

November 14, 2024 Webinar Summary: Safer Products for Washington

The Washington State Department of Ecology's Safer Products for Washington program hosted two webinars on November 14, 2024, to discuss the consumer products identified in cycle 2, phase 2. These products are highlighted in the draft reports we recently published:

- [Draft Identification of Priority Products Report to the Legislature](#).¹
- [Draft Technical Supporting Documentation for Priority Products](#).²

The webinars provided an opportunity for the public to learn about the products and chemicals prioritized by the Safer Products for Washington program. We encouraged participants to share their feedback, which will help shape the final report that we will submit to the Legislature by June 1, 2025.

Note: This document summarizes the most discussed chemical classes and products, our responses to audience questions and concerns, and general feedback we received during the webinars. Find the [presentation materials](#)³ and more information about Safer Products for Washington on the [stakeholder webpage](#).⁴ If you have questions, contact us at SaferProductsWA@ecy.wa.gov.

Summary of most discussed chemical classes

Stakeholders shared repeated comments about specific chemicals and applications, as well as potential actions to address them:

- **PFAS:** Many participants commented on PFAS exposure pathways and the wide range of PFAS applications, including paints, varnishes, floor waxes, hard surface sealers, apparel, dye, toys, and packaging.
- **6PPD:** Participants expressed concerns about its presence in artificial turf used on pathways, playgrounds, and some recreational facilities, as well as its impacts to the environment and people through runoff from vehicle tires when exposed to water and air.
- **Lead and cadmium:** Participants expressed concerns about the presence of these heavy metals in children's jewelry and asked about possible expansion into other products, such as sporting goods, fishing tackle, and renovation materials. A few participants suggested expanding the scope to be more comprehensive.

¹ apps.ecology.wa.gov/publications/SummaryPages/2404049.html

² apps.ecology.wa.gov/publications/SummaryPages/2404050.html

³ www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/2024Nov%2014%20Webinar%20Presentation.pdf

⁴ www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

- **PVC and PVDC:** Participants commented on the use of these chemicals in plastic packaging, including healthcare packaging, and their presence in building and renovation materials such as water pipes and construction materials for affordable housing, which may disproportionately expose more vulnerable communities.
- **cVMS:** A participant asked whether Ecology would provide more guidance on which cVMS are the primary concern and suggested referring to extensive research conducted by Health Canada and Environment and Climate Change Canada (ECCC).
- **Polystyrene:** A participant expressed concerns about the use of this chemical in food packaging and asked about potential regulations for its application in other areas, such as building materials.

Summary of feedback about program processes

Stakeholders shared feedback about how Ecology’s approach to identifying safer alternatives, the actions Ecology might take, and when and how regulations could impact current and new products:

- We appreciate that you are using science to guide your decisions.
- We want more information about how Ecology might deal with chemicals, like 6PPD, in products already being sold.
- We’d like more clarity on how Ecology’s efforts, like the PFAS Chemical Action Plan and the Toxic-Free Cosmetics Act (TFCA), connect to this cycle’s work.
- Stakeholders want more clarity about what is included or excluded as Ecology evaluates priority products. This includes how the amount or “threshold” of chemicals in products will be determined, whether the focus will be on “intentionally added” chemicals or also include “impurities,” and if the scope could be expanded for certain types of chemicals.
- We want more information about when and where regulatory actions happen, and why certain actions are chosen.
- We are interested in how Ecology conducts research, including which states are referenced for regulations and how assessments by other entities, like the Environmental Protection Agency, are evaluated.

Summary of Questions and Answers

Q: What is the process to restrict chemicals?

A: Under the law, we’re required to follow a five-year process to restrict chemicals in consumer products. This process requires that we take the following steps:

1. Identify priority chemicals and chemical classes.
2. Identify priority products that are significant sources or uses of priority chemicals.
3. Make a regulatory determination— we can restrict a priority chemical or chemical class only if safer alternatives are feasible and available.
4. Adopt rules.

Q: What decisions can be made now versus what can or might be made in the future?

A: Right now, we are deciding which chemical-product combinations to prioritize this cycle. Once we finalize the list of priority products (by June 2025), we won't be able to add more products to this cycle.

In the future, we can adjust the product categories or narrow our attention to specific uses of priority chemicals in these products. After this, we will look for safer, feasible, and available alternatives to those priority chemicals in priority products. Based on what we find, we will decide on one of these three regulatory actions:

1. Restrict the chemical in the product.
2. Require manufacturers to report when they use the chemical in the product.
3. Take no action.

In phase 4, we will conduct a rulemaking to work with interested parties to determine details such as concentration limits, product applicability, and compliance schedules.

Q: What is a “significant source” of a chemical? What concentration level or “threshold” will be established for chemicals in the various categories? Are you looking at intentionally added chemicals, or will impurities also be within scope?

A: We define a “significant source” based on criteria in our [statute](#),⁵ including volume, exposure pathways, and who is being exposed. Our statute does not necessarily require us to weigh these criteria equally, allowing us to consider disproportionate impacts. We take a holistic approach to this evaluation and encourage stakeholders to review the [technical report](#)⁶ for more details.

Currently, we are deciding which products to designate as priority products—whether they are significant sources of toxic chemicals and the product scope. If a product moves forward, we will explore safer alternatives, evaluate whether they are available and feasible, and determine regulatory actions based on our findings.

⁵ app.leg.wa.gov/RCW/default.aspx?cite=70A.350

⁶ apps.ecology.wa.gov/publications/SummaryPages/2404050.html

Q: What is the difference between “package” and “packaging” in Ecology’s definitions?

A: In Ecology’s definitions, “packaging” includes “packages” as defined in [RCW 70A.222.010\(3\)](#).⁷ A **package** is any container used to market, protect, or handle a product. This includes things like unit packages, intermediate packages, and shipping containers. Examples of packages are unsealed items like carrying cases, crates, cups, pails, trays, wrappers, films, bags, and tubs.

Packaging components, as defined in [RCW 70A.222.010\(4\)](#),⁸ refer to the part of a package. These can include things like cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

Q: Is food packaging included under packaging?

A: We’re looking broadly at plastic packaging, including plastic food packaging. Our current focus is on plastic packaging made from organochlorine substances such as PVC and PVDC. Among other resources, we use the Database on Migrating and Extractable Food Contact Chemicals ([FCCmigex Database](#))⁹ to learn more about chemicals in food packaging.

Q: Can you confirm that products not listed in this report are exempt from any rules, even if they contain one of the priority chemical classes?

A: Before adopting rules, the Safer Products for Washington program first identifies chemicals and products, and then determines regulatory actions. Our current report discusses the chemicals and products we identified for cycle 2; it does not exempt any chemicals or products from future efforts.

By June 2025, we will finalize the chemical-product combinations for cycle 2. In future cycles, we may consider new chemicals and products or revisit previous chemicals and products.

Q: How does the Safer Products for Washington process compare to TSCA/EPA to regulate things like artificial turf and crumb rubber?

A: Our process is very different from how the EPA implements TSCA (Toxic Substances Control Act). To implement the Safer Products for Washington program, we follow the requirements of Washington’s law (Chapter 70A.350 RCW), while the EPA follows its own rules under TSCA.

Under the Safer Products for Washington program, we use a hazard-based approach for decision-making, meaning we focus on identifying alternatives that are less hazardous than the priority chemical or chemical class we’re assessing. We consider the potential for exposure to these chemicals, but we don’t estimate the overall risk of adverse effects.

⁷ app.leg.wa.gov/rcw/default.aspx?cite=70A.222.010

⁸ app.leg.wa.gov/rcw/default.aspx?cite=70A.222.010

⁹ www.foodpackagingforum.org/resources/fccmigex

By comparison, TSCA largely uses a risk-based approach, where the EPA evaluates both the exposure to a chemical and the likelihood of harm. The EPA's decisions are based on this risk assessment, along with other factors, to manage the risks effectively.

Q: Can you provide more clarity about intersecting efforts by Ecology? How does the PFAS Chemical Action plan relate to what Safer Products for Washington is doing in Cycle 2? What about lead in cosmetics under TFCA and lead in jewelry under Safer Products for Washington?

A: Safer Products for Washington is the implementation program for Chapter 70A.350 RCW and is separate from other Ecology projects, like Chemical Action Plans (CAPs) and the Toxics Free Cosmetics Act (TFCA).

Chemical Action Plans (CAPs) are based on Washington's Persistent, Bioaccumulative, and Toxic (PBT) rule ([Chapter 173-333 WAC](#)),¹⁰ which focuses on chemicals listed in the rule. For example, the [PFAS Chemical Action Plan](#),¹¹ published in 2021, identified consumer products containing PFAS and opportunities to reduce or prevent PFAS contamination in Washington. In 2022, the Washington Legislature revised the Safer Products for Washington law to designate products listed in the PFAS Chemical Action Plan as priority products without additional analysis.

In May 2024, we published a report that identifies regulatory actions for certain priority products listed in the PFAS Chemical Action Plan. We also started a rulemaking to adopt those regulatory actions in rule. We call these efforts "Cycle 1.5." Because we couldn't research all of the products in the PFAS Chemical Action Plan in depth, in Cycle 2, we're continuing work on several PFAS products, focusing on finding safer, feasible and available alternatives. These products are:

- Cookware and kitchen supplies
- Firefighting PPE
- Floor waxes and polishes
- Hard surface sealers

The Toxic Free Cosmetics Act (TFCA) is a separate program under [Chapter 70A.560 RCW](#).¹² It targets a specific list of chemicals in cosmetic products. Safer Products for Washington, however, identified other product-chemical combinations in cosmetic products, such as cyclic volatile methylsiloxanes (cVMS) in general cosmetics and BTEX (benzene, toluene, ethylbenzene, and xylene) substances in nail products, as draft priority products in Cycle 2. These product-chemical combinations are not covered by TFCA.

¹⁰ apps.leg.wa.gov/wac/default.aspx?cite=173-333

¹¹ apps.ecology.wa.gov/publications/documents/2104048.pdf

¹² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

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ADA Accessibility

To request an ADA accommodation, contact us by phone at 360-407-6700, by email at hwtrpubs@ecy.wa.gov, or visit ecology.wa.gov/accessibility. For Relay Service or TTY call 711 or 877-833-6341.