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**SUBSTITUTE HOUSE BILL 1376**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Environment (originally sponsored by Representatives Peterson, Goodman, Tarleton, Gregerson, Ormsby, Bergquist, and Stanford)

1 AN ACT Relating to paint stewardship; amending RCW 43.21B.110 and  
2 43.21B.110; reenacting and amending RCW 42.56.270; adding a new  
3 section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW;  
4 prescribing penalties; providing an effective date; and providing an  
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Leftover architectural paints are a waste management issue  
9 and present environmental risks and health and safety risks,  
10 especially to workers in the solid waste industry. During waste  
11 collection and processing, wet paint can create spills and splashes  
12 and oil paint and aerosol containers may rupture, releasing fumes  
13 hazardous to workers and the remaining liquids may contribute to  
14 leachate problems in landfills. Some local governments are able to  
15 devote resources to provide collection sites or events for latex  
16 paint in order to provide their residents with at least some disposal  
17 options and to keep latex paint out of the solid waste stream. But  
18 residents and small businesses need additional and more convenient  
19 options for disposal of architectural paint. Drying latex for  
20 disposal is difficult for many residents and is wasteful of latex  
21 paint that can otherwise be reused or recycled. Local government

1 special and moderate-risk waste collection programs are heavily  
2 impacted by the cost of managing unwanted architectural paints and  
3 these costs decrease the available funds to address other hazardous  
4 and hard to handle materials.

5 (2) Nationally, an estimated average of ten percent of  
6 architectural paint purchased becomes leftover paint. Current  
7 programs only collect a fraction of the potential leftover paint for  
8 proper reuse, recycling, or disposal. There is not a comprehensive  
9 statewide, end-of-life management plan for architectural paint,  
10 resulting in significant missed opportunities to reduce, reuse, and  
11 recycle paint.

12 (3)(a) It is in the best interest of Washington for paint  
13 manufacturers to assume responsibility for the development and  
14 implementation of a cost-effective paint stewardship program that:

15 (i) Develops and implements strategies to reduce the generation  
16 of leftover paint;

17 (ii) Promotes the reuse of leftover paint;

18 (iii) Collects, transports, and processes leftover paint for end-  
19 of-life management, including reuse, recycling, energy recovery, and  
20 disposal; and

21 (iv) Provides for transparency under chapter 42.56 RCW, the  
22 public records act.

23 (b) A paint stewardship program will follow the paint waste  
24 management hierarchy for managing and reducing leftover paint in the  
25 order as follows:

26 (i) Reduce consumer generation of leftover paint;

27 (ii) Reuse;

28 (iii) Recycle; and

29 (iv) Provide for energy recovery and disposal.

30 (c) The establishment of a comprehensive leftover paint  
31 management program that requires paint manufacturers to assume  
32 responsibility for the collection, recycling, reuse, transportation,  
33 and disposal of leftover paint and that allows paint retailers to  
34 voluntarily participate in the collection of leftover paint, will  
35 provide more opportunities for consumers to properly manage their  
36 leftover paint, provide fiscal relief for local government in  
37 managing leftover paint, keep paint out of the waste stream, and  
38 conserve natural resources.

39 (4) The legislature further finds that Washington's existing  
40 waste collection, recycling, and disposal system leads the nation in

1 innovation and environmentally sound practices. This system has  
2 achieved some of the highest overall recycling rates in the nation at  
3 fifty-one percent in 2012. The legislature further finds that  
4 leftover paint is a toxic and hard to handle waste product that is  
5 appropriate for a product stewardship program to increase the safe,  
6 convenient, and effective reuse, recycling, and disposal of leftover  
7 paint. Product stewardship programs for toxic and hard to handle  
8 materials, including an architectural paint stewardship program,  
9 should integrate with and complement the existing waste collection,  
10 recycling, and disposal system.

11 (5) This chapter creates an architectural paint recovery program  
12 to be enforced by the department.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply  
14 throughout this chapter unless the context clearly requires  
15 otherwise.

16 (1) "Architectural paint" or "paint" means interior and exterior  
17 architectural coatings, sold in a container of five gallons or less.  
18 "Architectural paint" or "paint" does not mean industrial coatings,  
19 original equipment coatings, or specialty coatings.

20 (2) "Architectural paint stewardship assessment" or "assessment"  
21 means the amount determined by a stewardship organization that must  
22 be added to the purchase price of architectural paint sold in this  
23 state to cover a stewardship organization's costs of administration,  
24 education and outreach, collecting, transporting, and processing of  
25 the leftover architectural paint managed through a statewide  
26 architectural paint stewardship program.

27 (3) "Conditionally exempt small quantity generator" means a  
28 dangerous waste generator whose dangerous wastes are not subject to  
29 regulation under chapter 70.105 RCW, hazardous waste management,  
30 solely because the waste is generated or accumulated in quantities  
31 below the threshold for regulation and meets the conditions  
32 prescribed in WAC 173-303-070(8)(b), as it existed on the effective  
33 date of this section.

34 (4) "Conditionally exempt small quantity generator waste" means  
35 dangerous waste generated by a conditionally exempt small quantity  
36 generator.

37 (5) "Consumer" means any household, nonprofit, small business, or  
38 other entity whose leftover paint is eligible under applicable laws  
39 and regulations.

- 1 (6) "Covered entity" means:
- 2 (a) Any household;
- 3 (b) Any conditionally exempt small quantity generator of leftover  
4 oil-based and latex architectural paint; or
- 5 (c) Any generator of dangerous waste as defined in RCW 70.105.010  
6 that brings leftover architectural latex paint to a paint program  
7 collection site operating under an approved Washington state paint  
8 stewardship plan.
- 9 (7) "Curbside service" means a waste collection, recycling, and  
10 disposal service providing pickup of leftover architectural paint  
11 from residential sources, such as single-family households and  
12 multifamily housing, or other covered entities in quantities  
13 generated from households or conditionally exempt small quantity  
14 generators, provided by a solid waste collection company regulated  
15 under chapter 81.77 RCW or under a contract for solid waste services  
16 with any city or town.
- 17 (8) "Department" means the department of ecology.
- 18 (9) "Distributor" means a person that has a contractual  
19 relationship with one or more manufacturers to market and sell  
20 architectural paint to retailers in Washington.
- 21 (10) "End-of-life" or "end-of-life management" means activities  
22 including, but not limited to, collection, transportation, reuse,  
23 recycling, energy recovery, and disposal for leftover architectural  
24 paint.
- 25 (11) "Energy recovery" means the recovery of energy in a useable  
26 form from mass burning or refuse-derived fuel incineration,  
27 pyrolysis, or any other means of using the heat of combustion of  
28 solid waste that involves high temperature (above twelve hundred  
29 degrees Fahrenheit) processing.
- 30 (12) "Environmentally sound management practices" means  
31 compliance with all applicable laws and rules to protect workers,  
32 public health, and the environment, and also addresses such issues as  
33 safe and environmentally sound management of architectural paint from  
34 collection through final disposition, adequate recordkeeping,  
35 tracking and documenting the fate of materials within the state and  
36 beyond, and adequate environmental liability coverage for the  
37 stewardship organization and for contracted service providers to the  
38 stewardship organization.
- 39 (13) "Final disposition" means the point beyond which no further  
40 processing takes place and the paint has been transformed for direct

1 use as a feedstock in producing new products or is disposed of,  
2 including for energy recovery, in permitted facilities.

3 (14) "Household hazardous waste" means waste that exhibits any of  
4 the properties of dangerous waste that is exempt from regulation  
5 under chapter 70.105 RCW, hazardous waste management, solely because  
6 the waste is generated by households. Household hazardous waste may  
7 also include other solid waste identified in the local hazardous  
8 waste management plan prepared pursuant to chapter 70.105 RCW.

9 (15) "Leftover paint" or "leftover architectural paint" means  
10 architectural paint not used and no longer wanted by a consumer.

11 (16) "Moderate risk waste" means solid waste that is limited to  
12 conditionally exempt small quantity generator waste and household  
13 hazardous waste as defined in this chapter.

14 (17) "Paint retailer" means any person that offers architectural  
15 paint for sale at retail in Washington.

16 (18) "Person" means any individual, business, manufacturer,  
17 transporter, collector, processor, retailer, charity, nonprofit  
18 organization, or government agency.

19 (19) "Population center" means urbanized areas or urban clusters  
20 as defined by the United States census bureau to identify areas of  
21 high population density and urban land use with populations of two  
22 thousand five hundred or greater.

23 (20) "Producer" means a manufacturer of architectural paint that  
24 is sold, offered for sale, or distributed in Washington under the  
25 producer's own name or other brand name.

26 (21) "Recycling" means transforming or remanufacturing waste  
27 materials into usable or marketable materials for use other than  
28 landfill disposal, energy recovery, or incineration. Recycling does  
29 not include collection, compacting, repackaging, and sorting for the  
30 purpose of transport.

31 (22) "Reuse" means any operation by which an architectural paint  
32 product changes ownership and is used for the same purpose for which  
33 it was originally purchased.

34 (23) "Sell" or "sale" means any transfer of title for  
35 consideration, including remote sales conducted through sales  
36 outlets, catalogues, or the internet or any other similar electronic  
37 means.

38 (24) "Stewardship organization" means a nonprofit organization  
39 created by a producer or group of producers to implement a paint  
40 stewardship program required under this chapter.

1        NEW SECTION.    **Sec. 3.**    (1) All producers of architectural paint  
2 selling in or into the state of Washington shall participate in an  
3 approved Washington state paint stewardship plan for covered entities  
4 through membership in and appropriate funding of a stewardship  
5 organization.

6        (2) Producers not participating in a stewardship plan may not  
7 sell architectural paint in or into Washington state.

8        (3) Paint retailers are prohibited from selling architectural  
9 paint manufactured or distributed by a producer not in compliance  
10 with this chapter.

11       NEW SECTION.        **Sec. 4.**        (1) A stewardship organization  
12 representing producers shall submit a plan for the implementation of  
13 a paint stewardship program to the department for approval by January  
14 15, 2018. The plan must include the following components:

15        (a) A description of how the program proposed under the plan will  
16 collect, transport, recycle, and process leftover paint from covered  
17 entities for end-of-life management, including reuse, recycling,  
18 energy recovery, and disposal, using environmentally sound management  
19 practices.

20        (b) Stewardship organization contact information and a list of  
21 participating brands and producers under the program.

22        (c) A demonstration of sufficient funding for the architectural  
23 paint stewardship program as described in the plan. The plan must  
24 include a funding mechanism whereby each architectural paint producer  
25 remits to the stewardship organization payment of an architectural  
26 paint stewardship assessment for each container of architectural  
27 paint the producer sells in this state, unless the distributor or  
28 retailer has negotiated a voluntary agreement with the producer and  
29 stewardship organization to remit the paint stewardship assessment  
30 directly to the stewardship organization on behalf of the producer  
31 for the producer's architectural paint sold by the distributor or  
32 retailer in the state. The plan must include a proposed budget and a  
33 description of the process used to determine the architectural paint  
34 stewardship assessment. The architectural paint stewardship  
35 assessment must be added to the cost of all architectural paint sold  
36 to Washington paint retailers and distributors, unless the  
37 distributor or retailer has negotiated an agreement voluntarily with  
38 the producer and stewardship organization to remit the assessment  
39 directly to the stewardship organization on behalf of the producer

1 for the producer's architectural paint sold by the distributor or  
2 retailer in the state. Each Washington paint retailer or distributor  
3 shall add the assessment to the purchase price of all architectural  
4 paint sold in this state. Manufacturers may not require retailers to  
5 opt to participate in a voluntary remittance agreement. No fee may be  
6 charged at the time of delivery to a drop-off or take back center.

7 (d) To ensure that the funding mechanism is equitable and  
8 sustainable, the plan must establish a uniform architectural paint  
9 stewardship assessment for all architectural paint sold in this  
10 state. For purposes of establishing the assessment, the plan must  
11 categorize the sizes of paint containers sold at retail and determine  
12 a uniform assessment amount that applies to each category of  
13 container size. The architectural paint stewardship assessment must  
14 be sufficient to recover, but not exceed, the costs of the  
15 architectural paint stewardship program. With the exception of the  
16 annual administration costs paid to the department under section 7(4)  
17 of this act, the department may not control or have spending  
18 authority related to the funds received by the stewardship  
19 organization from the assessment. Funds received by the stewardship  
20 organization are not state funds and not eligible to be transferred  
21 for other state purposes in an appropriations act. The plan must  
22 require any surplus funds generated from the funding mechanism be put  
23 back into the program to either increase and improve program services  
24 or reduce the cost of the program and the architectural paint  
25 stewardship assessment, or both. The plan must not allow the  
26 stewardship organization to retain fund balances between program  
27 years that exceed a reserve of no greater than ten percent of the  
28 operating expenditures during the most recent program year, unless  
29 the excess balance beyond that reserve is specifically budgeted in  
30 the following year to increase or improve program services or to  
31 reduce the cost of the program or the amount of the architectural  
32 paint stewardship assessment.

33 (e) The proposed architectural paint stewardship assessment must  
34 be reviewed by an independent auditor to ensure that such an  
35 assessment is consistent with the budget of the paint stewardship  
36 program and the independent auditor shall recommend an amount for the  
37 architectural paint stewardship assessment to the department. The  
38 department is responsible for the approval of the architectural paint  
39 stewardship assessment based on the information provided in the plan  
40 and in the auditor's report.

1 (f) A description of goals as practical to reduce the generation  
2 of leftover paint, to promote the reuse and recycling of leftover  
3 paint, for the overall collection of leftover paint, and for the  
4 proper end-of-life management of leftover paint. The goal for overall  
5 collection of leftover paint must be based on current or historical  
6 household hazardous waste program information from Washington state.  
7 The goals may be revised by a stewardship organization based on the  
8 information collected annually.

9 (g) A description of the reasonably convenient and available  
10 statewide collection system required under section 5 of this act.

11 (h) A description of the criteria to be used for selecting  
12 collection locations when there are multiple paint retail stores that  
13 want to serve as collection sites in the same geographic area.

14 (i) A description of how leftover paint will be managed using  
15 environmentally sound management practices, including following the  
16 paint waste management hierarchy of: Source reduction; reuse;  
17 recycling; energy recovery; and disposal.

18 (j) A description of the process for managing architectural paint  
19 containers collected under the program, with an emphasis on recycling  
20 containers, where practical.

21 (k) A description of education and outreach efforts to promote  
22 the paint stewardship program. The education and outreach efforts  
23 must include effective strategies for reaching all sectors of the  
24 population and describe how the paint stewardship program will  
25 evaluate the effectiveness of its education and outreach.

26 (l) A description of collection site procedural manuals for  
27 architectural paint products, including training procedures and  
28 electronic copies of materials that will be provided to collection  
29 sites to ensure the use of environmentally sound management practices  
30 when handling leftover architectural paint.

31 (m) A list of processors that will be used to manage leftover  
32 paint collected by the stewardship organization and a list of  
33 potential processors to be used for final disposition.

34 (2) A stewardship organization shall promote a paint stewardship  
35 program and provide consumers, covered entities, and retailers with  
36 educational and informational materials describing collection  
37 opportunities for leftover paint statewide, the architectural paint  
38 stewardship assessment used to finance the program, and promotion of  
39 waste prevention, reuse, and recycling. These materials may include,  
40 but are not limited to, the following:



1 (a) Signage that is prominently displayed and easily visible to  
2 the consumer;

3 (b) Written materials and templates of materials for reproduction  
4 by paint retailers to be provided to the consumer at the time of  
5 purchase or delivery, or both;

6 (c) Advertising or other promotional materials, or both, that  
7 include references to the architectural paint stewardship program;  
8 and

9 (d) An explanation that the architectural paint stewardship  
10 assessment has been added to the purchase price of architectural  
11 paint to fund the paint stewardship program in the state. The  
12 architectural paint stewardship assessment may not be described as a  
13 department recycling fee at the point of retail.

14 (3) A stewardship organization must submit a new plan or plan  
15 amendment to the department for approval when:

16 (a) There is a change to the amount of the assessment;

17 (b) There is an addition to the products covered under the  
18 program; or

19 (c) There is a revision of the stewardship organization's goals.

20 NEW SECTION. **Sec. 5.** (1) A stewardship organization's program  
21 plan required in section 4 of this act must also describe how the  
22 program will provide for reasonably convenient and available  
23 statewide collection of leftover paint from covered entities in urban  
24 and rural areas of the state, including island communities. The  
25 program plan must address how it will utilize the existing solid  
26 waste collection, disposal, and recycling system to implement any  
27 stewardship program adopted.

28 (2) The program plan must address how it will incorporate  
29 existing public and private waste collection services and facilities  
30 for activities, which may include, but is not limited to:

31 (a) The coverage of costs for collecting leftover architectural  
32 paint and paint containers through permanent collection sites and  
33 collection events;

34 (b) The reuse or processing of leftover architectural paint at  
35 the permanent collection site; and

36 (c) The collection, transportation, and recycling or proper  
37 disposal of leftover architectural paint, including curbside  
38 services.

1 (3)(a) To ensure adequate collection coverage, the plan must use  
2 geographic information modeling and the information required under  
3 subsection (2) of this section to determine the number and  
4 distribution of collection sites based on the following criteria: At  
5 least ninety percent of Washington residents must have a permanent  
6 collection site within a fifteen mile radius; and one additional  
7 permanent site must be established for every thirty thousand  
8 residents of a population center distributed to provide convenient  
9 and reasonably equitable access for residents within each population  
10 center, unless otherwise approved by the department.

11 (b) For the portion of the population that does not have a  
12 permanent collection location within a fifteen mile radius, the plan  
13 must provide collection events. The stewardship organization, in  
14 consultation with the department and the local community, will  
15 determine the frequency and location of these collections events, to  
16 be held at least once a year in underserved areas, unless otherwise  
17 determined through consultation with the local community. Special  
18 consideration is to be made for providing opportunities to island and  
19 geographically isolated populations.

20 (4)(a) Nothing in subsection (3) of this section prohibits a  
21 program plan from identifying an available curbside service for a  
22 specific area or population that provides convenient and reasonably  
23 equitable access for Washington residents that is at least equivalent  
24 to the level of convenience and access that would be provided by a  
25 collection site.

26 (b) The producers participating in an approved program plan are  
27 responsible for covering all administrative and operational costs of  
28 the program, including, but not limited to collection, reuse,  
29 recycling, transportation, and disposal of paint under the program.

30 (c) A fee may not be charged at the time the unwanted paint is  
31 delivered or collected for recycling. However, this subsection (4)(c)  
32 does not prohibit collectors providing curbside services from  
33 charging customers a fee, as provided by city contract or by the  
34 Washington utilities and transportation commission under the  
35 authority of chapter 81.77 RCW, for the additional collection cost of  
36 providing this service.

37 (5) The program plan must utilize the existing public and private  
38 waste collection services and facilities where cost-effective and  
39 mutually agreeable.

1 (6) For purposes of this subsection, a stewardship organization  
2 shall renegotiate a contract for the establishment of a permanent  
3 collection site once every two years unless another period is agreed  
4 to by the contracting parties.

5 (7) The program must utilize existing paint retail stores as  
6 collection sites where cost effective and mutually agreeable.

7 (8) The plan must provide the collection site name and location  
8 of each site statewide in Washington accepting architectural paint  
9 under the program.

10 NEW SECTION. **Sec. 6.** (1) Each stewardship organization shall  
11 submit a paint stewardship program plan in accordance with section 4  
12 of this act.

13 (2) Each stewardship organization shall develop and distribute a  
14 collection site procedural manual to collection sites to ensure  
15 proper management of architectural paints at collection locations.

16 (3) A stewardship organization shall implement the paint  
17 stewardship plan by July 1, 2018, or three months after approval of a  
18 paint stewardship program plan under section 4 of this act, whichever  
19 comes later.

20 (4) A stewardship organization shall submit an annual report by  
21 October 15th following the first year or partial year of operations  
22 and every year thereafter, structured to be used as a basis for  
23 annual plan review by the department. The report must be based on the  
24 requirements outlined in section 9 of this act.

25 (5) A stewardship organization shall work with producers,  
26 distributors, and retailers to provide consumers with educational and  
27 informational materials describing collection opportunities for  
28 leftover paint statewide and promotion of waste prevention, reuse,  
29 and recycling of leftover paint. A stewardship organization shall  
30 also work with local governments to provide consumers and the  
31 populations served by solid waste collection under plans adopted  
32 pursuant to chapter 70.95 RCW with educational and informational  
33 materials regarding local collection options for leftover paint,  
34 including curbside service, that are either provided through the  
35 stewardship organization or under local solid or hazardous waste  
36 plans. These educational materials must also encourage and provide  
37 information regarding the disposition of leftover paint and the  
38 cleaning of paint-soiled accessories in ways that reduce impacts to  
39 water quality.

1 (6) A stewardship organization shall pay an annual administrative  
2 fee, described in section 7 of this act, in an amount sufficient to  
3 cover only the department's cost of administering and enforcing a  
4 paint stewardship program established under this chapter.

5 NEW SECTION. **Sec. 7.** (1) The department shall review the plan  
6 within one hundred twenty days of receipt, and make a determination  
7 whether or not to approve the plan. The department shall provide a  
8 letter of approval for the plan if it provides for the establishment  
9 of a stewardship program that meets the requirements of sections 4  
10 and 5 of this act. If a plan is rejected, the department shall  
11 provide the reasons for rejecting the plan to the stewardship  
12 organization. The stewardship organization must submit a new plan  
13 within sixty days after receipt of the letter of disapproval.

14 (2) When a plan or an amendment to an approved plan is submitted  
15 under this section, the department shall make the proposed plan or  
16 amendment available for public review and comment for at least thirty  
17 days.

18 (3) The department shall actively supervise the conduct of a  
19 stewardship organization in determination and implementation of the  
20 architectural paint stewardship assessment specified in section 4(1)  
21 of this act.

22 (4) Beginning April 1, 2018, and annually thereafter, the  
23 department shall determine the department's costs required to be paid  
24 by each stewardship organization sufficient to cover only the  
25 department's costs of administering and enforcing paint stewardship  
26 programs under this chapter. The total amount of yearly reimbursement  
27 must not exceed the amount necessary to recover costs incurred by the  
28 department in connection with the administration, oversight, and  
29 enforcement of the requirements of this chapter. Any unspent money  
30 from the previous twelve-month period must be retained in the paint  
31 product stewardship account created in section 11 of this act and  
32 applied to reduce the payments by stewardship organizations in the  
33 following year.

34 (a) The department shall estimate the annual administration fee  
35 for the period of July 1st through June 30th and notify each  
36 stewardship organization by April 1st of the prior fiscal year. If  
37 there is more than one stewardship organization implementing a paint  
38 stewardship program in Washington, the fee must be divided equally  
39 between programs. The department shall make the proposed annual

1 administration fee, along with an accounting of the costs, available  
2 for public review and comment for at least thirty days.

3 (b) The department shall collect annual administration fees from  
4 each stewardship organization by June 30, 2018, and annually  
5 thereafter.

6 (5) The department shall enforce this chapter.

7 (a) The department may administratively impose a civil penalty on  
8 any person who violates this chapter in an amount of up to one  
9 thousand dollars per violation per day.

10 (b) The department may assess a civil penalty of up to ten  
11 thousand dollars per violation per day on any person who  
12 intentionally, knowingly, or negligently violates this chapter.

13 (c) Any person who incurs a penalty under this section may appeal  
14 the penalty to the pollution control hearings board established by  
15 chapter 43.21B RCW.

16 (6) By July 1, 2018, or upon the date the first plan is approved,  
17 whichever date is earlier, the department shall post on its web site  
18 a list of producers and their brands for which the department has  
19 approved a plan pursuant to section 4 of this act. The department  
20 shall update the list of producers and brands participating under an  
21 approved program plan on a monthly basis based on information  
22 provided to the department from a stewardship organization.

23 (7) Upon a demonstration to the satisfaction of the department  
24 that a previously unlisted producer is in compliance with this  
25 chapter, within fourteen days the department must add the name of the  
26 producer to its web site.

27 (8) The department shall review each annual report required  
28 pursuant to section 9 of this act within ninety days of its  
29 submission to ensure compliance with section 9(1) of this act.

30 (9) The department may request information from the stewardship  
31 organization that is in addition to the annual reporting requirements  
32 in section 9 of this act.

33 (10) The department may adopt rules as necessary for the purpose  
34 of implementing, administering, and enforcing this chapter.

35 NEW SECTION. **Sec. 8.** (1) A producer or paint retailer may not  
36 sell or offer for sale to any person in the state architectural paint  
37 unless the producer or brand of architectural paint is participating  
38 in an approved stewardship plan under this chapter. A retailer  
39 complies with the requirements of this section if, on the date the

1 architectural paint was ordered from the producer or its agent, the  
2 producer of the paint was listed on the department's web site as a  
3 producer participating in an approved paint stewardship program plan.  
4 However, a retailer may sell any paint purchased prior to the  
5 effective date of this section.

6 (2) A paint distributor or a paint retailer that distributes or  
7 sells architectural paint shall monitor the department's web site to  
8 determine if the sale of a producer's architectural paint is in  
9 compliance with this chapter.

10 (3) At the time of sale to a consumer, a producer, a stewardship  
11 organization, or a paint retailer selling or offering architectural  
12 paint for sale in Washington shall provide the consumer with  
13 information regarding available end-of-life management options for  
14 leftover architectural paint collected through a paint stewardship  
15 program.

16 (4) A paint retailer that collects leftover architectural paint  
17 from covered entities must follow the collection site procedure  
18 manual developed by a stewardship organization to ensure the use of  
19 environmentally sound management practices when handling  
20 architectural paints at collection locations.

21 (5) Neither a retailer of architectural paint, nor any other  
22 retailer, is required to serve as a leftover paint collection  
23 facility.

24 NEW SECTION. **Sec. 9.** (1) By October 15, 2019, and annually  
25 thereafter, a stewardship organization shall submit to the department  
26 a report describing the stewardship program that the stewardship  
27 organization implemented during the previous fiscal year. The report  
28 must include all of the following:

29 (a) A description of the methods the stewardship organization  
30 used to reduce, reuse, collect, transport, recycle, and process  
31 leftover paint statewide in Washington;

32 (b) The volume of latex and oil-based architectural paint  
33 collected by the stewardship organization in the preceding fiscal  
34 year in Washington;

35 (c) The total volume of leftover paint collected by the  
36 stewardship organization in Washington, including any increase in  
37 total volume of paint collected each year, cost of the program per  
38 gallon of paint collected, and the per capita cost of the program;

1 (d) The volume of latex and oil-based architectural paint  
2 collected by method of disposition, including reuse, recycling,  
3 energy recovery, and disposal;

4 (e) An estimate of the total weight of all paint containers  
5 collected by the program and the amount recycled;

6 (f) A list of all processors through to final disposition that  
7 are used to manage leftover paint collected by the stewardship  
8 organization in the preceding year;

9 (g) A list of all the producers participating in the plan;

10 (h) The total volume of architectural paint sold in Washington  
11 during the preceding year based on the collected architectural paint  
12 stewardship assessment by the stewardship organization;

13 (i) An independent financial audit of the paint stewardship  
14 program implemented by the stewardship organization, including a  
15 breakdown of the program's expenses such as collection, recycling,  
16 education, and overhead;

17 (j) The total cost of implementing the paint stewardship program  
18 broken out by administrative, collection, transportation and  
19 disposition, and communications costs;

20 (k) An evaluation of the effectiveness of the paint stewardship  
21 program from year to year, and anticipated steps, if needed, to  
22 improve performance throughout the state; and

23 (l) A summary of outreach and education activities undertaken and  
24 samples of the educational materials that the stewardship  
25 organization provided to consumers of architectural paint during the  
26 first year of the program and any changes to those materials in  
27 subsequent years.

28 (2) The department must make all reports submitted under this  
29 section available to the general public through the internet.  
30 Consistent with section 14 of this act, valuable commercial  
31 information submitted to the department under this chapter is exempt  
32 from public disclosure under RCW 42.56.270. However, the department  
33 may use and disclose such information in summary or aggregated form  
34 as long as the disclosure does not directly or indirectly identify  
35 financial, production, or sales data of an individual producer or  
36 stewardship organization. The department is not required to notify  
37 individual producers prior to making available to the general public  
38 the reports submitted under this section or aggregated or summarized  
39 information from reports submitted under this section.

1        NEW SECTION.    **Sec. 10.**    Producers or stewardship organizations  
2 acting on behalf of producers that prepare, submit, and implement a  
3 paint stewardship plan pursuant to section 4 of this act and thereby  
4 are subject to regulation by the department are granted immunity from  
5 state laws relating to antitrust, restraint of trade, unfair trade  
6 practices, and other regulation of trade and commerce, for the  
7 limited purpose of planning and reporting on a paint stewardship  
8 program and proposing and establishing the architectural paint  
9 stewardship assessment required in section 4(1)(c) and (d) of this  
10 act.

11        NEW SECTION.    **Sec. 11.**    The paint product stewardship account is  
12 created in the state treasury. All receipts received by the  
13 department from stewardship organizations must be deposited in the  
14 account. Moneys in the account may be spent only after appropriation.  
15 Expenditures from the account may be used by the department only for  
16 administering and enforcing paint stewardship programs.

17        NEW SECTION.    **Sec. 12.**    This chapter is void if a federal law, or  
18 a combination of federal laws, takes effect that establishes a  
19 national program for the collection and recycling of architectural  
20 paint that substantially meets the intent of this chapter, including  
21 the creation of a funding mechanism for collection, transportation,  
22 recycling, and proper disposal of all architectural paint in the  
23 United States.

24        NEW SECTION.    **Sec. 13.**    Nothing in this chapter changes or limits  
25 the authority of the Washington utilities and transportation  
26 commission to regulate collection of solid waste, including curbside  
27 collection of residential recyclable materials, nor does this chapter  
28 change or limit the authority of a city or town to provide the  
29 service itself or by contract under RCW 81.77.020.

30        NEW SECTION.    **Sec. 14.**    (1) Except as provided in subsection (3)  
31 of this section, records, subject to chapter 42.56 RCW, filed with  
32 the department from any person that contain valuable commercial  
33 information, including trade secrets, confidential marketing, cost,  
34 or financial information, or customer-specific usage information, are  
35 not subject to inspection or copying under chapter 42.56 RCW. When  
36 providing information to the department, a person shall designate



1 which records or portions of records contain valuable commercial  
2 information.

3 (2) Upon receipt of a request to disclose valuable commercial  
4 information submitted under this chapter, the department must provide  
5 notice to the person or persons whose information is subject to  
6 possible inspection or copying under chapter 42.56 RCW.

7 (3) Upon the notice provided under subsection (2) of this section  
8 of the possible inspection or copying of valuable commercial  
9 information pursuant to chapter 42.56 RCW, a person may petition the  
10 superior court for an order protecting the records as confidential.  
11 The superior court must determine that the records are confidential  
12 and not subject to inspection or copying if disclosure would result  
13 in private loss, including an unfair competitive disadvantage. If a  
14 person does not obtain an order protecting submitted records as  
15 confidential within ten days of receiving a notice from the  
16 department under subsection (2) of this section, the department may  
17 make the records available for public inspection and copying pursuant  
18 to chapter 42.56 RCW.

19 **Sec. 15.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s c 8 s  
20 1, and 2016 c 178 s 1 are each reenacted and amended to read as  
21 follows:

22 The following financial, commercial, and proprietary information  
23 is exempt from disclosure under this chapter:

24 (1) Valuable formulae, designs, drawings, computer source code or  
25 object code, and research data obtained by any agency within five  
26 years of the request for disclosure when disclosure would produce  
27 private gain and public loss;

28 (2) Financial information supplied by or on behalf of a person,  
29 firm, or corporation for the purpose of qualifying to submit a bid or  
30 proposal for (a) a ferry system construction or repair contract as  
31 required by RCW 47.60.680 through 47.60.750 or (b) highway  
32 construction or improvement as required by RCW 47.28.070;

33 (3) Financial and commercial information and records supplied by  
34 private persons pertaining to export services provided under chapters  
35 43.163 and 53.31 RCW, and by persons pertaining to export projects  
36 under RCW 43.23.035;

37 (4) Financial and commercial information and records supplied by  
38 businesses or individuals during application for loans or program  
39 services provided by chapters 43.325, 43.163, 43.160, 43.330, and

1 43.168 RCW, or during application for economic development loans or  
2 program services provided by any local agency;

3 (5) Financial information, business plans, examination reports,  
4 and any information produced or obtained in evaluating or examining a  
5 business and industrial development corporation organized or seeking  
6 certification under chapter 31.24 RCW;

7 (6) Financial and commercial information supplied to the state  
8 investment board by any person when the information relates to the  
9 investment of public trust or retirement funds and when disclosure  
10 would result in loss to such funds or in private loss to the  
11 providers of this information;

12 (7) Financial and valuable trade information under RCW 51.36.120;

13 (8) Financial, commercial, operations, and technical and research  
14 information and data submitted to or obtained by the clean Washington  
15 center in applications for, or delivery of, program services under  
16 chapter 70.95H RCW;

17 (9) Financial and commercial information requested by the public  
18 stadium authority from any person or organization that leases or uses  
19 the stadium and exhibition center as defined in RCW 36.102.010;

20 (10)(a) Financial information, including but not limited to  
21 account numbers and values, and other identification numbers supplied  
22 by or on behalf of a person, firm, corporation, limited liability  
23 company, partnership, or other entity related to an application for a  
24 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
25 marijuana producer, processor, or retailer license, liquor license,  
26 gambling license, or lottery retail license;

27 (b) Internal control documents, independent auditors' reports and  
28 financial statements, and supporting documents: (i) Of house-banked  
29 social card game licensees required by the gambling commission  
30 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
31 by tribes with an approved tribal/state compact for class III gaming;

32 (11) Proprietary data, trade secrets, or other information that  
33 relates to: (a) A vendor's unique methods of conducting business; (b)  
34 data unique to the product or services of the vendor; or (c)  
35 determining prices or rates to be charged for services, submitted by  
36 any vendor to the department of social and health services for  
37 purposes of the development, acquisition, or implementation of state  
38 purchased health care as defined in RCW 41.05.011;

39 (12)(a) When supplied to and in the records of the department of  
40 commerce:

1 (i) Financial and proprietary information collected from any  
2 person and provided to the department of commerce pursuant to RCW  
3 43.330.050(8); and

4 (ii) Financial or proprietary information collected from any  
5 person and provided to the department of commerce or the office of  
6 the governor in connection with the siting, recruitment, expansion,  
7 retention, or relocation of that person's business and until a siting  
8 decision is made, identifying information of any person supplying  
9 information under this subsection and the locations being considered  
10 for siting, relocation, or expansion of a business;

11 (b) When developed by the department of commerce based on  
12 information as described in (a)(i) of this subsection, any work  
13 product is not exempt from disclosure;

14 (c) For the purposes of this subsection, "siting decision" means  
15 the decision to acquire or not to acquire a site;

16 (d) If there is no written contact for a period of sixty days to  
17 the department of commerce from a person connected with siting,  
18 recruitment, expansion, retention, or relocation of that person's  
19 business, information described in (a)(ii) of this subsection will be  
20 available to the public under this chapter;

21 (13) Financial and proprietary information submitted to or  
22 obtained by the department of ecology or the authority created under  
23 chapter 70.95N RCW to implement chapter 70.95N RCW;

24 (14) Financial, commercial, operations, and technical and  
25 research information and data submitted to or obtained by the life  
26 sciences discovery fund authority in applications for, or delivery  
27 of, grants under chapter 43.350 RCW, to the extent that such  
28 information, if revealed, would reasonably be expected to result in  
29 private loss to the providers of this information;

30 (15) Financial and commercial information provided as evidence to  
31 the department of licensing as required by RCW 19.112.110 or  
32 19.112.120, except information disclosed in aggregate form that does  
33 not permit the identification of information related to individual  
34 fuel licensees;

35 (16) Any production records, mineral assessments, and trade  
36 secrets submitted by a permit holder, mine operator, or landowner to  
37 the department of natural resources under RCW 78.44.085;

38 (17)(a) Farm plans developed by conservation districts, unless  
39 permission to release the farm plan is granted by the landowner or

1 operator who requested the plan, or the farm plan is used for the  
2 application or issuance of a permit;

3 (b) Farm plans developed under chapter 90.48 RCW and not under  
4 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
5 to RCW 42.56.610 and 90.64.190;

6 (18) Financial, commercial, operations, and technical and  
7 research information and data submitted to or obtained by a health  
8 sciences and services authority in applications for, or delivery of,  
9 grants under RCW 35.104.010 through 35.104.060, to the extent that  
10 such information, if revealed, would reasonably be expected to result  
11 in private loss to providers of this information;

12 (19) Information gathered under chapter 19.85 RCW or RCW  
13 34.05.328 that can be identified to a particular business;

14 (20) Financial and commercial information submitted to or  
15 obtained by the University of Washington, other than information the  
16 university is required to disclose under RCW 28B.20.150, when the  
17 information relates to investments in private funds, to the extent  
18 that such information, if revealed, would reasonably be expected to  
19 result in loss to the University of Washington consolidated endowment  
20 fund or to result in private loss to the providers of this  
21 information;

22 (21) Market share data submitted by a manufacturer under RCW  
23 70.95N.190(4);

24 (22) Financial information supplied to the department of  
25 financial institutions or to a portal under RCW 21.20.883, when filed  
26 by or on behalf of an issuer of securities for the purpose of  
27 obtaining the exemption from state securities registration for small  
28 securities offerings provided under RCW 21.20.880 or when filed by or  
29 on behalf of an investor for the purpose of purchasing such  
30 securities;

31 (23) Unaggregated or individual notices of a transfer of crude  
32 oil that is financial, proprietary, or commercial information,  
33 submitted to the department of ecology pursuant to RCW  
34 90.56.565(1)(a), and that is in the possession of the department of  
35 ecology or any entity with which the department of ecology has shared  
36 the notice pursuant to RCW 90.56.565;

37 (24) Financial institution and retirement account information,  
38 and building security plan information, supplied to the liquor and  
39 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
40 69.50.345, when filed by or on behalf of a licensee or prospective

1 licensee for the purpose of obtaining, maintaining, or renewing a  
2 license to produce, process, transport, or sell marijuana as allowed  
3 under chapter 69.50 RCW; (~~and~~))

4 (25) Marijuana transport information, vehicle and driver  
5 identification data, and account numbers or unique access identifiers  
6 issued to private entities for traceability system access, submitted  
7 by an individual or business to the liquor and cannabis board under  
8 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
9 69.50.345 for the purpose of marijuana product traceability.  
10 Disclosure to local, state, and federal officials is not considered  
11 public disclosure for purposes of this section; (~~and~~))

12 (26) Financial and commercial information submitted to or  
13 obtained by the retirement board of any city that is responsible for  
14 the management of an employees' retirement system pursuant to the  
15 authority of chapter 35.39 RCW, when the information relates to  
16 investments in private funds, to the extent that such information, if  
17 revealed, would reasonably be expected to result in loss to the  
18 retirement fund or to result in private loss to the providers of this  
19 information except that (a) the names and commitment amounts of the  
20 private funds in which retirement funds are invested and (b) the  
21 aggregate quarterly performance results for a retirement fund's  
22 portfolio of investments in such funds are subject to disclosure;  
23 (~~and~~))

24 (27) Proprietary financial, commercial, operations, and technical  
25 and research information and data submitted to or obtained by the  
26 liquor and cannabis board in applications for marijuana research  
27 licenses under RCW 69.50.372, or in reports submitted by marijuana  
28 research licensees in accordance with rules adopted by the liquor and  
29 cannabis board under RCW 69.50.372; and

30 (28) Records filed with the department of ecology under chapter  
31 70.--- RCW (the new chapter created in section 21 of this act) that a  
32 court has determined are confidential valuable commercial information  
33 under section 14 of this act.

34 NEW SECTION. Sec. 16. A new section is added to chapter 82.04  
35 RCW to read as follows:

36 (1) This chapter does not apply to the receipts attributable to  
37 the assessment on architectural paint imposed pursuant to chapter  
38 70.--- RCW (the new chapter created in section 21 of this act).

1 (2) This section is not subject to the requirements of RCW  
2 82.32.805 and 82.32.808, and is not subject to an expiration date.

3 **Sec. 17.** RCW 43.21B.110 and 2013 c 291 s 33 are each amended to  
4 read as follows:

5 (1) The hearings board shall only have jurisdiction to hear and  
6 decide appeals from the following decisions of the department, the  
7 director, local conservation districts, the air pollution control  
8 boards or authorities as established pursuant to chapter 70.94 RCW,  
9 local health departments, the department of natural resources, the  
10 department of fish and wildlife, the parks and recreation commission,  
11 and authorized public entities described in chapter 79.100 RCW:

12 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
13 70.94.431, 70.105.080, 70.107.050, section 7 of this act, 76.09.170,  
14 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,  
15 90.56.310, 90.56.330, and 90.64.102.

16 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
17 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
18 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

19 (c) A final decision by the department or director made under  
20 chapter 183, Laws of 2009.

21 (d) Except as provided in RCW 90.03.210(2), the issuance,  
22 modification, or termination of any permit, certificate, or license  
23 by the department or any air authority in the exercise of its  
24 jurisdiction, including the issuance or termination of a waste  
25 disposal permit, the denial of an application for a waste disposal  
26 permit, the modification of the conditions or the terms of a waste  
27 disposal permit, or a decision to approve or deny an application for  
28 a solid waste permit exemption under RCW 70.95.300.

29 (e) Decisions of local health departments regarding the grant or  
30 denial of solid waste permits pursuant to chapter 70.95 RCW.

31 (f) Decisions of local health departments regarding the issuance  
32 and enforcement of permits to use or dispose of biosolids under RCW  
33 70.95J.080.

34 (g) Decisions of the department regarding waste-derived  
35 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
36 decisions of the department regarding waste-derived soil amendments  
37 under RCW 70.95.205.

38 (h) Decisions of local conservation districts related to the  
39 denial of approval or denial of certification of a dairy nutrient

1 management plan; conditions contained in a plan; application of any  
2 dairy nutrient management practices, standards, methods, and  
3 technologies to a particular dairy farm; and failure to adhere to the  
4 plan review and approval timelines in RCW 90.64.026.

5 (i) Any other decision by the department or an air authority  
6 which pursuant to law must be decided as an adjudicative proceeding  
7 under chapter 34.05 RCW.

8 (j) Decisions of the department of natural resources, the  
9 department of fish and wildlife, and the department that are  
10 reviewable under chapter 76.09 RCW, and the department of natural  
11 resources' appeals of county, city, or town objections under RCW  
12 76.09.050(7).

13 (k) Forest health hazard orders issued by the commissioner of  
14 public lands under RCW 76.06.180.

15 (l) Decisions of the department of fish and wildlife to issue,  
16 deny, condition, or modify a hydraulic project approval permit under  
17 chapter 77.55 RCW.

18 (m) Decisions of the department of natural resources that are  
19 reviewable under RCW 78.44.270.

20 (n) Decisions of an authorized public entity under RCW 79.100.010  
21 to take temporary possession or custody of a vessel or to contest the  
22 amount of reimbursement owed that are reviewable by the hearings  
23 board under RCW 79.100.120.

24 (2) The following hearings shall not be conducted by the hearings  
25 board:

26 (a) Hearings required by law to be conducted by the shorelines  
27 hearings board pursuant to chapter 90.58 RCW.

28 (b) Hearings conducted by the department pursuant to RCW  
29 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and  
30 90.44.180.

31 (c) Appeals of decisions by the department under RCW 90.03.110  
32 and 90.44.220.

33 (d) Hearings conducted by the department to adopt, modify, or  
34 repeal rules.

35 (3) Review of rules and regulations adopted by the hearings board  
36 shall be subject to review in accordance with the provisions of the  
37 administrative procedure act, chapter 34.05 RCW.

38 **Sec. 18.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to  
39 read as follows:

1 (1) The hearings board shall only have jurisdiction to hear and  
2 decide appeals from the following decisions of the department, the  
3 director, local conservation districts, the air pollution control  
4 boards or authorities as established pursuant to chapter 70.94 RCW,  
5 local health departments, the department of natural resources, the  
6 department of fish and wildlife, the parks and recreation commission,  
7 and authorized public entities described in chapter 79.100 RCW:

8 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
9 70.94.431, 70.105.080, 70.107.050, section 7 of this act, 76.09.170,  
10 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,  
11 90.56.310, 90.56.330, and 90.64.102.

12 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
13 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
14 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

15 (c) Except as provided in RCW 90.03.210(2), the issuance,  
16 modification, or termination of any permit, certificate, or license  
17 by the department or any air authority in the exercise of its  
18 jurisdiction, including the issuance or termination of a waste  
19 disposal permit, the denial of an application for a waste disposal  
20 permit, the modification of the conditions or the terms of a waste  
21 disposal permit, or a decision to approve or deny an application for  
22 a solid waste permit exemption under RCW 70.95.300.

23 (d) Decisions of local health departments regarding the grant or  
24 denial of solid waste permits pursuant to chapter 70.95 RCW.

25 (e) Decisions of local health departments regarding the issuance  
26 and enforcement of permits to use or dispose of biosolids under RCW  
27 70.95J.080.

28 (f) Decisions of the department regarding waste-derived  
29 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
30 decisions of the department regarding waste-derived soil amendments  
31 under RCW 70.95.205.

32 (g) Decisions of local conservation districts related to the  
33 denial of approval or denial of certification of a dairy nutrient  
34 management plan; conditions contained in a plan; application of any  
35 dairy nutrient management practices, standards, methods, and  
36 technologies to a particular dairy farm; and failure to adhere to the  
37 plan review and approval timelines in RCW 90.64.026.

38 (h) Any other decision by the department or an air authority  
39 which pursuant to law must be decided as an adjudicative proceeding  
40 under chapter 34.05 RCW.



1 (i) Decisions of the department of natural resources, the  
2 department of fish and wildlife, and the department that are  
3 reviewable under chapter 76.09 RCW, and the department of natural  
4 resources' appeals of county, city, or town objections under RCW  
5 76.09.050(7).

6 (j) Forest health hazard orders issued by the commissioner of  
7 public lands under RCW 76.06.180.

8 (k) Decisions of the department of fish and wildlife to issue,  
9 deny, condition, or modify a hydraulic project approval permit under  
10 chapter 77.55 RCW.

11 (l) Decisions of the department of natural resources that are  
12 reviewable under RCW 78.44.270.

13 (m) Decisions of an authorized public entity under RCW 79.100.010  
14 to take temporary possession or custody of a vessel or to contest the  
15 amount of reimbursement owed that are reviewable by the hearings  
16 board under RCW 79.100.120.

17 (2) The following hearings shall not be conducted by the hearings  
18 board:

19 (a) Hearings required by law to be conducted by the shorelines  
20 hearings board pursuant to chapter 90.58 RCW.

21 (b) Hearings conducted by the department pursuant to RCW  
22 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and  
23 90.44.180.

24 (c) Appeals of decisions by the department under RCW 90.03.110  
25 and 90.44.220.

26 (d) Hearings conducted by the department to adopt, modify, or  
27 repeal rules.

28 (3) Review of rules and regulations adopted by the hearings board  
29 shall be subject to review in accordance with the provisions of the  
30 administrative procedure act, chapter 34.05 RCW.

31 NEW SECTION. **Sec. 19.** Section 17 of this act expires June 30,  
32 2019.

33 NEW SECTION. **Sec. 20.** Section 18 of this act takes effect June  
34 30, 2019.

1        NEW SECTION.    **Sec. 21.**    Sections 1 through 14 of this act  
2    constitute a new chapter in Title 70 RCW.

--- END ---