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## Environment & Energy Committee

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### HB 2421

**Brief Description:** Concerning 6PPD and regrettable 6PPD substitutes in tires.

**Sponsors:** Representatives Hall, Berry, Parshley, Zahn, Ramel, Pollet, Reed and Hill.

#### Brief Summary of Bill

- Prohibits 6PPD and regrettable 6PPD substitutes in tires, beginning January 1, 2035.
- Establishes an annually increasing \$3 6PPD mitigation fee on motor vehicle tires with a load rating of up to 2,500 pounds and a 6PPD mitigation fee of \$6 for those with a load rating of over 2,500 pounds, beginning in 2027.

**Hearing Date:** 1/19/26

**Staff:** Jacob Lipson (786-7196).

#### **Background:**

##### 6PPD.

6PPD is used as an antioxidant, antiozonant, and polymer stabilizer for rubber products. Many vehicle tires contain 6PPD to prevent them from breaking down due to reactions with ozone and other compounds. When 6PPD reacts with ozone in the air, it forms 6PPD-quinone (6PPD-q). As tires wear down through contact with roads, 6PPD-q is released. Stormwater can transport 6PPD-q from roads into streams and other water bodies, which may expose aquatic organisms to the particles. Recent scientific literature and studies link Coho salmon mortality to 6PPD-q in stormwater runoff following exposure.

##### 6PPD Under Safer Products for Washington.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The Safer Products for Washington Program (Safer Products) is a 5-year cyclical administrative process for the regulation by the Department of Ecology (Ecology) of priority chemicals in priority consumer products, in consultation with the Department of Health. Under Safer Products, Ecology, in consultation with the Department of Health:

- identifies priority chemicals, in addition to those the Legislature has previously designated as priority chemicals;
- identifies priority consumer products that include priority chemicals; and
- determines one of the following three regulatory actions for the priority chemicals in priority consumer products: (1) that no action is needed; (2) to require manufacturers to provide notice of the use of a chemical; or (3) to restrict or prohibit the manufacture, distribution, sale, or use of a priority chemical in a consumer product.

Certain types of products may not be identified by Ecology as priority consumer products under Safer Products. Motorized vehicles, except for purposes of 6PPD, is among the types of products that Ecology is prohibited from identifying as a priority consumer product. In 2023, 6PPD was designated by the Legislature as a priority chemical and motorized vehicle tires containing PPD that are equipped on or intended to be installed as a replacement tire on a motorized vehicle for on-highway use were designated as priority consumer products. Ecology was directed to determine regulatory actions for motorized vehicle tires containing 6PPD under Safer Products; it has not done so yet, but is scheduled to determine regulatory actions and adopt rules to implement those actions by June, 2028.

#### Tire Fees.

A \$5 per tire fee is imposed on the retail sale of new replacement vehicle tires. This fee is paid by the buyer of the tire to the seller. Vehicle tire sellers are permitted to retain a portion of the fee for costs associated with the proper management of the waste vehicle tires by the retailer. The remaining portion of the fee is paid to the Department of Revenue (Revenue) and may be appropriated to Ecology for cleanup of unauthorized waste tire piles with a distribution to the Motor Vehicle Fund based on fund balance each biennium.

#### **Summary of Bill:**

##### Restrictions on 6PPD and Regrettable 6PPD Substitutes.

Beginning January 1, 2035, the manufacture, sale, and distribution of new tires containing 6PPD or regrettable 6PPD substitutes identified by Ecology by rule is prohibited. In adopting rules, Ecology must consider information generated by other states or nations to identify regrettable 6PPD substitutes, and must, at minimum, identify as a regrettable 6PPD substitute any alternative that is evaluated under Safer Products and determined not to be a safer alternative to 6PPD.

Ecology may adopt rules to implement, administer, and enforce requirements related to 6PPD and regrettable 6PPD substitutes in tires. Violations are subject to civil penalties of up to \$5,000 for a first offense and \$10,000 for repeat offenses. Penalties are appealable to the Pollution Control Hearings Board and must be deposited in the Model Toxics Control Operating Account.

The restrictions on 6PPD and regrettable 6PPD substitutes in tires do not limit the authority of Ecology under Safer Products.

6PPD Mitigation Fee on Vehicle Tires.

A 6PPD mitigation fee on new replacement vehicle tires containing 6PPD is imposed, beginning January 1, 2027. For tires with a rating of up to 2,500 pounds, the 6PPD mitigation fee is \$3, and for tires with a weight rating of 2,500 pounds, or more, the 6PPD mitigation fee is \$6. The 6PPD mitigation fees increase by 10 percent per year, relative to the amount of the fee the previous calendar year. Certain tires, such as those provided as a component of a new motor vehicle or under a warranty, are exempted from the 6PPD mitigation fees.

The 6PPD mitigation fee is separate from and in addition to the \$5 vehicle tire fee, but, like the \$5 tire fee, is collected from the seller of the tire. However, unlike the \$5 vehicle tire fee, the seller may not collect the 6PPD mitigation fee from the buyer, charge it as a separate line item at the point of sale, or display the fee on a receipt provided to a customer. A person may certify that a tire is 6PPD free to Ecology, based on tire manufacturer testing or supply chain documentation. Revenue may determine that a tire contains intentionally-added 6PPD if it has not been certified as 6PPD-free. Ecology may require recertification of a tire and conduct periodic testing of tires certified to be 6PPD-free. Ecology must maintain and publish on its website a list of certified 6PPD-free tires that are not subject to the 6PPD mitigation fee.

The 6PPD mitigation fee must be deposited in a 6PPD Mitigation Account, to be used for Revenue's administrative costs, the costs of Ecology related to 6PPD and regrettable 6PPD substitutes under Safer Products, and Ecology's costs to implement the new restrictions on 6PPD and regrettable 6PPD substitutes taking effect in 2035. Money in the 6PPD Mitigation Account may also be used for monitoring and sampling activities related to 6PPD-q contamination in stormwater, surveying salmonid-spawning waterbodies for prespawn mortality related to 6PPD-q, other activities related to assessing the impacts of 6PPD-q on aquatic species, and on waste tire removal activities, including management of illegally dumped tires in urban areas or in communities with proximity to fish bearing streams.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2026.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.