

Regulatory Determinations Report to the Legislature Safer Products for Washington Cycle 1.5 Phase 3

Comment Summary



Overview

This document outlines frequently asked questions and comments we received from stakeholders and the public on our [Draft Regulatory Determinations Report to the Legislature](#),¹ as well as how we considered that feedback and integrated it into our report, if applicable.

We are not publishing a formal response to comments at this stage in our Safer Products for Washington implementation process. However, we want to address some of the consistent feedback we received and share how we considered it when developing the final [Regulatory Determinations Report to the Legislature](#).²

If you have questions or concerns, please contact us at SaferProductsWA@ecy.wa.gov.

Frequently Asked Questions

How do I access the comments you received about the report?

Visit our [comments page](#)³ to review comments we received through our online comment form and via email.

I made specific suggestions on the report. How did you use them?

Our team appreciates the thoughtful feedback from stakeholders and Washington communities. We integrated many suggestions, including:

- Adding new references and resources.
- Reviewing and adding additional safer alternatives.
- Clarifying or adding details to many sections of the report.
- Clarifying products included in each product category.
- Reviewing the feasibility of alternatives for specific applications and modifying conclusions.
- Contracting and including new hazard assessments.

¹ apps.ecology.wa.gov/publications/summarypages/2304062.html

² apps.ecology.wa.gov/publications/summarypages/2404023.html

³ hwtr.ecology.commentinput.com/comment/extra?id=UguCSsFZD

If you have specific input or questions about how we used your comments, [contact our team](#).⁴ We're happy to meet with you and discuss.

Why are the definitions of the product categories so broad? Why didn't you provide a list of products covered?

Based on feedback, we clarified the types of products included in our scope. During rulemaking, we'll work with stakeholders and interested parties to refine our product categories and define applicability. **We strongly encourage anyone, especially product manufacturers, to share input about how we can clarify our product category definitions.**

Why didn't Ecology restrict the use of PFAS in nonstick cookware?

People can be exposed to PFAS during the manufacture, use, and disposal of cookware. We determined that a restriction would reduce a significant source or use of PFAS. However, we were unable to identify safer alternatives to PFAS in cookware in this report. As directed by the law, we cannot restrict priority chemicals unless safer alternatives are feasible and available.

In 2022, we informed stakeholders that limited staff capacity would prevent us from assessing alternatives for all products included in the 2021 PFAS Chemical Action Plan. In August 2023, we confirmed that we wouldn't assess alternatives to PFAS in cookware.

Safer alternatives to PFAS in cookware must provide the nonstick function. Alternatives can be:

- Safer chemicals or processes that provide the nonstick function.
- Safer uncoated cookware with a nonstick function.

While it's possible that some existing alternatives could meet our criteria, we didn't have available staff to gather the information needed to complete our evaluation. When considering alternative processes, it's important to reach out to local communities and other stakeholders to understand potential feasibility limitations. This crucial outreach wasn't possible given the limited time and scope of this cycle.

Limited staff capacity, lack of transparency, and the need for additional community engagement are the main reasons we weren't able to identify safer alternatives to PFAS in cookware.

Recurring Comments

Ecology needs to issue more administrative orders and use authority from the orders to collect more product information.

Drafting and issuing administrative orders is a complex process involving multiple Ecology staff. Due to limited staff capacity, we haven't been able to send more orders. In 2024, the

⁴ SaferProductsWA@ecy.wa.gov

Washington State Legislature allocated new resources so we can complete additional manufacturer orders.

Washington’s definitions and exemptions should be harmonized with existing requirements in New York and California.

It’s important that products are consistently defined to minimize compliance burdens for stakeholders. For this reason, we often coordinate with other states. While drafting our Cycle 1.5 Phase 3 Regulatory Determinations Report to the Legislature, we reviewed regulations that are in place at state and national levels to achieve broader alignment across states. However, because each state must follow its own statutes and processes, there are times when complete harmonization isn’t possible.

Reporting requirements need clarity and guidance; science-based standards are needed.

We’re in the regulatory determinations phase, where we recommend regulatory actions (reporting, restrictions, or take no action) for the priority products. We’ll discuss reporting specifics during the rulemaking process. The deadline to adopt rules is December 2025.

During rulemaking, we’ll provide multiple opportunities for stakeholders and interested parties to provide input on the compliance schedule and other topics during rulemaking. We want manufacturers to be successful getting toxics out of products, so we’ll work with stakeholders to create viable compliance schedules. **During our rulemaking process, we strongly encourage anyone, especially those who manufacture products, to share ideas about how we can provide clear reporting requirements.**

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