EXECUTIVE ORDER 04-01

PERSISTENT TOXIC CHEMICALS

WHEREAS, persistent, toxic chemicals, such as mercury, dioxin, and polychlorinated biphenyl (PCBs), are toxic in small amounts, remain in the environment for long periods of time, and build up in humans, fish and animals; and

WHEREAS, persistent, toxic chemicals are passed from one generation to another in the womb and through breast milk; and

WHEREAS, persistent, toxic chemicals have been linked to birth defects, reproductive failure, cancer, learning and behavioral problems in young children, and other health problems; and

WHEREAS, hundreds of water bodies in Washington fail to meet water quality standards for pollution, including persistent, toxic chemicals; and

WHEREAS, the Washington State Department of Health (DOH) and local health jurisdictions have issued fish consumption advisories for 13 water bodies because of high levels of toxic chemicals; and

WHEREAS, DOH has issued a statewide advisory for mercury in bass and other fish; and

WHEREAS, persistent, toxic pollution harms fish and other wildlife, including Puget Sound orca whales, which have become one of the most contaminated marine mammals in the world, in part because of PCBs that have concentrated in the Puget Sound food chain; and

WHEREAS, the state of Washington has developed a groundbreaking strategy to phase out existing sources of persistent, toxic chemicals, clean up historical sources, and prevent new sources; and

WHEREAS, the Governor's Sustainable Washington Advisory Panel has recommended that the state phase out the purchase of goods with persistent bioaccumulative toxic (PBT) materials; and

WHEREAS, the Department of Ecology has developed a plan to reduce and eliminate sources of mercury pollution in Washington;

NOW THEREFORE, I, Gary Locke, Governor of the state of Washington, declare my commitment to phasing out persistent, toxic pollution in Washington State and hereby order and direct the following:

1. The Department of Ecology, in consultation with the Department of Health, shall:
    a. Move forward immediately in developing a chemical action plan that identifies actions the state may take to reduce threats posed by persistent, toxic chemicals found in flame retardants, known as polybrominated diphenyl ether (PBDEs), and recommend actions by December 1, 2004.

b. Begin implementing the plan no later than July 1, 2005.

2. The Department of Ecology shall implement the mercury chemical action plan to the extent that funding is provided for this purpose.
3. The Department of Ecology shall establish, through rule, specific criteria for use in identifying persistent, toxic chemicals that pose human health or environmental impacts in Washington State, and a clear process for developing chemical action plans to address those impacts.
4. The Department of Ecology shall continue using its existing programs and authorities to reduce persistent, toxic chemicals over time.
5. The Department of General Administration's Office of State Procurement shall make available for purchase and use by all state agencies equipment, supplies, and other products that do not contain persistent, toxic chemicals unless there is no feasible alternative. In circumstances where a product that does not contain persistent, toxic chemicals is not available, preference shall be given to the purchase of products that contain the least amount of persistent, toxic chemicals.
6. Each state agency, as part of its Sustainability Plan, shall adopt measures to reduce the use of equipment, supplies, and other products that contain persistent, toxic chemicals. Agencies shall report annually on progress in meeting these measures as part of their Sustainability Plan as required under Executive Order 02-03.

This executive order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be Affixed at Olympia this 28th day of January A.D., Two thousand four. Additional

GARY LOCKE
Governor of Washington

BY THE GOVERNOR:
Secretary of State