

Multiple Agency Fiscal Note Summary

Bill Number: 5135 SB	Title: Toxic pollution
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Estimated Cash Receipts

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	0	22,000	0	44,000	0	44,000
Total \$	0	22,000	0	44,000	0	44,000

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of Attorney General	.1	0	22,000	.2	0	44,000	.2	0	44,000
Department of Health	.7	0	0	.1	0	0	.8	0	0
Department of Ecology	3.2	0	1,066,489	6.7	0	2,223,646	6.6	0	2,036,378
Total \$	4.0	0	1,088,489	7.0	0	2,267,646	7.6	0	2,080,378

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Linda Steinmann, OFM	Phone: 360-902-0573	Date Published: Final 2/ 4/2019
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 55193

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

Bill Number: 5135 SB	Title: Toxic pollution	Agency: 100-Office of Attorney General
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
Legal Services Revolving Account-State 405-1	11,000	11,000	22,000	44,000	44,000
Total \$	11,000	11,000	22,000	44,000	44,000

Estimated Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.1	0.1	0.1	0.2	0.2
Account					
Legal Services Revolving Account-State 405-1	11,000	11,000	22,000	44,000	44,000
Total \$	11,000	11,000	22,000	44,000	44,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

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Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Jan Odano	Phone: (360) 786-7486	Date: 01/29/2019
Agency Preparation: Bruce Turcott	Phone: (360) 586-2738	Date: 01/30/2019
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 01/30/2019
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/01/2019

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 1 is a definitions section.

Section 2 requires the Department of Ecology (DOE) to identify priority chemicals that meet certain criteria.

Section 3 requires DOE to identify priority consumer products that are a significant source of or use of priority chemicals.

Section 4 requires DOE to determine regulatory actions to increase transparency and reduce the use of priority chemicals in priority consumer products. DOE may order a manufacturer to submit information and may restrict or prohibit a priority chemical in a consumer product.

Section 5 provides deadlines for DOE to comply with Sections 2 through 4. DOE is required to adopt rules by June 1, 2023, June 1, 2028, and every five years thereafter.

Section 6 permits DOE to grant a manufacturer's request that records submitted to DOE be kept confidential

Section 7 creates civil penalties for manufacturers, which may be appealed to the Pollution Control Hearings Board (PCHB).

Section 8 authorizes DOE to adopt rules.

Section 9 amends RCW 70.240.040 to add priority chemicals to notices that manufacturers are required to provide to DOE.

Section 10 amends RCW 43.21B.110 adds Sec. 7 to the jurisdiction of the PCHB.

Section 11 is a severability clause.

Section 12 is a codification direction to create a new chapter in title 70 RCW from Secs. 1-8 and 13.

Section 13 names the act.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Cash receipts are assumed to equal the Legal Service Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is DOE. The AGO will bill the client for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency's fiscal note. Appropriation authority is necessary in the AGO budget.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

AGO Agency Assumptions:

1. This bill is assumed effective 90 days after the end of the 2019 legislative session.
2. This request does not include cost of living salary increases identified in the Governor's proposed 2019-21 budget.
2. The AGO Agriculture & Health (AHD) division has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing DOH. This bill will require some consultation by DOH with DOE on public health matters within its subject matter expertise. It would not require additional legal services from AHD. DOH agrees with this assessment. New legal services are assumed to be nominal and costs are not included in this request.

Assumptions for the AGO Ecology (ECY) Legal Services for DOE:

1. The AGO will bill DOE for legal services based on the enactment of this bill.
2. The AGO will provide DOE with the following services in support of this new program for the Hazardous Waste and Toxics Reduction Program:
 - A. Advice and possible representation at PCHB on enforcement of information requests to manufacturers (Sec. 3). This will require 0.05 AAG FTE in FY 2020 and FY 2025.
 - B. Advice regarding determination of regulatory actions for priority chemicals in priority consumer products (Sec. 4). This will require 0.05 AAG FTE in FY 2021, and 0.1 AAG FTE in FY 2022.
 - C. Advice on rulemaking to implement regulatory actions (Sec. 5(1)(c)). This will require 0.1 AAG FTE in FY 2023.
 - D. Advice regarding identification of at least five additional priority chemicals beyond the first six listed in statute (Sec. 2). This will require 0.05 AAG FTE in FY 2024.
 - E. Advice and possible representation at PCHB on enforcement of rules addressing priority chemicals in priority consumer products (Sec. 7). This will require 0.05 AAG FTE in FY 2024 and FY 2025.
3. Total workload impact:
FY 2020 and FY 2021: 0.05 Assistant Attorney General (AAG) at a cost of \$11,000.
FY 2022 and in each FY thereafter: 0.1 AAG and 0.05 Legal Assistant at a cost of \$22,000.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
405-1	Legal Services Revolving Account	State	11,000	11,000	22,000	44,000	44,000
Total \$			11,000	11,000	22,000	44,000	44,000

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.1	0.1	0.1	0.2	0.2
A-Salaries and Wages	7,000	7,000	14,000	28,000	28,000
B-Employee Benefits	3,000	3,000	6,000	10,000	10,000
C-Professional Service Contracts					
E-Goods and Other Services	1,000	1,000	2,000	6,000	6,000
G-Travel					
J-Capital Outlays					
Total \$	11,000	11,000	22,000	44,000	44,000

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Assistant Attorney General	103,560	0.1	0.1	0.1	0.1	0.1
Legal Assistant 3	51,004				0.1	0.1
Management Analyst 5	77,614					
Total FTEs		0.1	0.1	0.1	0.2	0.2

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Ecology Division (ECY)	11,000	11,000	22,000	44,000	44,000
Total \$	11,000	11,000	22,000	44,000	44,000

Part IV: Capital Budget Impact

None

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None

Individual State Agency Fiscal Note

Bill Number: 5135 SB	Title: Toxic pollution	Agency: 303-Department of Health
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.5	0.8	0.7	0.1	0.8
Account					
Total \$					

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Jan Odano	Phone: (360) 786-7486	Date: 01/29/2019
Agency Preparation: Jodine Sorrell	Phone: (360) 236-3015	Date: 01/30/2019
Agency Approval: Stacy May	Phone: (360) 236-4532	Date: 01/30/2019
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 01/31/2019

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill sets up a repeating five-year cycle in which the Department of Ecology (ECY) is required to identify priority chemicals, select products that include these chemicals, make regulatory determinations about action, and conduct rule-making to implement that action. ECY intends to delegate the human health aspects of these evaluations to the Department of Health (DOH) through an interagency agreement.

Section 2: Requires the identification at least five priority chemicals.

Section 3: Requires the identification of priority consumer products that are a significant source of, or use of, priority chemicals.

Section 4: Requires the determination of regulatory actions to reduce the use of priority chemicals in priority consumer products.

Section 5: Requires rulemaking to implement identified regulatory actions.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

All work for DOH will be through an interagency agreement with ECY and these costs will be included in their fiscal note.

SECTION 2: Develop and apply selection criteria for determining at least five priority chemicals. In order to review regulated chemicals and peer reviewed scientific studies of chemicals that impact sensitive populations, vet and write up findings, and develop the toxin and exposure evaluation as required, DOH will need 0.3 FTE Toxicologist 3 (Tox) in fiscal year (FY) 2024 and every five years after.

Total costs for Section 2 in FY 2024: 0.3 FTE and \$57,000, and every five years after.

SECTION 3: Develop and apply selection criteria for identifying the priority consumer products that are a significant use of priority chemicals. In order to conduct research, assist ECY with developing written rationale for each priority chemical, and vet the product picks, DOH will require 0.5 FTE Tox 3 in FY 2020 and 1.2 FTE Tox 3 in FY 2025 and every five years after.

Total costs for Section 3: in FY 2020, 0.5 FTE and \$63,000; FY 2025, 1.2 FTE and \$147,000. 1.2 FTE and \$147,000 will be needed every five years after.

SECTION 4: Identify regulatory actions to reduce the use of priority chemicals in priority consumer products. In order to determine when safer alternatives are feasible and available, determine when a priority chemical is not functionally necessary in a priority consumer product, review other state or nation restrictions of chemicals in priority consumer products, determine when it is necessary to protect the health of sensitive populations, and provide the public with an opportunity for review and comment on the regulatory determinations, DOH will require 0.8 FTE Tox 3 in FY 2021 and every five years after.

Total costs for section 4: in FY 2021, 0.8 FTE and \$112,000 every five years after.

SECTION 5: ECY will adopt rules to implement identified regulatory actions. Due to the complex and potentially challenging nature of regulating priority chemicals and priority consumer products, rulemaking will start in FY 2022 and conclude in FY 2023. In order to support ECY, review rationale involving any human health exposure or impact assessments, present information at rule-making outreach to stakeholders, and help with response to comments, DOH will require 0.1 FTE Tox 3. The rulemaking effort will repeat every five years, starting again in FY 2026 and concluding in FY 2027.

Total costs for section 5: in FY 2022, 0.1 FTE and \$18,000; FY 2023, 0.1 FTE and \$20,000, and every five years after.

Total costs for DOH to provide human health impacts related to the requirements of this bill:

FY 2020, 0.5 FTE and \$63,000
FY 2021, 0.8 FTE and \$112,000
FY 2022, 0.1 FTE and \$18,000
FY 2023, 0.1 FTE and \$20,000
FY 2024, 0.3 FTE and \$57,000
FY 2025, 1.2 FTE and \$147,000

All work for DOH will be through an interagency agreement with ECY and these costs will be included in their fiscal note.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.5	0.8	0.7	0.1	0.8
A-Salaries and Wages	41,000	74,000	115,000	23,000	136,000
B-Employee Benefits	15,000	26,000	41,000	10,000	48,000
C-Professional Service Contracts					
E-Goods and Other Services	3,000	4,000	7,000	2,000	9,000
G-Travel				1,000	
J-Capital Outlays	1,000	3,000	4,000		1,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements	(63,000)	(112,000)	(175,000)	(38,000)	(204,000)
T-Intra-Agency Reimbursements	3,000	5,000	8,000	2,000	10,000
9-					
Total \$	0	0	0	0	0

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Toxicologist 3	7,880	0.5	0.8	0.7	0.1	0.8
Total FTEs		0.5	0.8	0.7	0.1	0.8

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5135 SB	Title: Toxic pollution	Agency: 461-Department of Ecology
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	3.3	3.1	3.2	6.7	6.6
Account					
State Toxics Control Account-State 173-1	523,705	542,784	1,066,489	2,223,646	2,036,378
Total \$	523,705	542,784	1,066,489	2,223,646	2,036,378

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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☐

Capital budget impact, complete Part IV.

☒

Requires new rule making, complete Part V.

Legislative Contact: Jan Odano	Phone: (360) 786-7486	Date: 01/29/2019
Agency Preparation: Vince Chavez	Phone: 360-407-6561	Date: 01/31/2019
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/31/2019
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 01/31/2019

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Background

Several state laws restrict the use of toxic chemicals in consumer products. In addition to the 13 chemicals restricted in the Children's Safe Products Act (CSPA), this law directed the Department of Ecology (Ecology), working with the Department of Health (Health), to identify chemicals of high concern to children (CHCC) for manufacturer reporting. In the CSPA reporting rule, Ecology identified high-priority chemicals based on credible scientific evidence that the chemical causes specified types of harm to human health and has the potential for exposure to children. The CSPA reporting rule requires manufacturers of children's products containing any of the 88 CHCCs to annually report information about the use of the chemicals. Manufacturers in violation of CSPA restrictions or reporting requirements are subject to fines of up to \$5,000 for initial violations and up to \$10,000 for subsequent violations.

Under state hazardous waste laws, Ecology adopted a rule outlining the processes for efforts to reduce and phase out the uses, releases, and exposures to persistent, bioaccumulative and toxic (PBT) chemicals. This rule includes a list of 28 PBT chemicals or chemical groups to be considered for chemical action plan (CAP) development. Ecology and Health work together on CAP development, collaborating with an external advisory committee, to identify, characterize and evaluate uses and releases of PBTs. CAPs recommend actions to protect human health or the environment, including actions to reduce and phase out uses and releases of the PBT, including the use of safer alternatives. Ecology and Health have completed five CAPs: mercury, lead, polyaromatic hydrocarbons, flame-retardants, and polychlorinated biphenyls (PCBs). Ecology and Health are currently working on the per- and polyfluorinated alkyl substances (PFAS) CAP.

Note: The Governor's 2019-21 Operating Budget proposal includes \$4.4 million for implementation of Chemical Action Plan (CAP) recommendations, accelerated development and implementation of future CAPs.

This bill would add a new section to Chapter 70 RCW to identify and regulate priority chemicals in consumer products. The bill also amends RCW 70.240.040. The following sections of the bill would have a fiscal impact on Ecology:

Section 2 would require Ecology, every five years, to identify at least five priority chemicals that are currently regulated in consumer products or as a hazardous substance, or are chemicals of concern for sensitive populations or sensitive species.

Section 3 would require Ecology, every five years, to identify priority consumer products that are a significant source of or use of priority chemicals.

Section 4 would require Ecology, every five years, to determine regulatory actions to increase transparency and to reduce the use of priority chemicals in priority consumer products.

Section 5 would require the following timeline:

(1)(a) By June 1, 2020, Ecology would identify priority consumer products that are a significant source of the priority chemicals identified in Section 1 of this bill. Notice of the priority consumer products, basis for selection, and draft schedule for making determinations would be published in the Washington State Register.

(1)(b) By June 1, 2022, and every five years thereafter, Ecology would determine regulatory actions regarding the

priority chemicals and priority consumer products.

(1)(c) By June 1, 2023, and every five years thereafter, Ecology would adopt rules to implement the regulatory actions regarding the priority chemicals and priority consumer products.

(2) By June 1, 2024, and every five years thereafter, Ecology would identify at least five priority chemicals. Notice of the priority chemicals, basis for selection, and draft schedule for making determinations would be published in the Washington State Register.

Section 7 would provide penalties for violations of a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter.

Section 8(2) would require Ecology to adopt rules to implement the determinations of regulatory actions specified in Section 4(1) (a), (b), or (c) of the bill.

Section 9 would amend RCW 70.240.040 to add priority consumer products and priority chemicals to the reporting requirements of the Children's Safe Products Act.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Section 7 provides for penalties of up to \$5,000 for initial violations and up to \$10,000 for subsequent violations for manufacturers in violation of this chapter. Penalties would be deposited in the State Toxics Control Account. Ecology assumes penalties would deter non-compliance and therefore assumes no new penalty revenue would be generated.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

To carry out the requirements of Sections 2 through 9, the Department of Ecology would:

- Publish priority chemicals and priority consumer products, selection criteria, and a schedule in the Washington State Register.
- Identify five priority chemicals (or chemical classes) and two to five priority consumer products per priority chemical in each five year cycle.
- Conduct the work in Section 4 in FY21 in order to complete the rulemaking in Section 5 during FY22 and FY23.
- Receive support from the Department of Health for human health analyses.
- Receive support from the Attorney General's office during regulatory action, rulemaking and enforcement.
- Beginning in FY24 and ongoing Ecology would begin enforcement of product reporting requirements and in FY25 begin enforcement of chemical restrictions.

Section 2 – Identification of Priority Chemicals

Ecology assumes that for the first cycle of priority chemical selection (in FY20), Ecology would evaluate the priority chemical classes identified in Section 1(10) to identify priority chemicals. In FY24 and every five years thereafter, Ecology would identify at least five priority chemicals from regulated chemicals or chemicals that are a concern to sensitive populations or species.

A Toxicologist 3 (Tox3) would develop selection criteria for determining priority chemicals; and apply the

selection criteria to the list of priority chemicals in Section 1(10) in FY20. For FY24 and every five years thereafter, apply the selection criteria to regulated chemicals and conduct research to identify chemicals that are a concern for sensitive populations and species based on chemical hazard traits, toxicological endpoints, aggregate and cumulative effects, fate and degradation, and adverse environmental impact. This work would require 0.30 FTE in FY20 and 1.0 FTE in FY24. The 1.0 FTE would be repeated every five years thereafter.

A Regulatory Analyst 3 (RA3) would assist with selection criteria development for priority chemicals, selection of priority chemicals in Section 1(10), publication of priority chemicals, selection criteria and schedule for making determinations in the Washington State Register in FY20. For FY24 and every five years thereafter, the RA3 would develop and maintain the list of regulated chemicals identified in Section 2(1) and (3); assist with the selection and research to identify priority chemicals, and following priority chemical selection, publish in the Washington State Register notices of chemicals and a schedule. This work would require 0.50 FTE in FY20 and 1.0 FTE in FY24. The 1.0 FTE would be repeated every five years thereafter.

A Community Outreach & Environmental Education Specialist 3 (COEES3) would provide support by developing a communications plan, maintaining an agency website, preparing informative materials, coordinating and communicating with interested parties, publishing information in the Washington State Register, facilitating discussions and meetings for all sections of the bill. This work would require 0.50 FTE in FY20 and be ongoing each year thereafter.

Information Technology Specialist 4 (ITS4) would develop a database for collecting and managing chemical information as well as information reported to Ecology in response to information requests as allowed in Sections 3 and 5. This work would require 0.30 FTE in FY20 and 0.10 FTE in FY21. The 0.10 FTE would be ongoing each year thereafter.

Object E (Goods & Services) would include, via an interagency agreement with DOH, support for human health toxicology and exposure evaluations of priority chemicals. This would require \$57,000 in FY24 and repeat every five years thereafter.

Also, Object E would include costs for Attorney General's Office (AGO) advice regarding identification of at least five additional priority chemicals beyond the first six listed in statute (Section 2). This would require 0.05 Assistant Attorney General (AAG) FTE (\$11,000) in FY24 and repeat every five years thereafter.

Section 3 – Identification of Priority Consumer Products

Ecology assumes that in FY20, Ecology would identify priority consumer products that are a significant source of priority chemicals identified in Section 1(10). In FY25 and every five years thereafter, Ecology would identify priority consumer products that are a significant source of priority chemicals identified in Section 2. For the purposes of this fiscal note, Ecology and Health would evaluate up to five priority consumer products for each priority chemical.

A Tox3 would develop and apply selection criteria for identifying priority consumer products that are a significant source of priority chemicals. This would require research to estimate the potential for exposure by sensitive populations and species to the consumer product, the potential for the priority chemical to be found in the environment when the consumer product is used or disposed. This work would require 0.70 FTE in FY20 and 1.0 FTE in FY25. The 1.0 FTE would repeat every five years thereafter.

An RA3 would conduct research to estimate the volume of priority chemicals in consumer products and sales of

consumer products in Washington; prepare and coordinate requests for manufacturer notices for additional information; review actions taken by Ecology, other states, or nations to regulate priority chemicals in the consumer products; assist with selection criteria development for priority consumer products; ensure publication of priority consumer product, selection criteria and schedule for making determinations in the Washington State Register. This work would require 0.50 FTE in FY20 and 1.0 FTE in FY25 and repeat at 1.0 FTE every five years thereafter.

Object E (Goods & Services) would include, via an interagency agreement with DOH, support for assessing potential for human exposure when a product is used, disposed of or decomposed. This would require \$63,000 in FY20, \$147,000 in FY25. The \$147,000 would repeat every five years thereafter.

Also, Object E would include costs for AGO advice and possible representation at PCHB on enforcement of information requests to manufacturers (Section 3). This would require 0.05 AAG FTE (\$11,000) in FY20 and FY25 and repeat every five years thereafter.

Section 4 – Determine Regulatory Actions

Ecology assumes that in FY21 and every five years thereafter, Ecology would determine the regulatory actions to increase transparency and reduce the use of priority chemicals in priority consumer products. For the purposes of this fiscal note, Ecology and Health would evaluate two regulatory actions for each priority chemical.

A Tox3 would determine when safer alternatives are feasible and available, when a priority chemical is not functionally necessary in a product, and when a priority chemical should be restricted to protect the health of sensitive populations or species. This would require research to estimate the potential for exposure by sensitive populations and species to the consumer product, and the potential for the priority chemical to be found in the environment when the consumer product is used or disposed. This work would require 1.0 FTE in FY21 and repeat every five years thereafter.

An RA3 would conduct market research, prepare orders for manufacturers to submit additional information about products, chemicals, ingredients, exposure or chemical hazard, and chemical function. This position would research restrictions placed by other states or nations on priority chemicals or priority consumer products. This RA3 would support the determination of regulatory actions to increase transparency and reduce the use of priority chemicals in priority consumer products. The position would also participate in the public review process of the regulatory actions. This work would require 1.0 FTE in FY21 and repeat every five years thereafter.

A Chemist 4 (Chem4) would conduct oversight of a contracted alternatives assessment on one priority chemical and priority consumer product combination to determine the availability of safer alternatives. An alternatives assessment would cost \$400,000 and would be conducted once during each five-year cycle. This would require 0.25 FTE each year in FY22 and FY23 to oversee the contracted alternatives assessment and would repeat every five years. The cost of the contracted alternatives assessment would occur in FY22 and FY23 at \$200,000 per year, and repeat every five years thereafter.

Object E (Goods & Services) would include, via an interagency agreement with DOH, support for assessing regulatory actions, evaluating actions necessary to protect human health and evaluations of safer alternatives. This would require \$112,000 in FY21 and repeat every five years thereafter.

Also, Object E would include costs for AGO advice regarding determination of regulatory actions for priority chemicals in priority consumer products (Section 4). This would require 0.05 AAG FTE (\$11,000) in FY21, and

0.1 AAG FTE (\$22,000) in FY22 and repeat on a five year cycle thereafter.

Section 5 - Rulemaking

Ecology assumes it would adopt rules, outlined in section 8, to implement the regulatory actions identified in Section 4. Due to the complex and controversial nature of regulating priority chemicals and priority consumer products, the rulemaking would start in FY22 and conclude in FY23. For the purposes of this fiscal note, regulatory actions on two consumer products would be proposed for adoption in rule for each priority chemical.

An RA3 would be the rulemaking lead, coordinate technical experts, prepare rule language, and lead rule meetings. This work would require 1.0 FTE in FY22 and FY23 and repeat every five years thereafter.

An Environmental Specialist 5 (ES5) would assist with the rulemaking, managing the database, assisting technical experts, assisting with rule language drafting, and attending internal and external rule meetings. This work would require 1.0 FTE in each year, FY22 and FY23 and repeat for two years on a five-year cycle thereafter.

A Tox3 would provide technical expertise regarding regulatory actions recommended for priority chemicals and priority consumer products, assist with rule writing, and participate in rule meetings. This work would require 1.0 FTE in FY22 and FY23 and repeat on a five-year cycle thereafter.

A Chem4 would provide chemical expertise regarding priority chemicals and priority consumer products and recommended regulatory actions, participate in rule writing and rule meetings. This work would require 1.0 FTE in FY22 and FY23 and repeat on a five-year cycle thereafter.

An Economic Analyst 3 (EA3) and a Regulatory Analyst 2 (RA2) would be needed to prepare the cost benefit analysis of the priority chemical and priority consumer product regulatory actions. This work would require 0.25 FTE of an EA3 and 0.10 FTE of a RA2 in both years FY22 and FY23 and repeat on a five-year cycle thereafter.

A COEES 3 would provide support during rulemaking, updating website, assisting with rule materials, coordinating and communicating with interested parties, facilitating discussions and meetings. This work would require 0.50 FTE each fiscal year in FY22 and FY23.

Object E (Goods & Services) would include, via an interagency agreement with DOH, rulemaking support related to human health expertise, support for rule writing, and participation in meetings. This work would require \$18,000 in FY22 and \$20,000 in FY23 and repeat on a five year cycle thereafter.

Also, Object E would include costs for AGO advice on rulemaking to implement regulatory actions (Section 5(1)(c)). This would require 0.1 AAG FTE (\$22,000) in FY23 and repeat on a five-year cycle thereafter.

Section 7 - Enforcement and compliance

Ecology assumes that beginning in FY24 and ongoing Ecology would begin enforcement of product reporting requirements and in FY25 begin enforcement of chemical restrictions. Manufacturers would be required to comply with notification requests and requirements and/or restrictions or prohibitions of priority chemicals in priority consumer products adopted by rule.

An ES5 would coordinate on product testing compliance efforts, work with manufacturers to come into

compliance with regulations adopted in rule, would write notices of correction, notices of violation and orders for compliance. This work would require 1.0 FTE in FY24 and be ongoing.

A Chem4 would manage product testing projects for priority chemicals in priority consumer products to confirm compliance with restrictions. This effort requires development of a quality assurance project plan (QAPP), project management, product sampling and laboratory analysis, data analysis, and report write-up. This work would require 1.0 FTE in FY24 and be ongoing.

A Natural Resource Scientist 2 (NRS2) would assist with product testing projects including development of the QAPP, product sampling, date entry, sampling management, chain of custody, quality control and report review. This work would require 1.0 FTE in FY24 and be ongoing.

Object E (Goods & Services) would include AGO advice and possible representation at PCHB on enforcement of rules addressing priority chemicals in priority consumer products (Section 7). This would require 0.05 AAG FTE (\$11,000) in FY24 and FY25 and repeat on a five-year cycle thereafter.

Product testing for two to three classes of chemicals per biennium is assumed to be required for enforcement of the regulations on priority chemicals and priority consumer products. One product testing study per year would require purchase of 100 products for screening (assume product purchasing costs of \$2,000) and 50 samples submitted for laboratory analysis at an average cost of \$1,000 per sample* (50 x 1000 = \$50,000). For this fiscal note, Ecology assumes a total of \$104,000 for two product testing studies would be required per biennium (\$4,000 for product purchases for testing; and \$100,000 for tests (4 samples x \$1,000 per sample)).

*Note: For the purposes of this fiscal note, an average cost of \$1,000 per sample is used for estimating costs. Laboratory analysis costs range from \$100 per sample for metals analysis, to \$920 per sample for per and poly fluorinated alkyl substances, to \$1,600 per sample for flame retardants. Several analytical methods cost between \$345 and \$460 per sample: phthalates, bisphenol a/bisphenol f/bisphenols, formaldehyde, parabens and nonylphenols. Additional analytical costs include cryomilling (\$115 per sample).

Section 9 – Children’s Safe Products Act (CSPA)

Ecology assumes the following workload and costs for Section 9 that would amend RCW 70.240.040 to add priority chemicals and priority consumer products from this bill to the annual reporting requirements of the Children’s Safe Products Act.

An Environmental Specialist 4 (ES4) would work with manufacturers to provide the notice required under the Children’s Safe Products Act for the priority chemicals and priority consumer products. This effort would require 0.10 FTE per fiscal year starting in FY20 and be ongoing.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 37.1% of salaries.

Contracts include \$200,000 in FY22 and \$200,000 in FY23 for alternative assessment (AA) contract to determine safer alternatives.

Goods and Services are the agency average of \$4,230 per direct program FTE.

Goods and Services also includes:

- Lab materials and testing supplies at \$52,000 in FY24 and \$52,000 in FY25.

-Interagency agreement (IAA) with Department of Health for support to review human health studies at \$63,000 in FY20, \$112,000 in FY21, \$18,000 in FY22, \$20,000 in FY23, \$57,000 in FY24, and \$147,000 in FY25.

-AGO costs at \$11,000 in FY20, \$11,000 in FY21, \$22,000 in FY22, \$22,000 in FY23, \$22,000 in FY24, and \$22,000 in FY25.

Travel is the agency average of \$2,577 per direct program FTE.

Equipment is the agency average of \$1,319 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.7% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT Specialist 2.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
173-1	State Toxics Control Account	State	523,705	542,784	1,066,489	2,223,646	2,036,378
Total \$			523,705	542,784	1,066,489	2,223,646	2,036,378

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	3.3	3.1	3.2	6.7	6.6
A-Salaries and Wages	239,646	223,734	463,380	926,434	895,146
B-Employee Benefits	88,909	83,006	171,915	343,710	332,100
C-Professional Service Contracts				400,000	
E-Goods and Other Services	86,267	134,421	220,688	131,070	400,222
G-Travel	7,475	6,959	14,434	29,896	29,380
J-Capital Outlays	3,827	3,562	7,389	15,304	15,038
9-Agency Administrative Overhead	97,581	91,102	188,683	377,232	364,492
Total \$	523,705	542,784	1,066,489	2,223,646	2,036,378

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
CHEMIST 4	87,793				1.3	1.0
COM OTRCH&ENV ED SPEC3	57,718	0.5	0.5	0.5	1.0	0.5
ECONOMIC ANALYST 3	77,618				0.3	
ENVIRONMENTAL SPEC 4	66,894	0.1	0.1	0.1	0.1	0.1
ENVIRONMENTAL SPEC 5	73,910				1.0	1.0
FISCAL ANALYST 2		0.3	0.3	0.3	0.6	0.6
IT SPECIALIST 2		0.2	0.1	0.2	0.3	0.3
IT SPECIALIST 4	79,553	0.3	0.1	0.2	0.1	0.1
NATURAL RESRCE SCIENTIST 2	62,136					1.0
REGULATORY ANALYST 2	75,683				0.1	
REGULATORY ANALYST 3	85,671	1.0	1.0	1.0	1.0	1.0
TOXICOLOGIST 3	94,560	1.0	1.0	1.0	1.0	1.0
Total FTEs		3.3	3.1	3.2	6.7	6.6

Part IV: Capital Budget Impact

No capital budget impact.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 5 of this bill would require new rules to adopt the regulatory actions identified in Section 4. Section 8(2) would

require Ecology to adopt rules to implement the determinations of regulatory actions specified in Section 4(1) (a), (b), or (c) of the bill. Rulemaking is anticipated to be complex and controversial nature because it relates to regulating priority chemicals and priority consumer products. Rulemaking would start in FY22 and conclude in FY23, and repeat every five years thereafter.