# Safer Products for Washington Cycle 1.5 Rulemaking (CR 102): Overview



## Introduction

This overview document supports the Safer Products for Washington Cycle 1.5 Rulemaking and answers questions related to this rulemaking proposal. If you have questions about this overview document, other rulemaking documents, or the <u>rulemaking effort</u>, <sup>1</sup> contact us at <u>SaferProductsWA@ecy.wa.gov</u>.

# **Topics**

- 1. Why did Ecology develop the proposed rule?
- 2. What is included in the proposed rule?
- 3. Why does this rulemaking focus on PFAS and no other chemicals?
- 4. Why does Ecology regulate classes of chemicals?
- 5. Why didn't Ecology propose restrictions on all product categories?
- 6. What changed from the preliminary draft rule to the proposed rule?
- 7. Who does the proposed rule apply to?
- 8. How can I provide comments on the proposed rule and other rulemaking documents?
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- 11. What other requirements are in the Safer Products Restrictions and Reporting rule (Chapter 173-337 WAC)?
- 12. How does the Safer Products Restrictions and Reporting rule define "intentionally added"?
- 13. Why don't the requirements in the Safer Products Restrictions and Reporting rule focus on contaminants?

<sup>&</sup>lt;sup>1</sup> ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023

- 14. What is the compliance strategy in the Safer Products Restrictions and Reporting rule? Why does it use total fluorine instead of total organic fluorine? Why doesn't it include a de minimis threshold?
- 15. Why does the Safer Products for Washington program use a hazard-based approach?
- 16. What else does Ecology do to reduce toxic chemicals in consumer products?
- 17. How will Ecology support compliance with the regulations related to toxic chemicals in consumer products?
- 18. How can I find more information?

### **Discussion**

### 1. Why did Ecology develop the proposed rule?

We developed the proposed rule to:

- Protect Washington residents, particularly vulnerable populations like children and people with higher toxic exposures.
- Make consumer products safer and reduce consumers' and workers' exposure to perand polyfluoroalkyl substances (PFAS).
- Increase transparency so consumers can make more informed decisions about the products they use every day.

Manufacturers will make consumer products safer by **not** intentionally adding PFAS to regulated consumer products. The proposed rule restricts the intentional use of PFAS in most apparel, automotive washes, and cleaning products. The proposed rule also requires manufacturers to report the intentional use of PFAS in nine other product categories:

- Apparel for extreme and extended use.
- Footwear.
- Gear for recreation and travel.
- Automotive waxes.
- Cookware and kitchen supplies.
- Firefighting personal protective equipment.
- Floor waxes and polishes.
- Hard surface sealers.
- Ski waxes.

PFAS, known as "forever chemicals," don't break down in the environment. Some build up in species higher up in the food chain, such as humans and orcas. Many PFAS are linked to cancer, harm reproduction and development, and are toxic to fish. Nearly everyone in the United States has PFAS in their blood. Regulating PFAS in consumer products will reduce exposure to these toxic forever chemicals.

We developed the proposed rule to comply with a law called the Pollution Prevention for Health People and Puget Sound Act (<u>Chapter 70A.350 RCW</u>). That law directs Ecology, in consultation with the Department of Health, to determine regulatory actions to increase transparency and to reduce the use of priority chemicals in priority consumer products. To satisfy this requirement, we published the <u>Regulatory Determinations Report to the Legislature:</u>

<sup>&</sup>lt;sup>2</sup> app.leg.wa.gov/rcw/default.aspx?cite=70A.350

<u>Cycle 1.5</u><sup>3</sup> in May 2024. The law also directs Ecology to conduct a rulemaking to adopt those regulatory actions in rule. We <u>announced</u><sup>4</sup> the Safer Products for Washington Cycle 1.5 Rulemaking on December 8, 2023.

### 2. What is included in the proposed rule?

The proposed rule restricts the intentional use of PFAS in:

- Apparel (most).
- Automotive washes.
- Cleaning products.

The proposed rule also requires manufacturers to report the intentional use of PFAS in:

- Apparel for extreme and extended use.
- Footwear.
- Gear for recreation and travel.
- Automotive waxes.
- Cookware and kitchen supplies.
- Firefighting personal protective equipment.
- Floor waxes and polishes.
- Hard surface sealers.
- Ski waxes.

### 3. Why does this rulemaking focus on PFAS and no other chemicals?

This rulemaking focuses on PFAS because the Washington State Legislature directed us to assess certain product categories and potentially regulate PFAS in those product categories. In 2022, the Washington State Legislature amended the law (RCW 70A.350.090)<sup>5</sup> and directed Ecology to:

- Consider firefighting personal protective equipment and products identified in Ecology's <u>PFAS Chemical Action Plan</u><sup>6</sup> (revised 2022).
- Determine regulatory actions for specific products containing PFAS by June 1, 2024.
- Adopt those regulatory actions in rule by December 1, 2025.

<sup>&</sup>lt;sup>3</sup> apps.ecology.wa.gov/publications/summarypages/2404023.html

<sup>&</sup>lt;sup>4</sup> ecology.wa.gov/rulemaking-announcement-wac-173-337-12-06-23

<sup>&</sup>lt;sup>5</sup> app.leg.wa.gov/RCW/default.aspx?cite=70A.350.090

<sup>&</sup>lt;sup>6</sup> apps.ecology.wa.gov/publications/summarypages/2104048.html

### 4. Why does Ecology regulate classes of chemicals?

The law authorizes us to consider chemicals by class, not just single chemicals. Chemicals within a class often share hazard traits. Less well-characterized chemicals within the same class are considered likely to share the same hazards and therefore require more scrutiny.

Considering classes of chemicals helps us prevent the use of regrettable substitutions where one chemical is restricted and replaced with a similar and equally or more toxic chemical. This approach helps us:

- Avoid assuming chemicals with no data are safe.
- Prevent regrettable substitutions.
- Promote safer solutions.
- Reduce exposures to toxic chemicals.
- Avoid future pollution and cleanup efforts that are complex and expensive.

Cycle 1.5 focuses on PFAS as a chemical class. PFAS are a group of toxic chemicals that build up in people, animals, and the environment over time. They're often called "forever chemicals" because they don't break down in the environment.

Most people living in the United States have PFAS in their blood. People are exposed to PFAS through food, drinking water, inhalation of fumes and dust, and products containing PFAS. Consumer products can also release PFAS into the dust, air, and water. Many PFAS are linked to cancer, reproductive and developmental harm, and toxicity in fish and wildlife.

By restricting the use of PFAS, we help ensure that products sold and distributed in Washington are safer for people and the environment. Similarly, through reporting requirements, we increase transparency so consumers can make more informed decisions about the products they use every day.

# 5. Why didn't Ecology propose restrictions on all product categories?

We can only propose restrictions when safer alternatives are feasible and available. We focused our alternatives-research efforts on products where PFAS served similar functions. For instance, PFAS serves as a surfactant in car washes and cleaning products and is used to increase the spreading abilities of a liquid. This approach helps us work more efficiently. Because we didn't have the capacity to research alternatives for all product categories, we couldn't propose restrictions for all product categories.

We follow a process outlined in the law and must meet certain criteria in order to restrict PFAS in a product. Before we adopt restrictions on chemicals in products, we must confirm that:

- Safer alternatives are feasible and available.
- The restriction will either reduce a significant source or use of a priority chemical or is necessary to protect the health of sensitive populations or sensitive species.

We based our decisions to prioritize products on public input, peer-reviewed science, other relevant information, and our team's capacity to do the work. While we couldn't propose restrictions on PFAS in all product categories, we can assess these products and alternatives in future cycles.

## 6. What changed from the preliminary draft rule to the proposed rule?

We received comments from members of the public, industry associations, local government, community advocacy groups, and environmental advocacy groups. Thank you to everyone who commented on the preliminary draft rule. Based on these comments and additional research, we made the following changes.

- Acronyms and definitions: Section 025
  - Added a definition for "apparel and accessories." We added this definition to clarify the scope of this product category.
  - Deleted the definition of "credible evidence." We added this definition to the
    preliminary draft rule but deleted it because it impacts requirements for
    chemical-product combinations not related to this rulemaking. The Cycle 1.5
    PFAS Rulemaking focuses on requirements for PFAS in new product categories,
    not other chemicals or other product categories. We may consider adding this
    definition to rule during a future rulemaking effort.
  - Revised the definition of "extreme and extended use." We revised this definition to clarify the scope of this product category.
  - Revised the definition of "firefighting personal protective equipment." Deleted the actual definition and revised the reference to the statutory definition to match other terms in the codified rule that reference statutory definitions.
  - Revised the definition of "gear for recreation and travel." Specified that the term applies to non-clothing items.
- PFAS: Section 110
  - Apparel
    - Revised the applicability to clarify the product category.
  - Apparel intended for extreme and extended use
    - Revised the applicability to clarify the product category.
    - Added the manufacture date of the priority consumer product to the reporting requirement.
  - Footwear
    - Revised the applicability to clarify the product category.
    - Added the manufacture date of the priority consumer product to the reporting requirement.

- Gear for recreation and travel
  - Revised the applicability to clarify the product category.
  - Added the manufacture date of the priority consumer product to the reporting requirement.
- Automotive washes
  - Revised the applicability to clarify the product category.
- Automotive waxes
  - Revised the applicability to clarify the product category.
  - Added the manufacture date of the priority consumer product to the reporting requirement.
- Cookware and kitchen supplies
  - Revised the applicability to clarify the product category.
  - Added the manufacture date of the priority consumer product to the reporting requirement.
- Firefighting personal protective equipment (PPE)
  - Revised the applicability to clarify the product category.
  - Added the manufacture date of the priority consumer product to the reporting requirement.
- Floor waxes and polishes
  - Revised the applicability to clarify the product category.
  - Added the manufacture date of the priority consumer product to the reporting requirement.
- Hard surface sealers
  - Revised the applicability to clarify the product category.
  - Added the manufacture date of the priority consumer product to the reporting requirement.
- Ski waxes
  - Added the manufacture date of the priority consumer product to the reporting requirement.

# 7. Who does the proposed rule apply to?

The proposed rule:

• Affects manufacturers, distributors, and retailers of the 12 product categories that operate in Washington State.

• Applies to covered consumer products sold online and in brick-and-mortar stores.

Ecology doesn't regulate consumer products manufactured or sold on Tribal lands. However, the adopted rule may indirectly impact consumer products sold online that are distributed to, or used on, Tribal lands.

# 8. How can I provide comments on the proposed rule and other rulemaking documents?

Comment on the proposed rule and other rulemaking documents by:

- <u>Submitting comments online</u><sup>7</sup> starting June 4, 2025, at 12:00 AM PT until July 20, 2025, at 11:59 PM PT.
- Mailing comments to Stacey Callaway, WA Department of Ecology, PO Box 47600, Olympia, WA 98504-7600. Submissions must be postmarked by July 20, 2025.
- Submitting verbal comments at an online public hearing. You are welcome to attend both.
  - July 9, 2025, at 5:30 PM PT (<u>register for the online hearing</u>)<sup>8</sup>
  - o July 10, 2025, at 10:00 AM PT (register for the online hearing)<sup>9</sup>

We'll post information provided in a comment or attachment on the internet. To request information in another language or format, contact Wayne Rysavy at SaferProductsWA@ecy.wa.gov or 360-280-5799.

#### Draft documents available for comment

- <u>Proposed rule</u><sup>10</sup>—Includes draft restrictions and reporting requirements on intentionally added PFAS in 12 product categories. This rulemaking focuses on requirements related to PFAS in 12 new product categories.
- <u>Preliminary Regulatory Analyses</u><sup>11</sup>—Explains the potential costs and benefits of the proposed rule.
- <u>Draft SEPA Determination of Non-Significance and Environmental Checklist</u><sup>12</sup>—Describes potential environmental benefits of the proposed rule.

### **Tips for providing feedback**

We welcome all feedback. Here are some tips that may help.

<sup>&</sup>lt;sup>7</sup> hwtr.ecology.commentinput.com?id=UkVY4maCd

<sup>8</sup> ecology.wa.gov/events/hwtr/spwa-cycle-1-5/july-9-hearing

<sup>&</sup>lt;sup>9</sup> ecology.wa.gov/events/hwtr/spwa-cycle-1-5/july-10-hearing

<sup>&</sup>lt;sup>10</sup> ecology.wa.gov/rulemaking-proposed-language-wac-173-337-06-04-25

<sup>&</sup>lt;sup>11</sup> apps.ecology.wa.gov/publications/summarypages/2504027.html

<sup>&</sup>lt;sup>12</sup> ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023

- Tell us what you support and what you disagree with.
- Suggest specific language. This helps our team understand what change you want.
- Use examples to illustrate concerns and explain your feedback.
- Provide supplemental information. Include references supporting your concerns, such as regulations, sales data, market information, or brand and product information.
- Offer solutions. Suggest ways we can respond to your concerns.

### 9. What will Ecology do once the comment period closes?

After the comment period, we will review comments, consider revisions to the proposed rule and other rulemaking documents, and respond to comments. We expect to decide on rule adoption in November 2025.

### 10. How did Ecology tell people about this rulemaking?

The Safer Products for Washington program started talking to stakeholders and the public in 2019 when the law was enacted. Since then, we used our authority in law and feedback from stakeholders and the public to:

- Adopt a rule (Cycle 1).
- Propose a formal draft rule (Cycle 1.5).
- Identify chemicals and products for our next assessment (Cycle 2).

We started talking to stakeholders and the public about product categories for Cycle 1.5 in 2022. In September 2022, we hosted workshops to <a href="mailto:present">present</a>13 our initial ideas and ask attendees for their feedback. In December 2023, we invited stakeholders and the public to comment on our draft regulatory determinations report and we <a href="mailto:announced">announced</a>14 the start of this rulemaking. In May 2024, we published the <a href="mailto:final regulatory determinations report.">final regulatory determinations report.</a>15

In August 2024, we <u>presented</u><sup>16</sup> our Cycle 1.5 product categories and asked attendees for feedback. In September 2024, we provided an informal comment period on the <u>preliminary</u> draft rule<sup>17</sup> and hosted webinars<sup>18</sup> to answer questions and record feedback.

Throughout Cycle 1.5, we updated stakeholders and the public in the following ways.

Sending notices to our email list that has over 1,800 subscribers.

August2024 Webinar Presentation.pdf

<sup>&</sup>lt;sup>13</sup>www.ezview.wa.gov/Portals/\_1962/Documents/saferproducts/PFAS\_CAP\_Products\_September\_2022 Webinar Presentation.pdf

<sup>&</sup>lt;sup>14</sup> ecology.wa.gov/rulemaking-announcement-wac-173-337-12-06-23

<sup>&</sup>lt;sup>15</sup> apps.ecology.wa.gov/publications/summarypages/2404023.html

<sup>&</sup>lt;sup>16</sup> www.ezview.wa.gov/Portals/\_1962/Documents/saferproducts/

<sup>&</sup>lt;sup>17</sup> ecology.wa.gov/draft-rule-language-wac-173-337

<sup>&</sup>lt;sup>18</sup> ecology.wa.gov/sept-25-webinar-materials

- Updating multiple webpages including the <u>Safer Products for Washington Stakeholder</u> webpage<sup>19</sup> and the <u>Cycle 1.5 PFAS Rulemaking webpage</u>.<sup>20</sup>
- Issuing news releases, blog posts, and social media posts.
- Providing interviews to media outlets.
- Presenting information to communities, small businesses, industry representatives, environmental and community advocacy groups, and local government agencies.
- Tabling at events throughout Washington State.
- Hosting online workshops and public comment periods.

# 11. What other requirements are in the Safer Products Restrictions and Reporting rule (Chapter 173-337 WAC)?

The Safer Products Restrictions and Reporting rule:

- Restricts the manufacture, sale, and distribution of ten chemical-product combinations.
- Requires reporting for four chemical-product combinations.
- Makes allowances for existing stock, repair parts, and replacement parts depending on the manufacture date.
- Allows regulated entities to apply for an exemption from rule requirements.

For more information on the existing requirements including the effective date of restrictions and reporting requirements, see the <u>Safer Products for Washington Cycle 1: Adopted Rule Highlights.</u><sup>21</sup>

# 12. How does the Safer Products Restrictions and Reporting rule define "intentionally added?"

The Safer Products Restrictions and Reporting rule includes the following definition for "intentionally added" (WAC 173-337-025):<sup>22</sup>

"Intentionally added priority chemical" or "intentionally added" means a chemical that serves an intended function in the final product or in the manufacturing of the product or part of the product. Chemicals present from the use of recycled materials are **not** considered "intentionally added priority chemicals."

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<sup>&</sup>lt;sup>19</sup> www.ezview.wa.gov/site/alias 1962/37555/safer products for washington.aspx

<sup>&</sup>lt;sup>20</sup> ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023

<sup>&</sup>lt;sup>21</sup> apps.ecology.wa.gov/publications/documents/2304039.pdf

<sup>&</sup>lt;sup>22</sup> app.leg.wa.gov/WAC/default.aspx?cite=173-337-025

# 13. Why don't the requirements in the Safer Products Restrictions and Reporting rule focus on contaminants?

The requirements in the Safer Products Restrictions and Reporting rule focus on chemicals that are intentionally added to products rather than chemical contaminants or a chemical concentration limit. Under the Safer Products for WA program, we need to determine that safer alternatives are feasible and available before restricting chemicals in consumer products. We only identified safer alternatives to intentionally added chemicals, we didn't assess the feasibility of reducing contaminant concentrations. Therefore, we are concerned that reducing contamination of priority chemicals in priority consumer products may overly burden industry. In future cycles, the Safer Products team may consider requirements for chemical contaminants.

# 14. What does the rebuttable presumption mean in relation to the Safer Products Restrictions and Reporting rule? Why does it use total fluorine instead of total organic fluorine? Why doesn't it include a de minimis threshold?

#### Rebuttable presumption

A rebuttable presumption is a compliance strategy that means Ecology will presume the intentional use of PFAS based on certain testing results. In this strategy, we'll conduct product testing

The rule uses a compliance strategy known as a "rebuttable presumption." To determine compliance with the restriction on intentionally added PFAS, we'll conduct product testing on regulated products and look for the presence of total fluorine. If we detect total fluorine, we may notify the manufacturer. The manufacturer has an opportunity to rebut the presumption by submitting a statement to Ecology that they didn't intentionally add PFAS, and they must include information to support that statement.

The rule gives manufacturers significant flexibility in how they rebut our presumptions. In some cases, it could be a certified letter from their suppliers; in other cases, it could be product testing. Product testing is not necessary if manufacturers have sufficient transparency across their supply chains, or if they take actions to improve supply chain transparency.

This approach allows manufacturers to explain the source of PFAS when total fluorine is detected if it's not from PFAS.

### Total fluorine vs. total organic fluorine

When we conduct analytical testing on regulated consumer products, we first measure total fluorine instead of organic fluorine. While all PFAS are organic, the chemical diversity within the class makes it difficult to capture all PFAS by measuring organic fluorine. Because this is the first step in determining compliance, total fluorine will help ensure we aren't missing any intentionally added PFAS.

#### De minimis threshold

Because PFAS are often used as polymers, detection rates and concentrations can be highly variable. That means that a low concentration could still indicate intentional use. We need more information on concentrations associated with intentional use and concentrations that reflect background contamination. For that reason, we don't have a quantitative de minimis threshold yet. As we test products for compliance and learn more from implementing the rule, we could set a de minimis threshold through guidance and future rulemakings.

# 15. Why does the Safer Products for Washington program use a hazard-based approach?

The Safer Products for Washington program uses a different approach to regulate toxics in consumer products—focused on preventing pollution. 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 use hazard-based approach, not a risk-based approach, because the law defines safer as "less hazardous (RCW 70A.350.01054). This approach focuses on preventing pollution by reducing the use of toxic chemicals before they harm people and the environment.

Industry and regulators often restrict toxic chemicals in consumer products after a risk assessment demonstrates significant harm is occurring. Risk is a combination of how toxic chemicals are and how much people are exposed to them.

Ecology and Department of Health widely use risk assessments for things like setting drinking water limits and clean-up values—but the process doesn't prevent the use of toxic chemicals. Risk assessments need information about how people are exposed to chemicals and how they might be toxic to us or sensitive species. Often, scientists lack information about the chemicals in consumer products because:

- We don't have full hazard assessments on all chemicals in commerce.
- People are exposed to chemicals in ways we don't know.

This can lead to an incomplete picture. If you assess a risk based on only part of the exposure, it's easy to underestimate the risk. When it comes to toxic chemicals in consumer products, this could mean that you often don't see risk from a single consumer product. But people use many consumer products—not just one. The chemicals in products that society collectively uses add up over time and eventually reach our environment.

Our program uses a different approach to regulate toxics in consumer products—focused on preventing pollution. We took a hazard-based approach to identify safer alternatives, not a risk-based approach, because the law defines safer as "less hazardous (RCW 70A.350.01054). Including a risk assessment or exposure assessment would not meet the law's definition of safer (less hazardous, not less risky).

A risk assessment approach answers, "what is the highest level of exposure society can accept?" Our hazard-based approach instead asks, "where are the opportunities to reduce

exposure to toxic chemicals by using safer alternatives?" The best way to reduce risk is to avoid the use of hazardous chemicals in the first place, so this approach allows us to reduce the uses of a toxic chemical before it harms us or the environment. This improves human and wildlife health and reduces environmental cleanup costs.

# 16. What else does Ecology do to reduce toxic chemicals in consumer products?

Washington is a leader in reducing and eliminating the use of toxic chemicals in consumer products. We oversee and implement many laws related to toxic chemicals in products such as the:

- Better Brakes law.<sup>23</sup>
- Children's Safe Products Act.<sup>24</sup>
- Lead in Cookware law.<sup>25</sup>
- Toxic-Free Cosmetics Act.<sup>26</sup>
- Toxics in Firefighting law.<sup>27</sup>
- Toxics in Packaging law.<sup>28</sup>

For more information on the Washington consumer safety laws that reduce toxic exposure, visit our webpage.<sup>29</sup>

# 17. How will Ecology enforce requirements related to toxic chemicals in consumer products?

We expect businesses to voluntarily follow the requirements in the laws and rules related to toxic chemicals in products. When noncompliance occurs, we will use a variety of tools to help businesses comply. Our focus is on education and providing technical support to address known or potential violations.

The tools we use depend on:

- How responsive the manufacturer or other responsible party is in correcting the noncompliance.
- The nature and severity of the violation.
- Whether there are repeated or chronic violations.

<sup>&</sup>lt;sup>23</sup> ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/better-brakes-law

<sup>&</sup>lt;sup>24</sup> ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Childrens-Safe-Products-Act

<sup>&</sup>lt;sup>25</sup> ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/lead-in-cookware-law

<sup>&</sup>lt;sup>26</sup> ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act

<sup>&</sup>lt;sup>27</sup> ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Addressing-priority-toxic-chemicals/PFAS/Toxics-in-firefighting

<sup>&</sup>lt;sup>28</sup> apps.leg.wa.gov/rcw/default.aspx?cite=70A.222

<sup>&</sup>lt;sup>29</sup> ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws

#### Identifying toxic chemicals through product testing

We monitor the market by testing products to check for toxic chemicals. Our <u>product testing program</u><sup>30</sup> focuses on priority chemicals found in consumer products. When deciding what to test, we consider factors such as vulnerable populations like children and people with higher toxic exposures, and manufacturers with past violations. We collect product samples from individual stores, shopping centers, and online retailers.

#### Monitoring compliance with reporting requirements

We review annual reports for accuracy, completeness, and timeliness before publishing. We send inquiries to manufacturers for things such as:

- Missing required information.
- Reports submitted past the deadline.
- Reports that include a restricted priority chemical.
- Duplicate reports or overreports.
- Complaints we've received.

If a manufacturer appears to be in violation of a law or rule, we send a letter to the potentially responsible party.

#### Noncompliance and enforcement process

The process begins with an inquiry letter, which aims to open dialogue about the potential violation. If there is no response to the inquiry letter, or if it is determined that a violation has occurred, an enforcement action may follow. While enforcement is not our first choice, it may be necessary to emphasize the importance of regulatory compliance when initial attempts at open dialogue are unsuccessful.

When an enforcement action is necessary, we will ensure that the action is:

- Clearly defined.
- Within the authority of the specific regulation.
- Consistent with the seriousness of the violation.

Our goal is to help businesses fix problems on their own, prevent future violations, and protect both the environment and public health, which is why we focus more on education and clear communication first before choosing any enforcement action.

<sup>&</sup>lt;sup>30</sup> ecology.wa.gov/research-data/monitoring-assessment/consumer-products-testing

#### 18. How can I find more information?

For more information:

- Send an email to the Safer Products for Washington team at <u>SaferProductsWA@ecy.wa.gov.</u>
- Subscribe to the Safer Products for Washington email list. 30
- Contact the Safer Products for Washington Communications Lead:

Wayne Rysavy
<u>SaferProductsWA@ecy.wa.gov</u>
360-280-5799

- Visit the following webpages.
  - o Cycle 1.5 PFAS Rulemaking webpage<sup>31</sup>
  - Safer Products for Washington program webpage<sup>32</sup>
  - Safer Products for Washington Stakeholder webpage<sup>33</sup>
  - o Chapter 70A.350 RCW: Toxic Pollution law webpage<sup>34</sup>
  - Chapter 173-337 WAC: Safer Products Restrictions and Reporting rule webpage<sup>35</sup>
- Review the following rulemaking documents.
  - o Proposed rule amendments<sup>36</sup> and codified rule<sup>37</sup>
  - o CR-102 form<sup>38</sup>
  - o Preliminary Regulatory Analyses<sup>39</sup>
  - Overview: Cycle 1.5 PFAS Rulemaking<sup>40</sup>
  - SEPA Determination of Non-Significance and Environmental Checklist (available on the rulemaking webpage)<sup>41</sup>

<sup>30</sup> public.govdelivery.com/accounts/WAECY/signup/40160

<sup>&</sup>lt;sup>31</sup> ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023

<sup>&</sup>lt;sup>32</sup> ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/safer-products

<sup>&</sup>lt;sup>33</sup> www.ezview.wa.gov/site/alias\_\_1962/37555/safer\_products\_for\_washington.aspx

<sup>&</sup>lt;sup>34</sup> app.leg.wa.gov/rcw/default.aspx?cite=70A.350

<sup>&</sup>lt;sup>35</sup> app.leg.wa.gov/WAC/default.aspx?cite=173-337

<sup>&</sup>lt;sup>36</sup> ecology.wa.gov/rulemaking-proposed-language-wac-173-337-06-04-25

<sup>&</sup>lt;sup>37</sup> app.leg.wa.gov/WAC/default.aspx?cite=173-337

<sup>38</sup> ecology.wa.gov/rulemaking-proposal-wac-173-337-06-04-25

<sup>&</sup>lt;sup>39</sup> apps.ecology.wa.gov/publications/summarypages/2504027.html

<sup>&</sup>lt;sup>40</sup> apps.ecology.wa.gov/publications/summarypages/2504028.html

<sup>&</sup>lt;sup>41</sup> ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023

- Review the following publications.
  - Regulatory Determinations Report to the Legislature: Cycle 1.5 Implementation Phase 3<sup>42</sup> (September 2024)
  - Technical Supporting Documentation for Regulatory Determinations Report to the Legislature: Safer Products for Washington Cycle 1.5 Implementation Phase 3<sup>43</sup> (May 2024)
  - Regulatory Determinations Report to the Legislature: Safer Products for Washington Cycle 1.5 Phase 3 Comment Summary<sup>44</sup> (May 2024)
  - o Per- and Polyfluoroalkyl Substances Chemical Action Plan<sup>45</sup> (September 2022)
  - o Focus on: PFAS Statewide Funding Strategy<sup>46</sup> (November 2024)
  - PFAS Statewide Funding Strategy: Four-Year Plan for Prevention, Reduction, and Mitigation in Washington State<sup>47</sup> (November 2024)

<sup>&</sup>lt;sup>42</sup> apps.ecology.wa.gov/publications/summarypages/2404023.html

<sup>&</sup>lt;sup>43</sup> apps.ecology.wa.gov/publications/summarypages/2404024.html

<sup>&</sup>lt;sup>44</sup> apps.ecology.wa.gov/publications/summarypages/2404020.html

<sup>&</sup>lt;sup>45</sup> apps.ecology.wa.gov/publications/summarypages/2104048.html

<sup>&</sup>lt;sup>46</sup> apps.ecology.wa.gov/publications/summarypages/2404054.html

<sup>&</sup>lt;sup>47</sup> apps.ecology.wa.gov/publications/summarypages/2404058.html

# **Publication Information**

This report is available on the Department of Ecology's website at <a href="https://apps.ecology.wa.gov/publications/SummaryPages/2504028.html">https://apps.ecology.wa.gov/publications/SummaryPages/2504028.html</a>.

### **Contact Information**

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program P.O. Box 47600 Olympia, WA 98504-7600

**Phone:** 360-407-6700

Website: Washington State Department of Ecology<sup>48</sup>

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<sup>48</sup> www.ecology.wa.gov/contact