
SUBSTITUTE HOUSE BILL 2073

State of Washington

68th Legislature

2024 Regular Session

By House Environment & Energy (originally sponsored by Representatives Slatter, Fitzgibbon, Berry, Reed, Ramel, Doglio, Hackney, and Pollet)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to emissions of greenhouse gases from sources
2 other than methane and carbon dioxide; adding a new section to
3 chapter 43.21A RCW; creating new sections; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that a great
7 deal of emphasis in greenhouse gas emissions policymaking in the
8 state has appropriately focused on reducing sources of carbon
9 dioxide, methane, and refrigerant gases, which remain the most
10 significant types of greenhouse gases emitted in the state. However,
11 the legislature also finds it prudent not to overlook meaningful
12 opportunities to reduce emissions of other types of greenhouse gases
13 from more niche sources, whether they be used as pesticides or as
14 anesthetic gases.

15 (a) The legislature finds that certain gases used as an
16 anesthetic in medical, dental, and veterinary contexts, including
17 desflurane, isoflurane, sevoflurane, halothane, and nitrous oxide,
18 are potent greenhouse gases. Efforts in the medical community are
19 already underway to minimize the emissions from these gases,
20 including by national and international anesthesiologist
21 associations. In other jurisdictions, including Scotland and England,

1 efforts are also underway to phase out the use of the anesthetic
2 gases with the greatest potential greenhouse gas emissions.

3 (b) The legislature finds that sulfuranyl fluoride, a chemical
4 typically used as a fumigant pesticide, was relatively recently
5 discovered to be a potent greenhouse gas. Due to the recency of these
6 scientific findings, emissions of this gas have not previously been
7 required to be reported to the department of ecology in a manner
8 similar to other greenhouse gases like carbon dioxide and methane. In
9 addition, it is uncertain whether any safer alternatives to sulfuranyl
10 fluoride exist that do not result in greenhouse gas emissions or that
11 would result in lower greenhouse gas emissions.

12 (2) Therefore, it is the intent of the legislature to reduce
13 emissions from these sources of greenhouse gases, in spite of their
14 obscurity, by:

15 (a) Studying these gases;

16 (b) Developing guidance to reduce emissions of greenhouse gases
17 used for anesthetic purposes; and

18 (c) Initiating data gathering and alternatives evaluations for
19 the use of sulfuranyl fluoride.

20 NEW SECTION. **Sec. 2.** (1) The department of ecology must
21 commission a study to be completed by July 1, 2025, that:

22 (a) Analyzes the evidence supporting the inclusion of sulfuranyl
23 fluoride as a greenhouse gas;

24 (b) Determines the potential sources of sulfuranyl fluoride and
25 gases with a high global warming potential that are used for
26 anesthetic purposes within Washington;

27 (c) Determines how these gases are used in Washington;

28 (d) Estimates the quantity of emissions;

29 (e) Recommends potential points of regulation for each of these
30 gases; and

31 (f) Recommends measures for reducing or eliminating emissions of
32 these gases.

33 (2) By October 1, 2025, the department of ecology, in
34 consultation with the department of health and considering the
35 results of the study commissioned under subsection (1) of this
36 section and the alternatives assessment carried out consistent with
37 section 5 of this act, must submit recommendations to the appropriate
38 committees of the legislature regarding any further statutory changes
39 needed in order to appropriately and effectively reduce greenhouse

1 gas emissions associated with the use of sulfuryl fluoride or
2 anesthetic gases, including any recommendations to prohibit the
3 manufacture, distribution, sale, or use of specific anesthetic gases.

4 (3) Based on the evidence identified in subsection (1)(a) of this
5 section, the department of ecology must consider the addition of
6 sulfuryl fluoride as a greenhouse gas, consistent with the authority
7 granted in RCW 70A.45.010(7), for purposes of RCW 70A.15.2200(5) and
8 chapters 70A.45 and 70A.65 RCW. The department of ecology may require
9 producers or suppliers of sulfuryl fluoride to begin reporting under
10 RCW 70A.15.2200 for purposes of calendar year 2025 emissions.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A
12 RCW to read as follows:

13 (1) By January 1, 2026, the department must develop and publish a
14 guidance document intended to reduce greenhouse gas emissions
15 associated with the use of gases with a high global warming potential
16 that are used for anesthetic purposes in medical, dental, veterinary,
17 or other similar facilities and settings. Gases subject to the
18 guidance document must include, at minimum: Sevoflurane; desflurane;
19 isoflurane; halothane; and nitrous oxide. In developing the guidance
20 document, the department of ecology must consult with the department
21 of health, and solicit the input from the following:

- 22 (a) The state board of health;
- 23 (b) The Washington medical commission;
- 24 (c) The Washington state board of nursing;
- 25 (d) The dental quality assurance commission;
- 26 (e) The board of osteopathic medicine and surgery;
- 27 (f) The veterinary board of governors;
- 28 (g) The University of Washington and Washington State University;
- 29 (h) Associations representing medical, dental, or veterinary
30 practitioners that use anesthetic gases;
- 31 (i) Associations representing facilities at which anesthetic
32 gases are used;
- 33 (j) Environmental organizations with a focus on efforts to reduce
34 greenhouse gas emissions; and
- 35 (k) Subject matter experts with knowledge of the most efficient
36 and effective methods to reduce greenhouse gas emissions from
37 anesthetic gas use.

38 (2) In developing the guidance document, the department must
39 consider:

1 (a) The efforts of other jurisdictions, including those in
2 Europe, to restrict the use of high global warming potential
3 greenhouse gases or to otherwise reduce greenhouse gas emissions
4 associated with the use of anesthesia;

5 (b) The guidance documents or best practices prepared by national
6 and international anesthesiology professionals, including the
7 American society of anesthesiologists, the world federation of
8 societies of anaesthesiologists, and the association of anesthesiologists;
9 and guidance documents published in peer-reviewed medical journals;

10 (c) Existing practices in place at facilities and by
11 practitioners in Washington to limit greenhouse gas emissions
12 associated with anesthesia use;

13 (d) The findings from the department of health's study in section
14 4 of this act; and

15 (e) Any additional financial considerations in the use of changes
16 intended to reduce emissions of anesthetic gases.

17 (3) The goal of the guidance document must be to reduce
18 greenhouse gas emissions associated with the use of anesthetic gases,
19 but without limiting the judgment or needs of medical, dental, or
20 veterinary professionals in providing safe and effective care, while
21 allowing flexibility for extenuating clinical circumstances when, in
22 the opinion of the medical professional, unrestricted use of
23 anesthetic gases is needed for patient safety and comfort.

24 (4) By January 1, 2027, facilities at which anesthetic gases are
25 used, and the medical, dental, or veterinary practitioners that use
26 such gases, may only use anesthesia in a manner consistent with the
27 guidance document published under this section.

28 NEW SECTION. **Sec. 4.** (1) The department of health must evaluate
29 the medical procedure and professional liability risks of any
30 alternative anesthetic options intended to lower greenhouse gas
31 emissions associated with the use of anesthetic gases. The department
32 of health is encouraged to consult with the American medical
33 association and the Washington state medical commission regarding
34 medical procedure risks and professional liability impacts of changes
35 intended to reduce greenhouse gas emissions.

36 (2) The department of health must submit its evaluation to the
37 department of ecology for purposes of consideration in the
38 development of the guidance document required under section 3 of this

1 act, and to the appropriate committees of the legislature, by July 1,
2 2025.

3 NEW SECTION. **Sec. 5.** (1) The department of ecology, in
4 consultation with the department of agriculture, must identify the
5 availability and feasibility of safer alternatives to the use of
6 sulfuryl fluoride as a fumigant. The department of ecology must
7 solicit the input of potentially affected stakeholders, including
8 manufacturers, importers, distributors, and users of sulfuryl
9 fluoride, in carrying out the requirements of this section.

10 (2) The department of ecology may order a manufacturer,
11 distributor, or importer of sulfuryl fluoride or potential safer
12 alternatives to submit a notice to the department that contains the
13 information specified in RCW 70A.430.060 (1) through (6), information
14 of the type reported under RCW 70.15.2200(5), or other information
15 relevant to the determination of the volume of a chemical used, its
16 expected greenhouse gas emissions associated with use, or to the
17 department's determination of the hazard to human health or the
18 environment associated with a chemical. The information ordered under
19 this section must be submitted to the department of ecology no later
20 than four months after receipt of such a demand from the department.

21 (3) The department of ecology, in consultation with the
22 department of agriculture, must submit a report to the appropriate
23 committees of the legislature containing the findings regarding the
24 availability of safer alternatives to sulfuryl fluoride, including
25 recommendations for any actions to reduce sulfuryl fluoride
26 emissions, by October 1, 2025.

27 (4) For the purposes of this section, "safer alternative" means
28 an alternative that is less hazardous to humans or the environment
29 than sulfuryl fluoride. A safer alternative to sulfuryl fluoride may
30 include: (a) A change in pest management practices that eliminates
31 the need for a chemical alternative; (b) a chemical alternative whose
32 use does not result in greenhouse gas emissions; or (c) a chemical
33 alternative whose use results in lower greenhouse gas emissions,
34 including through the use of a chemical alternative with a lower
35 global warming potential than sulfuryl fluoride or a lower volume of
36 application in order to achieve intended purposes.

37 (5) This section expires July 1, 2026.

1 NEW SECTION. **Sec. 6.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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