

Legislative Session 2024

Focus on the Safer Products for Washington Program

Safer Products for Washington: A new approach

Passed in 2019, the Safer Products for Washington law established a process where Ecology designates priority chemicals, identifies products that contain those chemicals, determines needed regulatory actions, and adopts rules to implement regulatory actions. Before Ecology can restrict the use of a chemical in an identified consumer product, the law requires that safer alternatives are feasible and available.

2023 accomplishments for the Safer Products for Washington Program

Cycle 1

On May 31, 2023, we adopted a new rule, Chapter 173-337 WAC—Safer Products Restrictions and Reporting. This new chapter establishes a regulatory program to reduce toxic chemicals in consumer products and increase product ingredient transparency. Consumers use hundreds of items every day. Many of these products contain chemicals that are hazardous to human health and the environment. The adopted rule creates reporting requirements and restrictions that apply to priority consumer products that contain priority chemicals. These include:

- PFAS in aftermarket stain- and water-resistance treatments, carpets and rugs, and leather and textile furnishings.
- Ortho-phthalates in vinyl flooring and in personal care product fragrances.
- Organohalogen flame retardants in electric and electronic products.
- Some flame retardants in recreational polyurethane foam.
- Phenolic compounds in laundry detergent, food and drink can linings, and thermal paper.

The adopted rule became effective on July 1, 2023. Some manufacturers, distributors, and retailers must comply with restrictions on some consumer products starting on January 1, 2025. Reporting parties must submit the first notification by January 31, 2025.

What to expect from Safer Products for Washington in 2024

In addition to implementing the new requirements adopted in 2023, Ecology is also engaged in two separate review cycles for Safer Products for Washington:

Cycle 1.5 – Rulemaking on PFAS Products

We started a rulemaking to revise the Safer Products Restrictions and Reporting rule—Chapter 173-337 WAC, aiming to reduce PFAS in consumer products. We plan to conduct this rulemaking to:

- Reduce the use of priority chemicals in priority consumer products.
- Revise Chapter 173-337 WAC in accordance with the regulatory actions outlined in the Regulatory Determinations Report to the Legislature that we will submit by June 2024.

In this rulemaking, we could create reporting requirements or restrictions that apply to the use of PFAS in the product categories listed in the cycle 1.5 draft regulatory determinations report.

Public comment on the draft regulatory determinations report is open December 6, 2023 through January 22, 2024. We will publish the final report by June 2024.

Cycle 2 phase 1 – Proposed priority chemicals

In summer 2023, we published our cycle 2 phase 1 draft priority chemicals report. We shared our research and potential list of priority chemicals and chemical classes during a June 2023 webinar, and we hosted a comment period to ask for feedback

on the draft report. The draft report identified the following chemicals for possible review:

- Cadmium and cadmium compounds
- Lead and lead compounds
- Brominated and/or chlorinated substances
- Benzene, toluene, ethyl benzene, and xylene substances (BTEX)
- Formaldehyde and formaldehyde releasers
- Cyclic volatile methylsiloxanes (cVMS)
- 6PPD

We originally planned to publish the final cycle 2 priority chemicals report ahead of schedule, in January 2024. Unfortunately, we have determined that won't be possible. Instead, we will now use the first half of 2024 to focus on additional Safer Products for Washington work. We'll follow the original, statutory deadline and will publish the final report by June 2024.

Cycle 2 phase 2 – Possible priority consumer products

Our work for 2024 will center primarily on selecting priority products that contain priority chemicals.

These priority products will then be our focus for the rest of cycle 2. As always, we plan to engage stakeholders and interested parties across Washington state as part of this process. We hope to have a draft priority products report out for public comment starting in late 2024.

Safer Products for Washington in 2025 and beyond

Cycle 1.5 – Finishing PFAS rulemaking

The Safer Products for Washington statute requires Ecology to adopt rules for cycle 1.5 by December 2025. After rules are adopted, our work will transition to implementing the new rules adopted under cycle 1.5. Ecology will also continue working on PFAS under cycle 2, and that work will continue from 2025 through final rule adoption in 2028.

Cycle 2 – Addressing priority consumer products

Consistent with dates in the statute, we intend to publish the final priority consumer products report by June 2025 and the cycle 2 phase 3 regulatory determinations report in June 2027. Final rules for cycle 2 must be adopted by June 2028.

Safer Products for Washington Cycle 2 Timeline

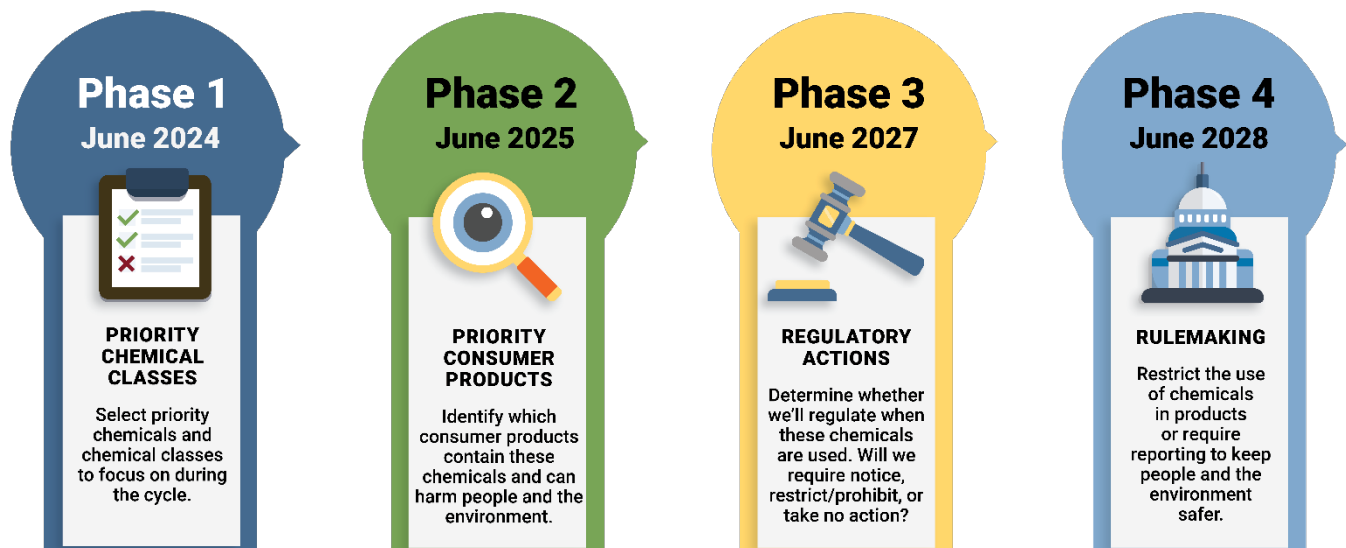


Figure 1: Safer Products for Washington cycle 2 timeline.



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