
SUBSTITUTE SENATE BILL 6473

State of Washington

66th Legislature

2020 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Stanford, Frockt, Conway, Keiser, Hasegawa, Llias, Van De Wege, Billig, Hunt, and Saldaña)

READ FIRST TIME 01/28/20.

1 AN ACT Relating to asbestos-containing building materials;
2 amending RCW 70.310.020; adding new sections to chapter 70.310 RCW;
3 and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.310
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section, the use
8 of asbestos-containing building materials in new construction or
9 renovations is prohibited.

10 (2) Subsection (1) of this section does not apply to:

11 (a) The use of asbestos-containing building materials in
12 residential construction;

13 (b) The use of asbestos-containing building materials that are,
14 as of the effective date of this section, already ordered by a
15 contractor or currently in the possession of the contractor; or

16 (c) The use of asbestos-containing building materials if
17 complying with subsection (1) of this section would result in the
18 breach of an existing contract.

19 **Sec. 2.** RCW 70.310.020 and 2013 c 51 s 2 are each amended to
20 read as follows:

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

3 (1) "Asbestos" includes the asbestiform varieties of actinolite,
4 amosite (cummingtonite-grunerite), tremolite, chrysotile
5 (serpentine), crocidolite (riebeckite), anthophyllite, and any of
6 these minerals that have been chemically treated or altered. The
7 chemical abstracts service registry number for each is as follows:
8 Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5),
9 tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite
10 (12001-28-4), and anthophyllite (17068-78-9).

11 (2) "Asbestos-containing building material" means any building
12 material to which asbestos is deliberately added in any concentration
13 or that contains more than one-tenth of one percent asbestos by
14 weight or area as determined using the United States environmental
15 protection agency method for the determination of asbestos in
16 building materials, EPA/600/R-93/116, July 1993.

17 (3) "Building material" includes materials designed for, or used
18 in, construction, renovation, repair, or maintenance of
19 institutional, commercial, public, industrial, or residential
20 buildings and structures. The term does not include automobiles,
21 recreational vehicles, boats, or other mobile means of
22 transportation.

23 (4) "Consumer" means any person that acquires a building material
24 for direct use or ownership, rather than for resale or use in
25 production and manufacturing.

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

27 (6) "Person" means any individual, firm, public or private
28 corporation, association, partnership, political subdivision,
29 municipality, or government agency.

30 (7) "Retailer" means any person that sells goods or commodities
31 directly to consumers.

32 (8) "Interested party" means any contractor, subcontractor, or
33 worker that performs, or is reasonably expected to perform, work at a
34 facility covered under section 3 of this act or any organization
35 whose members perform, or are reasonably expected to perform, work at
36 a facility covered under section 3 of this act.

37 (9) "Residential construction" means construction, alteration,
38 repair, improvement, or maintenance of single-family dwellings,
39 duplexes, apartments, condominiums, and other residential structures
40 not to exceed four stories in height, including the basement.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.310
2 RCW to read as follows:

3 (1) Every owner of a facility that is engaged in activities
4 described in codes 31 through 33 of the North American industry
5 classification system must:

6 (a) Perform an inspection of the facility to determine whether
7 asbestos-containing building materials are present and reinspect
8 asbestos-containing building materials every three years thereafter.
9 Such inspections must be conducted by persons meeting the
10 accreditation requirements of the federal toxic substances control
11 act, 15 U.S.C. Sec. 2646(a)(1) and (3); and

12 (b) Develop, maintain, and update an asbestos management plan and
13 keep a copy at the facility. The asbestos management plan must be
14 updated every three years and after any material changes in asbestos-
15 containing building materials in the facility. The asbestos
16 management plan must include:

17 (i) The name and address of each facility and whether the
18 facility has asbestos-containing building materials, and the type of
19 asbestos-containing building material;

20 (ii) The date of the original facility inspection;

21 (iii) A plan for reinspections;

22 (iv) A blueprint of the facility that clearly identifies the
23 location of asbestos-containing building materials;

24 (v) A description of any response action or prevention measures
25 taken to reduce asbestos exposure;

26 (vi) A copy of the analysis of any building or facility, and the
27 name and address of any laboratory that sampled the material;

28 (vii) The name, address, and telephone number of a designated
29 contact that ensures the duties of the owner are carried out; and

30 (viii) A description of steps taken to inform workers about
31 inspections, reinspections, response actions, and periodic
32 surveillance of the asbestos-containing building materials.

33 (2) The asbestos management plan required under subsection (1)(b)
34 of this section must be made available to the department, the
35 department of labor and industries, local air authorities in
36 jurisdictions where they exist, and any interested party upon
37 request. In addition to the penalties established by this chapter,
38 failure to create or maintain a required asbestos management plan is

1 a violation of chapter 49.17 RCW and subject to the penalties
2 established under RCW 49.17.180 and 49.17.190.

--- **END** ---