January 27, 2026

Senate Energy, Environment, and Technology Committee
Attn: Alicia Kinne-Clawson
416 Sid Snyder Ave SW
Olympia, WA 98504

Re: SB 6284 – "Relating to regulating high-risk artificial intelligence system development, deployment, and use" (Oppose)

Dear Chair Shewmake, Ranking Member Boehnke, and Members of the Senate Energy, Environment, and Technology Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write in respectful opposition to SB 6284 in advance of the Senate Energy, Environment, and Technology Committee hearing on January 27, 2026. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.[1] Proposed regulations on the interstate provision of digital services, therefore, can have a significant impact on CCIA members.

The Association's members have engaged in advancing ethical AI by establishing and implementing proprietary responsibility frameworks, conducting academic research that promotes privacy-by-design, and safeguarding AI against motivated attackers seeking to extract training data. CCIA understands lawmakers' concerns regarding the potential risks posed by artificial intelligence systems and looks forward to working with the Legislature to find reasonable solutions, but the bill raises the following concerns:

SB 6284's Definitions Would Create Uncertainty and Risk.

As currently written, SB 6284 does not provide definitions that are clear enough to enable businesses to ensure they are in compliance. The definition of 'high-risk artificial intelligence system' is excessively broad, inadvertently subjecting a wide range of standard business operations to heavy regulation. Because the scope for being a "substantial factor" is set so low, standard AI models may easily fall under this classification. This overbreadth generates significant legal uncertainty, leaving organizations unclear as to whether their routine use of AI triggers the proposal's strict compliance mandates.

The interplay between "substantial factor" and the subjective elements of "principal basis" creates significant compliance burdens that are difficult to mitigate. The undefined term "meaningful consideration" creates ambiguity regarding the required level of human oversight. Furthermore, the definition of "substantial factor" is so broad that it could capture any AI output assisting a decision, regardless of human intervention. Collectively, these expansive

[1] For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than $100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at https://www.ccianet.org/members.

definitions inadvertently extend the legislation's scope to AI models it was not intended to regulate.

For example, if a recruiter were to utilize AI to sort resumes while using human decision-making in the rest of the hiring process, would AI be a "substantial factor"? The bill is unclear. This vagueness will cause a chilling effect, forcing companies to abandon useful technology to avoid litigation. The resulting compliance costs for developers and deployers will make doing business in Washington more expensive and less innovative.

Mandatory Impact Assessments Will Harm Small Businesses and Washington's Innovation Economy.

Impact assessments, especially at the frequency required by SB 6284, are expensive, time-consuming exercises that overburden burgeoning startups. This creates a "compliance moat" that protects larger, more established incumbents while bankrupting startups that cannot afford the tremendous compliance cost to write a risk report for every software update. Requiring an assessment before deployment and after any "intentional and substantial modification" slows down the iterative nature of software development, where updates happen weekly or daily. These requirements will raise costs substantially in both the developer and deployer space, leading to less innovation in the state.

SB 6284's Provisions Are Impractical and Technically Infeasible.

In Section 3 of the bill, deployers of artificial intelligence systems are required to provide notice to any consumer "interacting" with such a system. This legislation creates an unworkable framework that is operationally impossible for any entity larger than a small business. First, it mandates prior notice for AI tools that are often used to find candidates, creating a paradox where employers must notify people they haven't identified yet. Second, the post-decision requirements are equally unfeasible.

As currently drafted, an employer would be required to send a detailed, personalized notice to every single individual in a database, on a job board, or found online who was not selected. For staffing agencies, this means generating thousands of notifications for people who never applied, and may not even know the job exists, every time a search is conducted. This creates an unmanageable administrative burden that would effectively debilitate high-volume hiring.

Other States Have Recognized Ongoing Concerns With These Approaches.

In 2024, Colorado enacted legislation that mirrors the language in SB 6284. While SB24-205[2] was signed by Governor Jared Polis, he explicitly warned in his signing statement that the law "creates a complex compliance regime" and asked lawmakers and stakeholders to "finetune the provisions and ensure that the final product does not hamper development and expansion of new technologies".[3] He admitted being concerned about the impact on the industry and

[2] S.B. 24-205, 74th Gen. Assemb., Reg. Sess. (Colo. 2024)
[3] Letter from Gov. Polis to the Colorado General Assembly regarding Senate Bill 24-20. (May 17, 2024), *available at* https://drive.google.com/file/d/1i2cA3IG93VViNbzXu9LPgbTrZGqhyRgM/view.

noted that the state puts itself at a competitive disadvantage by moving before the federal government.

Colorado attempted to amend the regulation this past year in a special legislative session, but was unable to come to a substantive agreement on how to appropriately amend the law, leading to another extension of an already two-year-long implementation deadline. Effective AI regulation is a complicated undertaking that requires broad-based collaboration to ensure viable adoption.

The Bill's Private Right of Action Is Likely to Result in Lawsuits, Questionable Claims, and Exorbitant Statutory Damages.

SB 6284 permits "any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality" to bring legal action against a wide range of operators that have been accused of violating new regulations. This includes "any person doing business in Washington that deploys or uses a high-risk artificial intelligence system to make a consequential decision" or "any person doing business in Washington that develops or intentionally and substantially modifies a high-risk artificial intelligence system that is offered, sold, leased, given, or otherwise made available to deployers or consumers". Given the subjective nature of the definitions provided in the bill, it would create huge liability concerns for entities operating in Washington.

Although SB 6284 does include an affirmative defense if violations are promptly cured, there are still serious concerns with the text. By creating a new private right of action, the measure would open the doors of Washington's courthouses to plaintiffs advancing claims with little evidence of actual injury. As lawsuits prove extremely costly and time-intensive, it is foreseeable that these costs would be passed on to individuals in Washington, disproportionately impacting smaller businesses and startups across the state.[4]

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We encourage Committee members to resist advancing legislation that is not adequately tailored and discourages innovation. We appreciate the Committee's consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Aodhan Downey
State Policy Manager, Western Region
Computer & Communications Industry Association

[4] Trevor Wagener, *State Regulation of Content Moderation Would Create Enormous Legal Costs for Platforms*, Broadband Breakfast (Mar. 23, 2021), https://broadbandbreakfast.com/trevor-wagener-state-regulation-of-content-moderation-would-create-enormous-legal-costs-for-platforms/.