



Hazardous Waste Management Program

GOVERNMENTS WORKING TOGETHER FOR
A HEALTHIER AND CLEANER KING COUNTY

2024 LEGISLATIVE and REGULATORY PRIORITIES

September 2023

The Hazardous Waste Management Program works to improve policies and regulations that impact the production, use, storage, and end-of-life management of hazardous products. We work with partners at the local, state, and federal levels of government, and with local, regional, and national groups to achieve change. Our understanding of racial equity, community organizing, behavior change best practices, and community and technical research all show we need to focus our efforts on systems changes that promote safer alternatives and remove exposure to hazardous products.

For a more detailed description of our legislative and regulatory positions, including links to reference materials, please see the Program's 2023 Legislative and Regulatory Agenda. Our legislative and regulatory priorities for 2024 are listed below.

Federal Legislative Priorities

- **We support the proposed federal Environmental Justice for All Act**, which would establish several environmental justice requirements and actions to address the disproportionate adverse human health or environmental effects of federal laws or programs on communities of color, low-income communities, or tribal and indigenous communities. (See H.R. 1705, 118th Cong. (2023-24) and S. 919, 118th Cong. (2023-24))
- **We support the proposed federal Railway Safety Act of 2023**, which would establish additional safety regulations for trains carrying hazardous materials and other rail safety measures. Between 1990 and 2023, there were at least 64 rail accidents involving hazardous materials in the U.S. (See H.R. 1674, 118th Cong. (2023-24) and S. 576, 118th Cong. (2023-24))

Federal Regulatory Priorities

- **We support the Environmental Protection Agency's chemical regulation work under the Toxic Substances Control Act.** The Toxic Substances Control Act of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides. We support EPA's implementation of TSCA, including its risk evaluation and risk management process which will protect workers, families, communities - including potentially exposed or susceptible subpopulations - and our environment.
- **We support protection from liability for public managers of landfills and wastewater treatment facilities** as it pertains to accumulation and consolidation of persistent toxic materials. The EPA proposes to designate PFOS and PFOA as hazardous substances under CERCLA, a move we support.

Depending how those rules are written, however, that move has the potential of shifting liability to municipal operators of landfills and wastewater treatment facilities, an illogical approach since safely operated landfills are currently the best option we have to consolidate these materials and get them out of circulation until better disposal options are found. Done wrong, it would place liability not on producers, but on the public entities that are trying to clean-up persistent chemical waste. The EPA may not have authority

to exempt municipal operators and congressional action may be required. If so, we support congressional action to provide such limited exemption for municipal operators.

State Legislative Priorities

- **We support legislation restricting lead content in all cookware.** HB 1551, Reducing Lead in Cookware, would restrict the manufacture, distribution, and sale of cookware containing lead at a level exceeding 5 parts per million (ppm) in the cookware or any component of the cookware. It authorizes the Department of Ecology, in consultation with the Department of Health, to lower the 5 ppm limit if determined to be feasible for manufacturers to achieve and necessary to protect human health.
- **We support legislation limiting the use of PFAS and other persistent bioaccumulative substances (PBS).** Specifically, we support a proposal consistent with proposals in other states and the European Union that:
 - 1) Prohibits the sale or distribution of any product that contains PFAS or any substance determined by the department (of ecology) to be persistent and bioaccumulative (persistent and bioaccumulative substances (PBS)).
 - 2) Provides time-limited exceptions for PBS uses certified by the department to be essential for health, safety, or the functioning of society and for which alternatives are not reasonably available.
 - 3) Requires manufacturers of products with certified essential uses to enroll in a product stewardship organization to ensure end-of-life management of PBS at producer expense; requires producer fees to establish an innovation fund to assist small businesses identify and adopt non-persistent alternatives; and requires the product stewardship organization to fund a publicly maintained database of all certified essential products and all legacy products that contain or contained PBS in a way that allows the general public to readily identify them.
 - 4) Requires labeling of any product that contains PBS or any substance determined by the department to be persistent and bioaccumulative.
 - 5) Requires registration of those products with the department along with producer information on the hazardous substances to enable long term hazard management.
- **We support “right to repair” legislation** that provides residents and businesses the ability to freely open and repair home electronics, appliances, automobiles, and other products. Currently, manufacturers use a variety of tactics to prevent consumers from repairing products, which leads to stifled competition, premature and planned obsolescence of products, and producing increased waste (which all residents pay for). (See 2021 HB 1810, SB 5795)
- **We support a repeal of the 2025 sunset provision in the mercury-containing lights product stewardship program.**
- **We support measures that would result in increased blood lead testing for children** including testing of all children prior to school entry in grades K-12 and testing of preschool-age children.

State Regulatory Priorities

- **We support a subject matter expert review of Washington State’s blood lead risk factors** to consider additional demographic and cultural criteria, and clearer geographic criteria.

- **We support an update of the State’s 2009 Washington State Lead Chemical Action Plan, along with a review of progress made toward each of the plan’s recommendations.**
- **We support the Department of Ecology’s chemical regulation work under the Safer Products for Washington Act.** Under RCW 70A.350, the Washington State Department of Ecology, in consultation with the Washington State Department of Health, must determine regulatory actions to increase transparency and to reduce the use of priority chemicals in priority consumer products. We support Ecology’s efforts to identify hazardous chemicals and products and the promotion of safer alternatives.

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