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SENATE BILL 6540

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State of Washington

63rd Legislature

2014 Regular Session

By Senator Ericksen

Read first time 02/03/14. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to banning tris(1,3-dichloro-2-propyl)phosphate and  
2 tris(2-chloroethyl)phosphate flame retardants in children's products  
3 and residential upholstered furniture; amending RCW 70.240.050; and  
4 adding a new section to chapter 70.240 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.240 RCW  
7 to read as follows:

8 Beginning July 1, 2015, no manufacturer, wholesaler, or retailer  
9 may manufacture, knowingly sell, offer for sale, distribute for sale,  
10 or distribute for use in this state children's products or residential  
11 upholstered furniture, as defined in RCW 70.76.010, containing TDCPP  
12 (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts service  
13 number 13674-87-8, as of the effective date of this section, or TCEP  
14 (tris(2-chloroethyl)phosphate), chemical abstracts service number 115-  
15 96-8, as of the effective date of this section, in amounts greater than  
16 one hundred parts per million in any product component.

17 **Sec. 2.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read  
18 as follows:

1 (1) A manufacturer of products that are restricted under this  
2 chapter must notify persons that sell the manufacturer's products in  
3 this state about the provisions of this chapter no less than ninety  
4 days prior to the effective date of the restrictions.

5 (2) A manufacturer that produces, sells, or distributes a product  
6 prohibited from manufacture, sale, or distribution in this state under  
7 this chapter shall recall the product and reimburse the retailer or any  
8 other purchaser for the product.

9 (3) A manufacturer of children's products in violation of this  
10 chapter is subject to a civil penalty not to exceed five thousand  
11 dollars for each violation in the case of a first offense.  
12 Manufacturers who are repeat violators are subject to a civil penalty  
13 not to exceed ten thousand dollars for each repeat offense. Penalties  
14 collected under this section must be deposited in the state toxics  
15 control account created in RCW 70.105D.070.

16 (4) Retailers who unknowingly sell products that are restricted  
17 from sale under this chapter are not liable under this chapter.

18 (5) The sale or purchase of any previously owned product containing  
19 a chemical restricted under this chapter made in casual or isolated  
20 sales as defined in RCW 82.04.040, or by a nonprofit organization, is  
21 exempt from this chapter.

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