

RCW 70A.430.050 Certain flame retardant chemicals—Review—Stakeholder advisory committee—Report. (1) The department shall consider whether the following flame retardants meet the criteria of a chemical of high concern for children:

- (a) IPTPP;
- (b) TBB;
- (c) TBPH;
- (d) TCPP;
- (e) TPP;
- (f) V6.

(2) (a) Within one year of the department adopting a rule that identifies a flame retardant in subsection (1) of this section as a chemical of high concern for children, the department of health, in consultation with the department, must create a stakeholder advisory committee for each flame retardant chemical to provide stakeholder input, expertise, and additional information in the development of recommendations as provided under subsection (4) of this section. All advisory committee meetings must be open to the public.

(b) The advisory committee membership must include, but is not limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; and public health agencies.

(c) The department may request state agencies and technical experts to participate. The department of health shall provide technical expertise on human health impacts including: Early childhood and fetal exposure, exposure reduction, and safer substitutes.

(3) When developing policy options and recommendations consistent with subsection (4) of this section, the department must rely on credible scientific evidence and consider information relevant to the hazards based on the quantitative extent of exposures to the chemical under its intended or reasonably anticipated conditions of use. The department of health, in consultation with the department, must include the following:

- (a) Chemical name, properties, uses, and manufacturers;
- (b) An analysis of available information on the production, unintentional production, uses, and disposal of the chemical;
- (c) Quantitative estimates of the potential human and environmental exposures associated with the use and release of the chemical;
- (d) An assessment of the potential impacts on human health and the environment resulting from the quantitative exposure estimates referred to in (c) of this subsection;
- (e) An evaluation of:
 - (i) Environmental and human health benefits;
 - (ii) Economic and social impacts;
 - (iii) Feasibility;
 - (iv) Availability and effectiveness of safer substitutes for uses of the chemical;
- (v) Consistency with existing federal and state regulatory requirements; and
- (f) Recommendations for:
 - (i) Managing, reducing, and phasing out the different uses and releases of the chemical;
 - (ii) Minimizing exposure to the chemical;
 - (iii) Using safer substitutes; and

(iv) Encouraging the development of safer alternatives.

(4) (a) The department of health must submit to the legislature recommendations on policy options for reducing exposure, designating and developing safer substitutes, and restricting or prohibiting the use of the flame retardant chemicals identified in subsection (1) of this section as a chemical of high concern for children.

(b) When the department of health, in consultation with the department, determines that flame retardant chemicals identified in subsection (1) of this section as a chemical of high concern for children should be restricted or prohibited from use in children's products, residential upholstered furniture as defined in RCW 70A.405.010, or other commercial products or processes, the department of health must include citations of the peer-reviewed science and other sources of information reviewed and ultimately relied upon in support of the recommendation to restrict or prohibit the chemical. [2020 c 20 s 1407; 2016 c 176 s 3. Formerly RCW 70.240.035.]