
SUBSTITUTE SENATE BILL 5456

State of Washington

66th Legislature

2019 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Keiser, Conway, Hunt, and Nguyen)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to requiring the use of American or recycled
2 steel products on certain public works; and adding a new section to
3 chapter 39.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04
6 RCW to read as follows:

7 (1) The legislature intends to protect the public health and
8 safety, protect and preserve the environment of this state, and to
9 recover resources that have the potential for usefulness in the most
10 environmentally safe, economically feasible, and cost-effective
11 manner by encouraging the use of American or recycled steel products.

12 (2) Except as provided in subsection (3) of this section,
13 contracts for public works under this chapter must include a
14 provision requiring that all steel products used or supplied in the
15 performance of the contract and in any related subcontract must be:

16 (a) Produced in the United States, at a facility regulated by the
17 United States environmental protection agency; or

18 (b) Produced in a country where more than sixty-five percent of
19 that country's total crude steel output is produced by means of
20 electric arc furnaces that use postconsumer scrap steel material as
21 the major feedstock.

1 (3) This section does not apply if the state or municipality
2 entering into the contract determines, in writing, that the steel
3 products required in subsection (2) of this section:

4 (a) Are not produced in, or available in, sufficient quantity to
5 meet the requirements of the contract;

6 (b) Will increase the total cost of the project by more than
7 twenty percent;

8 (c) Are part of a temporary structure used for transportation
9 projects and purchased before the effective date of this section.
10 Replacement of temporary structures used for transportation projects
11 must meet the requirements in subsection (2) of this section; or

12 (d) De minimis incidental components that comprise no more than
13 five percent of the total cost of the materials used in and
14 incorporated into a project, the cost of an individual item may not
15 exceed one percent of the total cost of materials used and
16 incorporated into a project. Incidental components include but may
17 not be limited to small washers, nails, screws, fasteners, or hinges.

18 (4) This section does not impair or otherwise affect the state's
19 existing obligations under international agreements.

20 (5) For the purposes of this section, "produced in the United
21 States" means, with respect to iron and steel products, a product for
22 which all manufacturing processes, including fabrication, from
23 initial melting through application of coatings, occur in the United
24 States, other than metallurgical processes to refine steel additives.

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