

HB 2821 - H AMD 1411

By Representative Taylor

WITHDRAWN 04/06/2012

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

3 "Sec. 1. RCW 70.240.010 and 2008 c 288 s 2 are each amended to  
4 read as follows:

5 RCW 70.240.010 and 2008 c 288 s 2 are each amended to read as  
6 follows:

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

9 (1) "Children's cosmetics" means cosmetics that are made for,  
10 marketed for use by, or marketed to children under the age of twelve.  
11 "Children's cosmetics" includes cosmetics that meet any of the  
12 following conditions:

13 (a) Represented in its packaging, display, or advertising as  
14 appropriate for use by children;

15 (b) Sold in conjunction with, attached to, or packaged together  
16 with other products that are packaged, displayed, or advertised as  
17 appropriate for use by children; or

18 (c) Sold in any of the following:

19 (i) Retail store, catalogue, or online web site, in which a person  
20 exclusively offers for sale products that are packaged, displayed, or  
21 advertised as appropriate for use by children; or

22 (ii) A discrete portion of a retail store, catalogue, or online web  
23 site, in which a person offers for sale products that are packaged,  
24 displayed, or advertised as appropriate for use by children.

25 (2) "Children's jewelry" means jewelry that is made for, marketed  
26 for use by, or marketed to children under the age of twelve.  
27 "Children's jewelry" includes jewelry that meets any of the following  
28 conditions:

29 (a) Represented in its packaging, display, or advertising as  
30 appropriate for use by children under the age of twelve;

1 (b) Sold in conjunction with, attached to, or packaged together  
2 with other products that are packaged, displayed, or advertised as  
3 appropriate for use by children;

4 (c) Sized for children and not intended for use by adults; or  
5 (d) Sold in any of the following:

6 (i) A vending machine;

7 (ii) Retail store, catalogue, or online web site, in which a person  
8 exclusively offers for sale products that are packaged, displayed, or  
9 advertised as appropriate for use by children; or

10 (iii) A discrete portion of a retail store, catalogue, or online  
11 web site, in which a person offers for sale products that are packaged,  
12 displayed, or advertised as appropriate for use by children.

13 (3)(a) "Children's product" includes any of the following:

14 (i) Toys;

15 (ii) Children's cosmetics;

16 (iii) Children's jewelry;

17 (iv) A product designed or intended by the manufacturer to help a  
18 child with sucking or teething, to facilitate sleep, relaxation, or the  
19 feeding of a child, or to be worn as clothing by children; or

20 (v) Child car seats.

21 (b) "Children's product" does not include the following:

22 (i) Batteries;

23 (ii) Slings and catapults;

24 (iii) Sets of darts with metallic points;

25 (iv) Toy steam engines;

26 (v) Bicycles and tricycles;

27 (vi) Video toys that can be connected to a video screen and are  
28 operated at a nominal voltage exceeding twenty-four volts;

29 (vii) Chemistry sets;

30 (viii) Consumer electronic products, including but not limited to  
31 personal computers, audio and video equipment, calculators, wireless  
32 phones, game consoles, and handheld devices incorporating a video  
33 screen, used to access interactive software and their associated  
34 peripherals;

35 (ix) Interactive software, intended for leisure and entertainment,  
36 such as computer games, and their storage media, such as compact disks;

37 (x) BB guns, pellet guns, and air rifles;

- 1 (xi) Snow sporting equipment, including skis, poles, boots, snow  
2 boards, sleds, and bindings;
- 3 (xii) Sporting equipment, including, but not limited to bats,  
4 balls, gloves, sticks, pucks, and pads;
- 5 (xiii) Roller skates;
- 6 (xiv) Scooters;
- 7 (xv) Model rockets;
- 8 (xvi) Athletic shoes with cleats or spikes; and
- 9 (xvii) Pocket knives and multitools.

10 (4) "Cosmetics" includes articles intended to be rubbed, poured,  
11 sprinkled, or sprayed on, introduced into, or otherwise applied to the  
12 human body or any part thereof for cleansing, beautifying, promoting  
13 attractiveness, or altering the appearance, and articles intended for  
14 use as a component of such an article. "Cosmetics" does not include  
15 soap, dietary supplements, or food and drugs approved by the United  
16 States food and drug administration.

17 (5) "Department" means the department of ecology.

18 (6) "High priority chemical" means a chemical identified by a state  
19 agency, federal agency, or accredited research university, or other  
20 scientific evidence deemed authoritative by the department on the basis  
21 of credible scientific evidence as known to do one or more of the  
22 following:

23 (a) Harm the normal development of a fetus or child or cause other  
24 developmental toxicity;

25 (b) Cause cancer, genetic damage, or reproductive harm;

26 (c) Disrupt the endocrine system;

27 (d) Damage the nervous system, immune system, or organs or cause  
28 other systemic toxicity;

29 (e) Be persistent, bioaccumulative, and toxic; or

30 (f) Be very persistent and very bioaccumulative.

31 (7) "Manufacturer" includes any person, firm, association,  
32 partnership, corporation, governmental entity, organization, or joint  
33 venture that produces a children's product or an importer or domestic  
34 distributor of a children's product. For the purposes of this  
35 subsection, "importer" means the owner of the children's product.

36 (8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl  
37 phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate  
38 (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

1 (9) "Toy" means a product designed or intended by the manufacturer  
2 to be used by a child at play.

3 (10) "Trade association" means a membership organization of persons  
4 engaging in a similar or related line of commerce, organized to promote  
5 and improve business conditions in that line of commerce and not to  
6 engage in a regular business of a kind ordinarily carried on for  
7 profit.

8 (11) "Very bioaccumulative" means having a bioconcentration factor  
9 or bioaccumulation factor greater than or equal to five thousand, or if  
10 neither are available, having a log Kow greater than 5.0.

11 (12) "Very persistent" means having a half-life greater than or  
12 equal to one of the following:

13 (a) A half-life in soil or sediment of greater than one hundred  
14 eighty days;

15 (b) A half-life greater than or equal to sixty days in water or  
16 evidence of long-range transport.

17 (13) "TCEP" means TCEP (tris(2-chloroethyl) phosphate), chemical  
18 abstracts service number 115-96-8, as of the effective date of this  
19 section.

20 NEW SECTION. Sec. 2. A new section is added to chapter 70.240 RCW  
21 to read as follows:

22 (1) Beginning July 1, 2014, no manufacturer, wholesaler, or  
23 retailer may manufacture, knowingly sell, offer for sale, distribute  
24 for sale, or distribute for use in this state a children's product  
25 containing intentionally-added TCEP in amounts greater than one hundred  
26 parts per million in any component.

27 (2) The sale or purchase of any previously owned product containing  
28 TCEP made in casual or isolated sales as defined in RCW 82.04.040, or  
29 by nonprofit organizations, is exempt from subsection (1) of this  
30 section.

31 (3) The sale or use of recycled materials containing less than .01  
32 percent of TCEP is exempt from subsection (1) of this section."

33 Correct the title.

EFFECT: Limits the ban to the chemical TCEP (rather than both

TDCPP and TCEP). Specifies that the ban applies if the chemical TCEP is intentionally added to a children's product. Changes the effective date of the ban from July 1, 2013, to July 1, 2014. Removes provisions relating to alternatives assessments.

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