
SENATE BILL 5931

State of Washington

68th Legislature

2024 Regular Session

By Senators Salomon and Kauffman

Prefiled 01/02/24.

1 AN ACT Relating to expediting the safer products for Washington
2 process regarding motorized vehicle tires containing 6PPD; amending
3 RCW 70A.350.010, 70A.350.030, and 70A.350.050; adding a new section
4 to chapter 70A.350 RCW; and creating a new section.

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

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

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

1 (3) The legislature finds it important to reduce sources and uses
2 of 6PPD in Washington to protect aquatic life, particularly salmon.
3 Since 6PPD is ubiquitous in motorized vehicle tires, the legislature
4 intends to expedite the safer products for Washington process
5 regarding such tires containing 6PPD.

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

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "6PPD" means the chemical compound N-(1,3-dimethylbutyl)-N'-
11 phenyl-p-phenylenediamine.

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

14 ~~((2))~~ (3) "Department" means the department of ecology.

15 ~~((3))~~ (4) "Director" means the director of the department.

16 ~~((4))~~ (5) "Electronic product" includes personal computers,
17 audio and video equipment, calculators, wireless phones, game
18 consoles, and handheld devices incorporating a video screen that are
19 used to access interactive software, and the peripherals associated
20 with such products.

21 ~~((5))~~ (6) "Inaccessible electronic component" means a part or
22 component of an electronic product that is located inside and
23 entirely enclosed within another material and is not capable of
24 coming out of the product or being accessed during any reasonably
25 foreseeable use or abuse of the product.

26 ~~((6))~~ (7) "Manufacturer" means any person, firm, association,
27 partnership, corporation, governmental entity, organization, or joint
28 venture that produces a product or is an importer or domestic
29 distributor of a product sold or offered for sale in or into the
30 state.

31 ~~((7))~~ (8) "Organohalogen" means a class of chemicals that
32 includes any chemical containing one or more halogen elements bonded
33 to carbon.

34 ~~((8))~~ (9) "Perfluoroalkyl and polyfluoroalkyl substances" or
35 "PFAS chemicals" means a class of fluorinated organic chemicals
36 containing at least one fully fluorinated carbon atom.

37 ~~((9))~~ (10) "Phenolic compounds" means alkylphenol ethoxylates
38 and bisphenols.

1 ~~((10))~~ (11) "Phthalates" means synthetic chemical esters of
2 phthalic acid.

3 ~~((11))~~ (12) "Polychlorinated biphenyls" or "PCBs" means
4 chemical forms that consist of two benzene rings joined together and
5 containing one to ten chlorine atoms attached to the benzene rings.

6 ~~((12))~~ (13) "Priority chemical" means a chemical or chemical
7 class used as, used in, or put in a consumer product including:

- 8 (a) Perfluoroalkyl and polyfluoroalkyl substances;
9 (b) Phthalates;
10 (c) Organohalogen flame retardants;
11 (d) Flame retardants, as identified by the department under
12 chapter 70A.430 RCW;
13 (e) Phenolic compounds;
14 (f) Polychlorinated biphenyls; ~~((e))~~
15 (g) 6PPD; or
16 (h) A chemical identified by the department as a priority
17 chemical under RCW 70A.350.020.

18 ~~((13))~~ (14) "Safer alternative" means an alternative that is
19 less hazardous to humans or the environment than the existing
20 chemical or chemical process. A safer alternative to a particular
21 chemical may include a chemical substitute or a change in materials
22 or design that eliminates the need for a chemical alternative.

23 ~~((14))~~ (15) "Sensitive population" means a category of people
24 that is identified by the department that may be or is
25 disproportionately or more severely affected by priority chemicals,
26 such as:

- 27 (a) Men and women of childbearing age;
28 (b) Infants and children;
29 (c) Pregnant women;
30 (d) Communities that are highly impacted by toxic chemicals;
31 (e) Persons with occupational exposure; and
32 (f) The elderly.

33 ~~((15))~~ (16) "Sensitive species" means a species or grouping of
34 animals that is identified by the department that may be or is
35 disproportionately or more severely affected by priority chemicals,
36 such as:

- 37 (a) Southern resident killer whales;
38 (b) Salmon; and
39 (c) Forage fish.

1 **Sec. 3.** RCW 70A.350.030 and 2022 c 264 s 3 are each amended to
2 read as follows:

3 (1) Every five years, and consistent with the timeline
4 established in RCW 70A.350.050, the department, in consultation with
5 the department of health, shall identify priority consumer products
6 that are a significant source of or use of priority chemicals. The
7 department must submit a report to the appropriate committees of the
8 legislature at the time that it identifies a priority consumer
9 product.

10 (2) When identifying priority consumer products under this
11 section, the department must consider, at a minimum, the following
12 criteria:

13 (a) The estimated volume of a priority chemical or priority
14 chemicals added to, used in, or present in the consumer product;

15 (b) The estimated volume or number of units of the consumer
16 product sold or present in the state;

17 (c) The potential for exposure to priority chemicals by sensitive
18 populations or sensitive species when the consumer product is used,
19 disposed of, or has decomposed;

20 (d) The potential for priority chemicals to be found in the
21 outdoor environment, with priority given to surface water,
22 groundwater, marine waters, sediments, and other ecologically
23 sensitive areas, when the consumer product is used, disposed of, or
24 has decomposed;

25 (e) If another state or nation has identified or taken regulatory
26 action to restrict or otherwise regulate the priority chemical in the
27 consumer product;

28 (f) The availability and feasibility of safer alternatives; and

29 (g) Whether the department has already identified the consumer
30 product in a chemical action plan completed under chapter 70A.300 RCW
31 as a source of a priority chemical or other reports or information
32 gathered under chapter 70A.430, 70A.405, 70A.222, 70A.335, 70A.340,
33 70A.230, or 70A.400 RCW.

34 (3) The department is not required to give equal weight to each
35 of the criteria in subsection (2)(a) through (g) of this section when
36 identifying priority consumer products that use or are a significant
37 source of priority chemicals.

38 (4) To assist with identifying priority consumer products under
39 this section and making determinations as authorized under RCW
40 70A.350.040, the department may order a manufacturer to submit a

1 notice to the department that contains the information specified in
2 RCW 70A.430.060 (1) through (6) or other information relevant to
3 subsection (2)(a) through (d) of this section. The manufacturer must
4 provide the notice to the department no later than six months after
5 receipt of such a demand by the department.

6 (5)(a) Except as provided in section 5 of this act and (b) of
7 this subsection, the department may not identify the following as
8 priority consumer products under this section:

- 9 (i) Plastic shipping pallets manufactured prior to 2012;
- 10 (ii) Food or beverages;
- 11 (iii) Tobacco products;
- 12 (iv) Drug or biological products regulated by the United States
13 food and drug administration;
- 14 (v) Finished products certified or regulated by the federal
15 aviation administration or the department of defense, or both, when
16 used in a manner that was certified or regulated by such agencies,
17 including parts, materials, and processes when used to manufacture or
18 maintain such regulated or certified finished products;
- 19 (vi) Motorized vehicles, including on and off-highway vehicles,
20 such as all-terrain vehicles, motorcycles, side-by-side vehicles,
21 farm equipment, and personal assistive mobility devices; and
- 22 (vii) Chemical products used to produce an agricultural
23 commodity, as defined in RCW 17.21.020.

24 (b) The department may identify the packaging of products listed
25 in (a) of this subsection as priority consumer products.

26 (6) For an electronic product identified by the department as a
27 priority consumer product under this section, the department may not
28 make a regulatory determination under RCW 70A.350.040 to restrict or
29 require the disclosure of a priority chemical in an inaccessible
30 electronic component of the electronic product.

31 **Sec. 4.** RCW 70A.350.050 and 2022 c 264 s 2 are each amended to
32 read as follows:

33 (1)(a) By June 1, 2020, and consistent with RCW 70A.350.030, the
34 department shall identify priority consumer products that are a
35 significant source of or use of priority chemicals specified in RCW
36 70A.350.010(~~(+12+)~~) (13) (a) through (f).

37 (b) By June 1, 2022, and consistent with RCW 70A.350.040, the
38 department must determine regulatory actions regarding the priority
39 chemicals and priority consumer products identified in (a) of this

1 subsection. The deadline of June 1, 2022, does not apply to the
2 priority consumer products identified in RCW 70A.350.090.

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

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

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

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

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

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

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

32 (c) The determination of regulatory actions by the department
33 does not take effect until the adjournment of the regular legislative
34 session immediately following the determination by the department, in
35 order to allow an opportunity for the legislature to add to, limit,
36 or otherwise amend the regulatory determinations by the department.

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

1 (i) Begin to identify priority consumer products for a priority
2 chemical prior to the effective date of the designation of a priority
3 chemical;

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

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

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

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

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

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.350
28 RCW to read as follows:

29 (1) For the purposes of the regulatory process established in
30 this chapter, a motorized vehicle tire containing 6PPD is a priority
31 consumer product. For such products, the department must determine
32 regulatory actions and adopt rules to implement those regulatory
33 determinations consistent with the process established in RCW
34 70A.350.040 but subject to the following timeline:

35 (a) By June 1, 2025, the department must determine an initial set
36 of regulatory actions under this chapter; and

37 (b) By June 1, 2026, the department must adopt rules to implement
38 the initial set of regulatory actions determined under (a) of this
39 subsection.

1 (2) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Motorized vehicle tire" includes, without limitation:

4 (i) A tire intended for use on light duty vehicles, motorcycles,
5 motor homes, medium duty and heavy duty trucks, buses, and trailers;
6 and

7 (ii) Tire tread material.

8 (b) "Motorized vehicle tire" does not include:

9 (i) A tire imported into or sold in Washington as a component of
10 a motorized vehicle; or

11 (ii) The used components of a retreaded tire.

12 (c) The department may further define "motorized vehicle tire" by
13 rule.

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