



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-337 WAC

Safer Products Restrictions and Reporting

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This document is available on the Department of Ecology's website at:

<https://apps.ecology.wa.gov/publications/summarypages/2304034.html>

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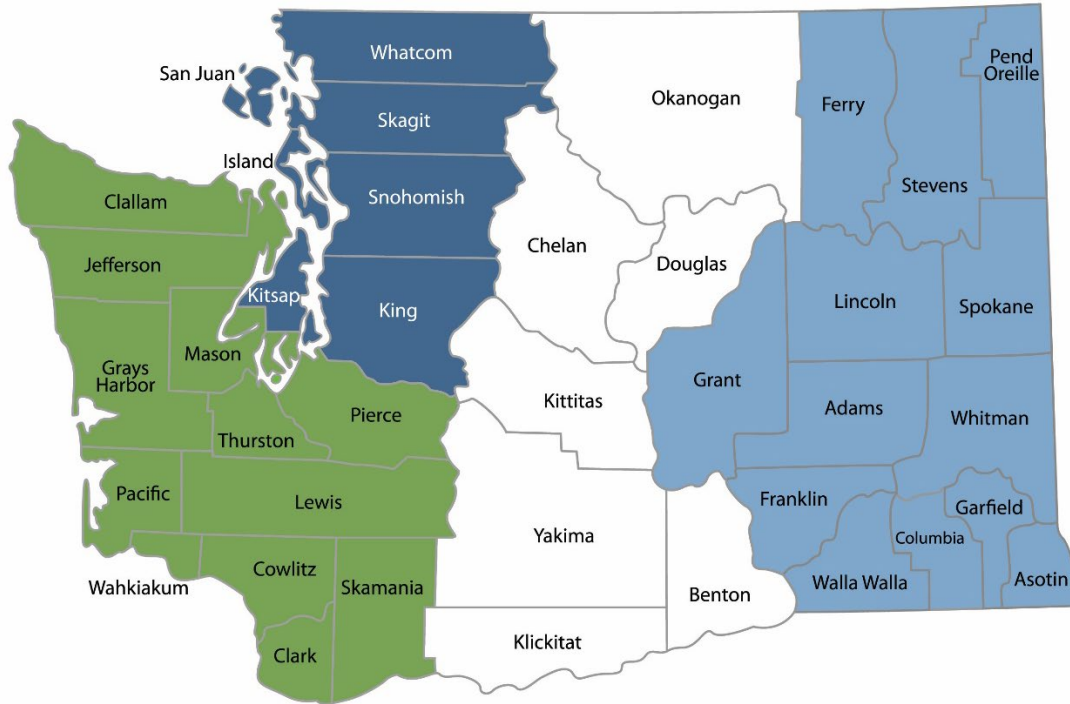
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¹ www.ecology.wa.gov/contact

² www.ecology.wa.gov/accessibility

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

Rule Implementation Plan

Chapter 173-337 WAC

Safer Products Restrictions and Reporting

Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
Olympia, Washington

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Introduction

The Washington State Department of Ecology (Ecology, we) developed this Rule Implementation Plan to:

- Comply with agency requirements and with section of the [Administrative Procedure Act](#) (APA)³ that requires agencies to prepare a Rule Implementation Plan ([RCW 34.05.328](#)⁴).
- Inform people how Ecology intends to:
 - Implement and enforce the rule.
 - Inform and educate entities affected by the rule.
 - Promote and assist voluntary compliance for the rule.
 - Evaluate the rule.
 - Train, inform, and support Ecology staff.

This Rule Implementation Plan provides information on the rule adoption for:

Title: Safer Products Restrictions and Reporting
WAC chapter: 173-337
AO#: 21-01
Adopted: May 31, 2023
Effective: July 1, 2023

This Rule Implementation Plan also includes:

- Supporting documents that we may need to write or revise because of the new rule or amended rule.
- Other resources where you can find more information about the rule.
- Contact information for Ecology employees who can answer questions about the new rule and this plan.

³ <https://app.leg.wa.gov/rcw/default.aspx?cite=34.05>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

Overview of this rulemaking

On November 17, 2021, we [announced the start of rulemaking](#)⁵ to develop a new chapter in the Washington Administrative Code. In [January](#)⁶ and [June](#)⁷ of 2022, we hosted four webinars to share information about the rulemaking process and invited the public to inform draft rule requirements. We used feedback from webinar attendees and stakeholder meetings to develop a [preliminary draft rule](#).⁸ In August 2022, we shared the preliminary draft rule with the public, provided a 20-day informal comment period, and hosted two [webinars](#).⁹

On December 7, 2022, we proposed the [formal draft rule](#)¹⁰ and shared rulemaking documents including the [Preliminary Regulatory Analyses](#)¹¹ and the [SEPA Determination of Nonsignificance](#).¹² We accepted formal comments on the formal draft rule from December 7, 2022, through February 5, 2023. During the 60-day public comment period, we received a total of 954 comment submissions on the formal draft rule including [verbal testimony](#)¹³ provided during the two [January hearings](#).¹⁴ We used that feedback to develop the adopted rule, this Concise Explanatory Statement, and the [Final Regulatory Analyses](#).¹⁵

Ecology's director Laura Watson signed and adopted the new chapter on May 31, 2023.

Safer Products for Washington program

This rulemaking is Phase 4 in a repeating four-phase cycle that started four years ago under the [Safer Products for Washington program](#).¹⁶ In 2019, the Washington State Legislature passed the Pollution Prevention for Healthy People and Puget Sound Act to

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/November2021_RulemakingAnnouncement.pdf

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/January2022_PublicInputMeeting_Presentation.pdf

⁷ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/June_2022_Webinar_Presentation.pdf

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/PreliminaryDraftRuleLanguage_Cycle1_August2022.pdf

⁹ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/August_2022_Webinar_Presentation.pdf

¹⁰ https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/HWTR/WAC173-337_-21-01/Rulemaking-proposed-language-WAC-173-337-12-07-22

¹¹ <https://apps.ecology.wa.gov/publications/SummaryPages/2204042.html>

¹² <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202206037>

¹³ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Proposed_Chapter_173-337WAC_Hearing_Transcript.pdf

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/January_2023_Webinar_Presentation.pdf

¹⁵ <https://apps.ecology.wa.gov/publications/summarypages/2304032.html>

¹⁶ <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

make consumer products safer for people and the environment. It marks a major milestone in how we prevent pollution from chemicals in everyday products, and it's one of the strongest laws on toxic chemicals in the nation.

[Chapter 70A.350 RCW](#)¹⁷ gives us broad authority over toxic chemicals in the products people use every day in our homes, schools, and businesses. The law gives us authority to restrict chemicals in products when safer alternatives exist. This authority uniquely allows us to:

- Adopt restrictions through rulemaking instead of through statute—providing more opportunities for public involvement.
- Apply restrictions to a class of chemicals instead of restricting one chemical at a time.

The first cycle of [Chapter 70A.350 RCW](#)¹⁷ requires we:

- Identify priority consumer products that are a significant source or use of priority chemicals and report to the Legislature. We submitted the [Priority Consumer Products Report](#)¹⁸ to the Legislature in July 2020.
- Create a stakeholder advisory process. We established this process in 2019, documented the [Stakeholder Engagement Process](#)¹⁹ in March 2020, and updated it in October 2021.
- Determine regulatory actions to increase transparency in product ingredients and reduce the use of priority chemicals in priority consumer products. We submitted the [Regulatory Determinations Report](#)²⁰ to the Legislature in June 2022.
- Adopt rules by June 1, 2023, that implement the regulatory actions reported to the Legislature.

¹⁷ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350&full=true>

¹⁸ <https://apps.ecology.wa.gov/publications/summarypages/2004019.html>

¹⁹

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Stakeholder_Engagement%20_Process.pdf

²⁰ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

Implementation and Enforcement

Overview of the rule

Chapter 173-337 WAC—Safer Products Restrictions and Reporting, establishes a regulatory program to reduce toxic chemicals in consumer products and increase product ingredient transparency. The [new chapter](#)²¹ becomes effective on July 1, 2023.

The rule:

- Requires reporting for four chemical-product combinations.
- Establishes restrictions or numeric limits for ten chemical-product combinations.
- Establishes a process for manufacturers to request an exemption from rule requirements.
- Exempts repair parts and replacement parts so people can extend the life of old priority consumer products.
- Restricts a person from selling a previously owned priority consumer product they know violates a restriction.

Requirements timeline

The first restrictions in the new chapter take effect on January 1, 2025, and the first reporting deadline is January 31, 2025. The rule also includes additional restrictions that take effect at various times, as shown below.

Jul. 1, 2023	Chapter 173-337 WAC becomes effective.
Jan. 1, 2024	Regulated entities required to comply with reporting requirements start tracking certain intentionally used priority chemicals in certain priority consumer products. This applies to: <ul style="list-style-type: none">▪ PFAS in leather and textile furniture and furnishings intended for outdoor use.▪ Organohalogen flame retardants in electric and electronic products with plastic external enclosures, intended for outdoor use.▪ Flame retardants as listed in WAC 173-337-112(3)(c)(i) in recreational covered wall padding made from polyurethane foam.▪ Bisphenols in food cans.
Jan. 1, 2025	The restriction of intentionally added PFAS in aftermarket stain- and water-resistance treatments takes effect.

²¹ https://www.ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/HWTR/WAC173-337_-21-01/CR-103/Adopted-rule-language-WAC-173-337

	The restriction of intentionally added PFAS in carpets and rugs takes effect.
	The restriction of intentionally added ortho-phthalates in fragrances in beauty products and personal care products takes effect.
	The restriction of 1,000 ppm ortho-phthalates in vinyl flooring takes effect.
	The restriction of intentionally added organohalogen flame retardants in electronic displays and televisions in the “electric and electronic products with plastic external enclosures, intended for indoor use” product category, takes effect.
	The restriction of flame retardants listed in WAC 173-337-112(4)(c)(i) in other recreational products made from polyurethane foam takes effect as defined in WAC 173-337-112(a).
	The restriction of 1,000 ppm alkylphenol ethoxylates in laundry detergent takes effect.
	The restriction of bisphenols in drink cans takes effect.
Jan. 31, 2025	Deadline for regulated entities required to comply with reporting requirements to submit their notification to Ecology.
Jan. 1, 2026	The restriction of intentionally added PFAS in in leather and textile furniture and furnishings intended for indoor use takes effect.
	The restriction of intentionally added bisphenols in thermal paper takes effect.
Jan. 1, 2027	The restriction of intentionally added organohalogen flame retardants in electric and electronic products with plastic external enclosures, intended for indoor use, for Group 1 entities, takes effect.
Jan. 1, 2028	The restriction of intentionally added organohalogen flame retardants in electric and electronic products with plastic external enclosures, intended for indoor use, for Group 2 entities, takes effect.

Ecology resources

Ecology staff will support the regulated entities as they prepare to comply with the requirements in the new chapter. Our primary focus is on outreach and education. We intend to provide technical support, educational material, and training to inform entities affected by the rule.

We will prioritize tasks to implement the new chapter, such as informing stakeholders and developing educational material, and will continue collaborating with regulated entities, stakeholders, and the public.

We will also collaborate and co-develop approaches to equitable and meaningful community engagement with overburdened communities, vulnerable populations, Tribes and Indigenous communities, and others. We will pursue processes that facilitate and support the inclusion of overburdened communities and reduce barriers in equitable participation. We intend to use their input to inform decision-making and determine compliance approaches.

We will designate a notification database for regulated entities to submit annual notifications to Ecology. In addition to providing technical support, we intend to share helpful information on our website explaining:

- Who needs to submit a notification.
- When notifications are due.
- What information they need to include in the notification.
- How to submit a notification.
- Frequently asked questions.

Informing staff

Ecology staff responsible for implementing the new chapter contributed to the development of the adopted rule. Staff who will interact with entities affected by the new chapter will be prepared to answer questions about the requirements of the chapter. Staff can also direct entities to our webpages and resources supporting compliance.

We hope to update staff in the Hazardous Waste and Toxics Reduction Program and throughout Ecology about the requirements in the new chapter and those affected by the chapter. During Cycle 1 of the Safer Products for Washington program, including this rulemaking, we provided many updates via agency All Staff meetings and Inside Ecology articles. We hope to continue sharing updates via these avenues. Additionally, staff can receive information about the new chapter during staff trainings, team meetings, the Ecology website, and Ecology's SharePoint site.

Supporting documents and resources

Throughout Cycle 1 of the Safer Products for Washington program, we provided many resources on multiple webpages. As we receive feedback from the regulated entities, stakeholders, and other interested parties, we will improve existing tools and develop new ones.

Existing resources:

- Webpages:
 - [Safer Products for Washington program webpage](https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington)²²

²² <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

- [Safer Products for Washington stakeholder webpage](#)²³
- [Safer Products for Washington rulemaking webpage](#)²⁴
- Webinars (24 webinars from 2019 to 2023):
 - Ecology documented feedback and presented to webinar attendees in real-time
 - Visit the [Safer Products for Washington stakeholder webpage](#)²⁵ to find resources related to these events, such as question and answers, presentation slides, and attendee lists
- Stakeholder updates via the [Safer Products for Washington email list](#)²⁶
- Focus sheets and public outreach materials, including:
 - Blog posts
 - Social media content
 - Infographics
 - Videos in [English](#)²⁷ and [Spanish](#)²⁸
 - A storymap in English and Spanish
 - Articles in trade journals

Find these resources on the [Safer Products for Washington stakeholder webpage](#).²⁵

- [Stakeholder Engagement Process](#) (2020)²⁹ and [updated](#) (2021)³⁰
- [Survey responses](#) (2022)³¹—we discuss the results of the public survey in videos in [English](#)³² and [Spanish](#)³³
- [Regulatory Determinations Report](#) (2022)³⁴

²³ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

²⁴ <https://ecology.wa.gov/SPWARule>

²⁵ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

²⁶ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_113

²⁷ <https://youtu.be/FmnKPbiocHs>

²⁸ <https://youtu.be/453Gu1Xmtnc>

²⁹

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Stakeholder_Engagement%20_Process.pdf

³⁰

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Updated2021_Stakeholder_Engagement_Process.pdf

³¹ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/2022_CompleteSurveyResponses.pdf

³² <https://youtu.be/IHFEK0bf4Ns>

³³ <https://youtu.be/lug8tD568Q0>

³⁴ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

- [Working Draft Criteria for Safer](#) (2021)³⁵
- [Working Draft Criteria for Feasible and Available](#) (2021)³⁶
- [Priority Consumer Products Report](#) (2020)³⁷

Potential resources to develop:

- Update information on webpages:
 - [Safer Products for Washington program webpage](#)³⁸
 - [Safer Products for Washington stakeholder webpage](#)³⁹
 - [Safer Products for Washington rulemaking webpage](#)⁴⁰
- Webinars
- Educational videos
- Guidance document
- Q&A documents
- Focus sheets
- Stakeholder updates via the [Safer Products for Washington email list](#)⁴¹
- Public outreach materials, including blog posts, social media content, and infographics
- Public surveys
- Engagement workshops with community-based organizations and the public

Enforcement

Chapter 173-337 WAC establishes a regulatory program to reduce the use of toxic chemicals in consumer products and to increase product ingredient transparency in consumer products. The new chapter:

- Requires manufacturers report the intentional use of certain priority chemicals in priority consumer products.

³⁵

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/SaferProductsWA_WorkingDraftCriteria_Safer.pdf

³⁶

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/SaferProductsWA_WorkingDraftCriteria_FeasibleAvailable.pdf

³⁷ <https://apps.ecology.wa.gov/publications/summarypages/2004019.html>

³⁸ <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

³⁹ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

⁴⁰ <https://ecology.wa.gov/SPWARule>

⁴¹ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_113

- Restricts the manufacture, sell, or distribution of certain priority consumer products that contain an intentionally used or, in some cases, a concentration of, a priority chemical.

To support compliance, Ecology staff will:

- Monitor compliance with the reporting requirements. We will review the annual notifications for accuracy, completeness, and timeliness. We will also determine if an entity subject to the notification requirement failed to submit a notification. We will accomplish this by periodically testing applicable priority consumer products to see if the restricted priority chemical is present.
- Oversee compliance with the restrictions. We will periodically conduct product testing to determine if priority consumer products comply with the restrictions. To reduce disproportionate exposures, we will prioritize priority consumer products:
 - More commonly used by overburdened communities and vulnerable populations, such as food and drink cans.
 - Marketed towards people of color, such as personal care products.
- Assess the statements submitted by regulated entities to rebut a presumption about a restriction or reporting requirement. We will review the information submitted with the statement and will work with the regulated entity to maintain or achieve compliance.
- Evaluate the requests for exemptions. We will present the information to Ecology's director or their designee, and they will make a determination about the request.
- Develop a guidance document intended to provide regulated entities with more detail on items less defined in the rule, such as exemption and confidential business information (CBI) requests.

We anticipate compliance and intend to support a regulated entity's efforts to comply with the requirements in the chapter. If efforts are unsuccessful and enforcement actions are necessary, violations of Chapter 173-337 WAC are subject to the enforcement and penalty sanctions of [Chapter 70A.350 RCW](#).⁴²

⁴² <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350&full=true>

Informing and Educating Entities Affected by the Rule

The adopted rule is the result of a robust public outreach and involvement effort spanning four years. The following list includes examples of outreach methods and involvement opportunities we used to implement the Safer Products for Washington program and throughout the rulemaking. We intend to use similar outreach methods and involvement opportunities to implement the new chapter and support compliance efforts.

- Websites:
 - [Safer Products for Washington program webpage](#)⁴³
 - [Safer Products for Washington stakeholder webpage](#)⁴⁴
 - [Safer Products for Washington rulemaking webpage](#)⁴⁵
- Webinars (24 webinars from 2019 to 2023).
 - Ecology documented feedback and presented to webinar attendees in real-time
 - Visit the [Safer Products for Washington stakeholder webpage](#)⁴⁶ to find resources related to these events, such as question and answers, presentation slides, and attendee lists
- Announcements via the [Safer Products for Washington email list](#)⁴⁷
- Focus sheets and public outreach materials, including:
 - Blog posts
 - Social media content
 - Infographics
 - Videos in [English](#)⁴⁸ and [Spanish](#)⁴⁹
 - A storymap in English and Spanish
 - Articles in trade journals

Find these resources on the [Safer Products for Washington stakeholder webpage](#).²⁵

⁴³ <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

⁴⁴ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

⁴⁵ <https://ecology.wa.gov/SPWArule>

⁴⁶ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

⁴⁷ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_113

⁴⁸ <https://youtu.be/FmnKPbiocHs>

⁴⁹ <https://youtu.be/453Gu1Xmtnc>

- A public survey from November 2021 to January 2022, asking communities about harmful chemicals in consumer products:
 - We received nearly 400 responses, almost two percent of them in Spanish
 - 95% of respondents said, “Yes, I am concerned about harmful chemicals in products”
 - We discuss the results of the public survey in videos in [English](#)⁵⁰ and [Spanish](#)⁵¹
- An engagement workshop with community-based organizations and the public
- Public comment periods:
 - [Draft Priority Consumer Products Report](#) (January 2020)⁵²
 - [Working Draft Criteria for Safer](#) (February 2021)⁵³
 - [Working Draft Criteria for Feasible and Available](#) (February 2021)⁵⁴
 - [Draft Regulatory Determinations Report](#) (November 2021)⁵⁵
 - [Preliminary draft rule](#) (August 2022)⁵⁶
 - [Proposed formal draft rule](#) (December 2022)⁵⁷

Audiences

The new chapter could directly affect:

- Businesses and industry representatives.
 - Small-scale and large-scale manufacturers.
 - Retail and wholesale sellers.
 - Distributors.

⁵⁰ <https://youtu.be/IHFEK0bf4Ns>

⁵¹ <https://youtu.be/lug8tD568QO>

⁵²

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Draft_Report_Priority_Consumer_Products.pdf

⁵³

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/SaferProductsWA_WorkingDraftCriteria_Safer.pdf

⁵⁴

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/SaferProductsWA_WorkingDraftCriteria_FeasibleAvailable.pdf

⁵⁵ <https://apps.ecology.wa.gov/publications/documents/2104047.pdf>

⁵⁶

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/PreliminaryDraftRuleLanguage_Cycle1_August2022.pdf

⁵⁷ https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/HWTR/WAC173-337_-21-01/Rulemaking-proposed-language-WAC-173-337-12-07-22

- Industry associations and lobbyists.
- Consumers and other members of the public, especially underserved communities.
- Community-based organizations, especially those serving populations disproportionately exposed to toxic chemicals.
- Tribes, Tribal organizations, and Indigenous people.

The new chapter could interest:

- Legislators.
- Environmental advocacy groups and non-governmental organizations.
- Media outlets and reporters, especially environmental and state government reporters.
- Washington state government agencies (Department of Health, Department of Commerce, Department of Enterprise Services, local governments, local health departments, and school districts).
- Government agencies in other states, at the federal level, and in other nations.
- Others associated with regulated entities.
 - Wastewater treatment plants and discharge permittees.
 - Biosolids producers and users of biosolids like agriculture and forestry industries.
 - Recycling facilities.
 - Solid waste landfills.
 - Businesses relying on recycled materials.
 - Hospitals and the medical community.

Strategies for informing audiences

Throughout the effort to adopt the new chapter, we encouraged stakeholders and other interested parties to participate and share their ideas. In an earlier section, we included examples of outreach methods and involvement opportunities we used to inform and involve stakeholders and other interested parties. We intend to use similar tools and approaches to inform audiences and involve interested parties.

Our goals for informing and involving audiences include:

- Creating tailored, unique messages spanning communication channels and formats to share frequent, transparent updates with regulated entities, stakeholders, and the public.
- Providing multiple opportunities and many ways for audiences to communicate with us.

- Identifying and implementing ways to reach underserved communities. Especially the communities who we struggle to reach using traditional communication channels.

We intend to use a combination of traditional strategies and new technologies to inform and involve audiences, such as:

- Providing information, tools, and resources to support regulated entities, supporting industries, the public, and Ecology staff involved in the implementation of the new chapter.
- Developing social media updates and blog posts.
- Providing useful information on our website so industry websites can use and link to accurate and current information.
- Developing and maintaining communication materials so audiences are aware of the new chapter and the Safer Products for Washington program.

Immediately following rule adoption, we will inform the public and those potentially affected by the rule by:

- Posting the adopted chapter, this rule implementation plan, the Concise Explanatory Statement, and the Final Regulatory Analyses on the following webpages.
 - [Safer Products for Washington program webpage](#).⁵⁸
 - [Safer Products for Washington stakeholder webpage](#).⁵⁹
 - [Safer Products for Washington rulemaking webpage](#).⁶⁰
- Distributing email notices via the [Safer Products for Washington email list](#).⁶¹
- Sending notices to those who provided formal comment and/or attended a hearing during this rulemaking.

⁵⁸ <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

⁵⁹ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

⁶⁰ <https://ecology.wa.gov/SPWArule>

⁶¹ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_113

Promoting and Assisting Voluntary Compliance

We will work with regulated entities to support their compliance efforts. Examples of support include providing technical assistance, educational videos, handouts, infographics, and virtual training.

We will also strive to collaborate and co-develop approaches to equitable and meaningful engagement with overburdened communities, vulnerable populations, Tribes and Indigenous communities, and others. We intend to use their input to inform decision-making and determine compliance approaches.

We may conduct surveys to assess the satisfaction with rule requirements and to identify areas that need further attention. We can ask for input about:

- Whether entities affected by the rule are familiar with the rule and are in compliance.
- Whether our educational materials—webpages, information, videos, posters, and handouts—are easy to use and understand, and meet the needs of regulated entities and Ecology staff.
- Which additional tools are needed.
- What, if any, rule changes are needed.

We can use this information to develop tools to better support voluntary compliance. For instance, tools that promoted voluntary compliance for other environmental regulations include:

- Maintaining a tracking system for suggestions for improving regulations. Ecology staff, regulated entities, stakeholders, and members of the public provide comments that future rulemaking teams consider when revising rules.
- Regularly updating staff about new and revised rules.
- Developing resource documents about new and revised rules.
- Hosting webinars and creating educational videos.

Evaluating the Rule

We adopted Chapter 173-337 WAC to establish a regulatory program to reduce the use of toxic chemicals in consumer products and to increase product ingredient transparency in consumer products. To accomplish this, the new chapter:

- Requires manufacturers report the intentional use of certain priority chemicals in priority consumer products.
- Restricts the manufacture, sell, or distribution of certain priority consumer products that contain an intentionally used or, in some cases, a concentration of, a priority chemical.

To evaluate whether the new chapter achieves the intent, we will:

- Monitor compliance with the reporting requirements. We will review the annual notifications for accuracy, completeness, and timeliness. We will also determine if a person subject to the notification requirement failed to submit a notification. We will accomplish this by testing applicable priority consumer products to see if the restricted priority chemical is present. We will track the number of non-compliant notifications to see if the number decreases over time.
- Oversee compliance with the restrictions. We will conduct product testing to determine if priority consumer products comply with the restrictions. We will track the number of non-compliant priority consumer products to see if the number decreases over time.
- Assess the statements submitted by regulated entities to rebut a presumption about a restriction or reporting requirement. We will track the number of statements submitted to see if the number decreases over time. We will also track the outcome of each statement to see if we need to change requirements in future rulemakings.
- Evaluate the requests for exemptions and track the amount received to see if the number decreases over time. We will also track the outcome of each exemption request to see if we need to change requirements in future rulemakings.
- Seek input from regulated entities, professionals who support regulated entities, the public, overburdened communities, vulnerable populations, Tribes and Indigenous communities, and others.

Milestones

Chapter 173-337 WAC becomes effective on July 1, 2023. The new chapter includes various compliance dates for restrictions and reporting requirements, as shown below.

Jul. 1, 2023	Chapter 173-337 WAC becomes effective.
Jan. 1, 2024	Regulated entities required to comply with reporting requirements start tracking certain intentionally used priority chemicals in certain

	priority consumer products. This applies to four chemical-product combinations.
Jan. 1, 2025	Restrictions in eight chemical-product combinations take effect.
Jan. 31, 2025	Deadline for regulated entities required to comply with reporting requirements to submit their notification to Ecology.
Jan. 1, 2026	Restrictions in two chemical-product combinations take effect.
Jan. 1, 2027	The restriction one chemical-product combination takes effect.
Jan. 1, 2028	The restriction one chemical-product combination takes effect.

Our staff will support regulated entities as they comply with the requirements in the new chapter. We will also work with those out of compliance and help them get to compliance. We will document these efforts and use this feedback to inform future rulemaking efforts.

As shown in the [Informing and Educating Persons Affected by the Rule section above](#), we will continue involving stakeholders and other interested parties when determining:

- Preliminary priority chemicals.
- Priority consumer products.
- Preliminary alternatives.
- Rule requirements.

The public may also contact staff included in the [More Information and Ecology Contacts section below](#) to share feedback on Chapter 173-337 WAC and the Safer Products for Washington program.

Future rulemakings

This rulemaking is Phase 4 in a repeating four-phase cycle that started in 2019 under the [Safer Products for Washington program](#).⁶² In accordance with [Chapter 70A.350 RCW](#),⁶³ Ecology must adopt revisions to Chapter 173-337 WAC by December 1, 2025, by June 1, 2028, and every five years thereafter.

Chapter 70A.350 RCW requires Ecology to:

- Identify at least five priority chemicals that are a concern for sensitive populations and sensitive species and report to the Legislature, by June 1, 2024, and every five years thereafter.

⁶² <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

⁶³ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350&full=true>

- Identify priority consumer products that are a significant source or use of priority chemicals and report to the Legislature, by June 1, 2025, and every five years thereafter.
- Determine regulatory actions to increase transparency in product ingredients and reduce the use of priority chemicals in priority consumer products. We must report the regulatory actions to the Legislature by June 1, 2027, and every five years thereafter.
- Adopt rules that implement the regulatory actions reported to the Legislature, by June 1, 2028, and every five years thereafter.

During the 2022 legislative session, the Legislature added section 090 to Chapter 70A.350 RCW, directing us to:

- Determine regulatory actions to reduce the use of PFAS in priority consumer products, by June 1, 2024.
- Adopt rules that implement the regulatory actions to reduce the use of PFAS in priority consumer products, by December 1, 2025.

More Information and Ecology Contacts

For more information:

- Join the [Safer Products for Washington email list](#).⁶⁴
- Visit the following webpages.
 - [Safer Products for Washington program webpage](#)⁶⁵
 - [Safer Products for Washington stakeholder webpage](#)⁶⁶
 - [Safer Products for Washington rulemaking webpage](#)⁶⁷
 - [Chapter 70A.350 RCW](#)¹⁷
- Review the following Ecology resources.
 - [Regulatory Determinations Report](#) (June 2022)⁶⁸
 - [Working Draft Criteria for Safer](#) (February 2021)⁶⁹
 - [Working Draft Criteria for Feasible and Available](#) (February 2021)⁷⁰
 - [Priority Consumer Products Report](#) (July 2020)⁷¹
 - [Stakeholder Engagement Process](#) (March 2020)⁷²
- Contact the Safer Products for Washington team at SaferProductsWA@ecy.wa.gov.
- Contact the Safer Products for Washington Compliance Specialist.

Camille Bennett
Camille.Bennett@ecy.wa.gov
360-688-4312
- Contact the Safer Products for Washington Rulemaking Lead.

Stacey Callaway
Stacey.Callaway@ecy.wa.gov
360-584-5661

⁶⁴ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_113

⁶⁵ <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Washington-s-toxics-in-products-laws/Safer-Products-for-Washington>

⁶⁶ https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

⁶⁷ <https://ecology.wa.gov/SPWARule>

⁶⁸ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

⁶⁹

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/SaferProductsWA_WorkingDraftCriteria_Safer.pdf

⁷⁰

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/SaferProductsWA_WorkingDraftCriteria_FeasibleAvailable.pdf

⁷¹ <https://apps.ecology.wa.gov/publications/summarypages/2004019.html>

⁷²

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Stakeholder_Engagement%20_Process.pdf