

SSB 5931 - H COMM AMD

By Committee on Environment & Energy

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that 6PPD is a
4 chemical commonly used in motor vehicle tires to keep them flexible
5 and prevent them from degrading quickly. 6PPD works by moving to the
6 surface of the tire and forming a film that protects the tire. As the
7 film breaks down, it produces 6PPD-quinone. When it rains, tire
8 particles containing 6PPD-quinone are washed into streams, rivers,
9 and other water bodies through stormwater runoff.

10 (2) The legislature also finds that 6PPD-quinone is directly
11 linked to urban runoff mortality syndrome, a condition where Coho
12 salmon die prior to spawning. 6PPD-quinone is known to be toxic to
13 aquatic species and is the primary causal toxicant for Coho salmon.
14 In June 2023, the department of ecology identified 6PPD as a draft
15 priority chemical under safer products for Washington, cycle 2.
16 Additionally, 6PPD has been identified as a hazardous substance under
17 the model toxics control act and as a chemical of concern for
18 sensitive populations and sensitive species.

19 (3) The legislature finds it important to reduce sources and uses
20 of 6PPD in Washington to protect aquatic life, particularly salmon.
21 Since 6PPD is ubiquitous in motorized vehicle tires, the legislature
22 intends to identify 6PPD as a priority chemical and certain motorized
23 vehicle tires containing 6PPD as priority consumer products under
24 safer products for Washington.

25 **Sec. 2.** RCW 70A.350.010 and 2020 c 20 s 1451 are each amended to
26 read as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "6PPD" means the chemical compound N-(1,3-dimethylbutyl)-N'-
30 phenyl-p-phenylenediamine.

1 (2) "Consumer product" means any item, including any component
2 parts and packaging, sold for residential or commercial use.

3 ~~((2))~~ (3) "Department" means the department of ecology.

4 ~~((3))~~ (4) "Director" means the director of the department.

5 ~~((4))~~ (5) "Electronic product" includes personal computers,
6 audio and video equipment, calculators, wireless phones, game
7 consoles, and handheld devices incorporating a video screen that are
8 used to access interactive software, and the peripherals associated
9 with such products.

10 ~~((5))~~ (6) "Inaccessible electronic component" means a part or
11 component of an electronic product that is located inside and
12 entirely enclosed within another material and is not capable of
13 coming out of the product or being accessed during any reasonably
14 foreseeable use or abuse of the product.

15 ~~((6))~~ (7) "Manufacturer" means any person, firm, association,
16 partnership, corporation, governmental entity, organization, or joint
17 venture that produces a product or is an importer or domestic
18 distributor of a product sold or offered for sale in or into the
19 state.

20 ~~((7))~~ (8)(a) "Motorized vehicle" means, for purposes of 6PPD as
21 a priority chemical, a vehicle intended for on-highway or off-highway
22 use.

23 (b) "Motorized vehicle" does not include, for purposes of 6PPD as
24 a priority chemical, the tires equipped on the vehicle nor tires sold
25 separately for replacement purposes.

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

28 ~~((8))~~ (10) "Perfluoroalkyl and polyfluoroalkyl substances" or
29 "PFAS chemicals" means a class of fluorinated organic chemicals
30 containing at least one fully fluorinated carbon atom.

31 ~~((9))~~ (11) "Phenolic compounds" means alkylphenol ethoxylates
32 and bisphenols.

33 ~~((10))~~ (12) "Phthalates" means synthetic chemical esters of
34 phthalic acid.

35 ~~((11))~~ (13) "Polychlorinated biphenyls" or "PCBs" means
36 chemical forms that consist of two benzene rings joined together and
37 containing one to ten chlorine atoms attached to the benzene rings.

38 ~~((12))~~ (14) "Priority chemical" means a chemical or chemical
39 class used as, used in, or put in a consumer product including:

40 (a) Perfluoroalkyl and polyfluoroalkyl substances;

- 1 (b) Phthalates;
2 (c) Organohalogen flame retardants;
3 (d) Flame retardants, as identified by the department under
4 chapter 70A.430 RCW;
5 (e) Phenolic compounds;
6 (f) Polychlorinated biphenyls; (~~(g)~~)
7 (g) 6PPD that is used in motorized vehicle tires or tires sold
8 separately for replacement purposes. Nothing in this subsection
9 (14)(g) limits the authority of the department under (h) of this
10 subsection; or

11 (h) A chemical identified by the department as a priority
12 chemical under RCW 70A.350.020.

13 (~~(13)~~) (15) "Safer alternative" means an alternative that is
14 less hazardous to humans or the environment than the existing
15 chemical or chemical process. A safer alternative to a particular
16 chemical may include a chemical substitute or a change in materials
17 or design that eliminates the need for a chemical alternative.

18 (~~(14)~~) (16) "Sensitive population" means a category of people
19 that is identified by the department that may be or is
20 disproportionately or more severely affected by priority chemicals,
21 such as:

- 22 (a) Men and women of childbearing age;
23 (b) Infants and children;
24 (c) Pregnant women;
25 (d) Communities that are highly impacted by toxic chemicals;
26 (e) Persons with occupational exposure; and
27 (f) The elderly.

28 (~~(15)~~) (17) "Sensitive species" means a species or grouping of
29 animals that is identified by the department that may be or is
30 disproportionately or more severely affected by priority chemicals,
31 such as:

- 32 (a) Southern resident killer whales;
33 (b) Salmon; and
34 (c) Forage fish.

35 **Sec. 3.** RCW 70A.350.050 and 2022 c 264 s 2 are each amended to
36 read as follows:

37 (1)(a) By June 1, 2020, and consistent with RCW 70A.350.030, the
38 department shall identify priority consumer products that are a

1 significant source of or use of priority chemicals specified in RCW
2 70A.350.010(~~((+12+))~~) (14) (a) through (f).

3 (b) By June 1, 2022, and consistent with RCW 70A.350.040, the
4 department must determine regulatory actions regarding the priority
5 chemicals and priority consumer products identified in (a) of this
6 subsection. The deadline of June 1, 2022, does not apply to the
7 priority consumer products identified in RCW 70A.350.090.

8 (c) By June 1, 2023, the department must adopt rules to implement
9 regulatory actions determined under (b) of this subsection.

10 (2)(a) By June 1, 2024, and every five years thereafter, the
11 department shall select at least five priority chemicals specified in
12 RCW 70A.350.010(~~((+12+))~~) (14) (a) through (~~((+g+))~~) (h) that are
13 identified consistent with RCW 70A.350.020.

14 (b) By June 1, 2025, and every five years thereafter, the
15 department must identify priority consumer products that contain any
16 new priority chemicals after notifying the appropriate committees of
17 the legislature, consistent with RCW 70A.350.030.

18 (c) By June 1, 2027, and every five years thereafter, the
19 department must determine regulatory actions for any priority
20 chemicals in priority consumer products identified under (b) of this
21 subsection, consistent with RCW 70A.350.040.

22 (d) By June 1, 2028, and every five years thereafter, the
23 department must adopt rules to implement regulatory actions
24 identified under (c) of this subsection.

25 (3)(a) The designation of priority chemicals by the department
26 does not take effect until the adjournment of the regular legislative
27 session immediately following the identification of chemicals, in
28 order to allow an opportunity for the legislature to add to, limit,
29 or otherwise amend the list of priority chemicals to be considered by
30 the department.

31 (b) The designation of priority consumer products by the
32 department does not take effect until the adjournment of the regular
33 legislative session immediately following the identification of
34 priority consumer products, in order to allow an opportunity for the
35 legislature to add to, limit, or otherwise amend the list of priority
36 consumer products to be considered by the department.

37 (c) The determination of regulatory actions by the department
38 does not take effect until the adjournment of the regular legislative
39 session immediately following the determination by the department, in

1 order to allow an opportunity for the legislature to add to, limit,
2 or otherwise amend the regulatory determinations by the department.

3 (d) Nothing in this subsection (3) limits the authority of the
4 department to:

5 (i) Begin to identify priority consumer products for a priority
6 chemical prior to the effective date of the designation of a priority
7 chemical;

8 (ii) Begin to consider possible regulatory actions prior to the
9 effective date of the designation of a priority consumer product; or

10 (iii) Initiate a rule-making process prior to the effective date
11 of a determination of a regulatory action.

12 (4)(a) When identifying priority chemicals and priority consumer
13 products under this chapter, the department must notify the public of
14 the selection, including the identification of the peer-reviewed
15 science and other sources of information that the department relied
16 upon, the basis for the selection, and a draft schedule for making
17 determinations. The notice must be published in the Washington State
18 Register. The department shall provide the public with an opportunity
19 for review and comment on the regulatory determinations.

20 (b)(i) By June 1, 2020, the department must create a stakeholder
21 advisory process to provide expertise, input, and a review of the
22 department's rationale for identifying priority chemicals and
23 priority consumer products and proposed regulatory determinations.
24 The input received from a stakeholder process must be considered and
25 addressed when adopting rules.

26 (ii) The stakeholder process must include, but is not limited to,
27 representatives from: Large and small business sectors; community,
28 environmental, and public health advocacy groups; local governments;
29 affected and interested businesses; an expert in scientific data
30 analysis; and public health agencies.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 70A.350
32 RCW to read as follows:

33 For the purposes of the regulatory process established in this
34 chapter, a motorized vehicle tire containing 6PPD that is equipped on
35 or intended to be installed as a replacement tire on a motorized
36 vehicle for on-highway use is a priority consumer product. For these
37 priority products, the department must determine regulatory actions
38 and adopt rules to implement those regulatory determinations
39 consistent with the process established in RCW 70A.350.040 and

1 70A.350.050. In determining regulatory actions under this section,
2 the department must specifically consider the effect of the
3 regulatory actions on driver and passenger safety."

4 Correct the title.

EFFECT: Specifies that the designation of 6PPD as a priority chemical is only for purposes of motorized vehicles as a priority consumer product and specifies that the definition of motorized vehicles applies only for purposes of 6PPD.

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