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**SUBSTITUTE SENATE BILL 5931**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Salomon, Kauffman, Billig, Frame, Lovelett, Pedersen, Shewmake, and Wellman)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to addressing 6PPD in motorized vehicle tires  
2 through safer products for Washington; amending RCW 70A.350.010 and  
3 70A.350.050; adding a new section to chapter 70A.350 RCW; and  
4 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 identify 6PPD as a priority chemical and certain motorized  
5 vehicle tires containing 6PPD as priority consumer products under  
6 safer products for Washington.

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

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

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

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

15 ~~((2))~~ (3) "Department" means the department of ecology.

16 ~~((3))~~ (4) "Director" means the director of the department.

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

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

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

32 ~~((7))~~ (8)(a) "Motorized vehicle" means a vehicle intended for  
33 on-highway or off-highway use.

34 (b) "Motorized vehicle" does not include the tires equipped on  
35 the vehicle nor tires sold separately for replacement purposes.

36 (9) "Organohalogen" means a class of chemicals that includes any  
37 chemical containing one or more halogen elements bonded to carbon.

1       (~~(8)~~) (10) "Perfluoroalkyl and polyfluoroalkyl substances" or  
2 "PFAS chemicals" means a class of fluorinated organic chemicals  
3 containing at least one fully fluorinated carbon atom.

4       (~~(9)~~) (11) "Phenolic compounds" means alkylphenol ethoxylates  
5 and bisphenols.

6       (~~(10)~~) (12) "Phthalates" means synthetic chemical esters of  
7 phthalic acid.

8       (~~(11)~~) (13) "Polychlorinated biphenyls" or "PCBs" means  
9 chemical forms that consist of two benzene rings joined together and  
10 containing one to ten chlorine atoms attached to the benzene rings.

11       (~~(12)~~) (14) "Priority chemical" means a chemical or chemical  
12 class used as, used in, or put in a consumer product including:

- 13       (a) Perfluoroalkyl and polyfluoroalkyl substances;  
14       (b) Phthalates;  
15       (c) Organohalogen flame retardants;  
16       (d) Flame retardants, as identified by the department under  
17 chapter 70A.430 RCW;

- 18       (e) Phenolic compounds;  
19       (f) Polychlorinated biphenyls; (~~(e)~~)  
20       (g) 6PPD; or

21       (h) A chemical identified by the department as a priority  
22 chemical under RCW 70A.350.020.

23       (~~(13)~~) (15) "Safer alternative" means an alternative that is  
24 less hazardous to humans or the environment than the existing  
25 chemical or chemical process. A safer alternative to a particular  
26 chemical may include a chemical substitute or a change in materials  
27 or design that eliminates the need for a chemical alternative.

28       (~~(14)~~) (16) "Sensitive population" means a category of people  
29 that is identified by the department that may be or is  
30 disproportionately or more severely affected by priority chemicals,  
31 such as:

- 32       (a) Men and women of childbearing age;  
33       (b) Infants and children;  
34       (c) Pregnant women;  
35       (d) Communities that are highly impacted by toxic chemicals;  
36       (e) Persons with occupational exposure; and  
37       (f) The elderly.

38       (~~(15)~~) (17) "Sensitive species" means a species or grouping of  
39 animals that is identified by the department that may be or is

1 disproportionately or more severely affected by priority chemicals,  
2 such as:

- 3 (a) Southern resident killer whales;
- 4 (b) Salmon; and
- 5 (c) Forage fish.

6 **Sec. 3.** RCW 70A.350.050 and 2022 c 264 s 2 are each amended to  
7 read as follows:

8 (1)(a) By June 1, 2020, and consistent with RCW 70A.350.030, the  
9 department shall identify priority consumer products that are a  
10 significant source of or use of priority chemicals specified in RCW  
11 70A.350.010(~~((+12+))~~) (14) (a) through (f).

12 (b) By June 1, 2022, and consistent with RCW 70A.350.040, the  
13 department must determine regulatory actions regarding the priority  
14 chemicals and priority consumer products identified in (a) of this  
15 subsection. The deadline of June 1, 2022, does not apply to the  
16 priority consumer products identified in RCW 70A.350.090.

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

19 (2)(a) By June 1, 2024, and every five years thereafter, the  
20 department shall select at least five priority chemicals specified in  
21 RCW 70A.350.010(~~((+12+))~~) (14) (a) through (~~((+g+))~~) (h) that are  
22 identified consistent with RCW 70A.350.020.

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

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

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

34 (3)(a) The designation of priority chemicals by the department  
35 does not take effect until the adjournment of the regular legislative  
36 session immediately following the identification of chemicals, in  
37 order to allow an opportunity for the legislature to add to, limit,  
38 or otherwise amend the list of priority chemicals to be considered by  
39 the department.

1 (b) The designation of priority consumer products by the  
2 department does not take effect until the adjournment of the regular  
3 legislative session immediately following the identification of  
4 priority consumer products, in order to allow an opportunity for the  
5 legislature to add to, limit, or otherwise amend the list of priority  
6 consumer products to be considered by the department.

7 (c) The determination of regulatory actions by the department  
8 does not take effect until the adjournment of the regular legislative  
9 session immediately following the determination by the department, in  
10 order to allow an opportunity for the legislature to add to, limit,  
11 or otherwise amend the regulatory determinations by the department.

12 (d) Nothing in this subsection (3) limits the authority of the  
13 department to:

14 (i) Begin to identify priority consumer products for a priority  
15 chemical prior to the effective date of the designation of a priority  
16 chemical;

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

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

21 (4)(a) When identifying priority chemicals and priority consumer  
22 products under this chapter, the department must notify the public of  
23 the selection, including the identification of the peer-reviewed  
24 science and other sources of information that the department relied  
25 upon, the basis for the selection, and a draft schedule for making  
26 determinations. The notice must be published in the Washington State  
27 Register. The department shall provide the public with an opportunity  
28 for review and comment on the regulatory determinations.

29 (b)(i) By June 1, 2020, the department must create a stakeholder  
30 advisory process to provide expertise, input, and a review of the  
31 department's rationale for identifying priority chemicals and  
32 priority consumer products and proposed regulatory determinations.  
33 The input received from a stakeholder process must be considered and  
34 addressed when adopting rules.

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

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 70A.350  
2    RCW to read as follows:  
3        For the purposes of the regulatory process established in this  
4    chapter, a motorized vehicle tire containing 6PPD that is equipped on  
5    or intended to be installed as a replacement tire on a motorized  
6    vehicle for on-highway use is a priority consumer product. For these  
7    priority products, the department must determine regulatory actions  
8    and adopt rules to implement those regulatory determinations  
9    consistent with the process established in RCW 70A.350.040 and  
10   70A.350.050. In determining regulatory actions under this section,  
11   the department must specifically consider the effect of the  
12   regulatory actions on driver and passenger safety.

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