materials:

- in residential construction;
- that are ordered by a contractor or in the possession of the contractor as of the effective date of the bill; or
- if compliance would result in the breach of a contract in existence as of the effective date of the bill.

Owners of manufacturing facilities, as identified by North American Industry Classification System codes, must perform facility inspections to determine whether asbestos-containing building materials are present. If asbestos-containing building materials are identified during the initial inspection, the owner must reinspect the facility every five years thereafter. Inspections must be carried out by persons accredited consistent with requirements established under the federal Toxic Substances Control Act.

Manufacturing facilities must also develop, maintain, and update at least every five years an asbestos management plan and keep a copy at the facility. The plan must include eight specified criteria, including a blueprint of the facility that identifies asbestos-containing materials, a description of response actions or prevention measures to reduce asbestos exposure, and a description of steps taken to inform workers of inspections and response actions. Upon request, the plan must be made available to the Department of Ecology and the Department of Labor and Industries, local air pollution control authorities in jurisdictions where they have been formed, and other interested parties. Interested parties include any contractors, subcontractors, or workers at the facility, or organizations whose members perform work at the facility.

Violations of use restrictions on asbestos-containing building materials and of manufacturing facility inspections are subject to civil penalties under the state Clean Air Act. Violations of manufacturing facility plan requirements are subject to civil penalties under the state Clean Air Act, as well as civil and criminal penalties under the state Industrial Health and Safety Code.

Votes on Final Passage:

Senate	41	6	
House	96	0	(House amended)
Senate	42	6	(Senate concurred)

Effective: June 11, 2020