

# Rulemaking Overview: Safer Products for Washington Cycle 1.5



## Introduction

This overview document supports the Safer Products for Washington Cycle 1.5 Rulemaking and answers questions related to this rule adoption. If you have questions about this overview, the [adopted rule](#),<sup>1</sup> or the [rulemaking effort](#),<sup>2</sup> please contact us at [SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov).

## Topics

1. Why did Ecology develop the amended rule?
2. What is included in the amended rule?
3. Why did this rulemaking focus on PFAS and no other chemicals?
4. Why does Ecology regulate classes of chemicals?
5. Why didn't Ecology adopt restrictions on all product categories?
6. What changed from the proposed rule to the adopted rule?
7. Who does the amended rule apply to?
8. What did Ecology do once the comment period closed?
9. How did Ecology tell people about this rulemaking?
10. What other requirements are in the Safer Products Restrictions and Reporting rule (Chapter 173-337 WAC)?
11. How does the Safer Products Restrictions and Reporting rule define "intentionally added"?
12. Why don't the requirements in the Safer Products Restrictions and Reporting rule focus on contaminants or recycled content?
13. What is the compliance strategy for the Safer Products Restrictions and Reporting rule? Why does it use total fluorine testing instead of total organic fluorine testing?

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<sup>1</sup> [ecology.wa.gov/adopted-rule-language-wac-173-337-11-20-25](http://ecology.wa.gov/adopted-rule-language-wac-173-337-11-20-25)

<sup>2</sup> [ecology.wa.gov/spwa-pfas](http://ecology.wa.gov/spwa-pfas)

14. Why does the amended rule include a de minimis threshold of 50 parts per million (ppm) for the new product categories regulated in Cycle 1.5?
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 laws and rules related to toxic chemicals in consumer products?
18. How can I find more information?

# Discussion

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

We developed the amended rule to:

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

PFAS are a class of toxic chemicals that are used for various functions in consumer products, such as adding water resistance in apparel or to aid in soil or stain removal in cleaning products. Although those qualities have made them widely used in a range of products, many of these chemicals have also been shown to build up in people, animals, and the environment over time. They're often called "forever chemicals" because many don't completely break down in the environment.

People can be exposed to PFAS when they use products containing PFAS. Consumer products can also release PFAS into dust or the air. Many PFAS are linked to cancer as well as reproductive and developmental harm in humans. They're also linked to toxicity in fish and wildlife.

We developed the amended rule to comply with the Pollution Prevention for Healthy People and Puget Sound Act ([Chapter 70A.350 RCW](#)).<sup>3</sup> 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 [Regulatory Determinations Report to the Legislature: Cycle 1.5](#)<sup>4</sup> in May 2024. The law also directs Ecology to conduct a rulemaking to adopt those regulatory actions in rule. We [announced](#)<sup>5</sup> the Safer Products for Washington Cycle 1.5 Rulemaking on December 8, 2023.

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

Ecology adopted amendments to Chapter 173-337 WAC to:

- Restrict the manufacture, sale, and distribution of three new categories of consumer products in Washington State that contain intentionally added PFAS. These product categories include:
  - Apparel and accessories
  - Automotive washes

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<sup>3</sup> [app.leg.wa.gov/rcw/default.aspx?cite=70A.350](http://app.leg.wa.gov/rcw/default.aspx?cite=70A.350)

<sup>4</sup> [apps.ecology.wa.gov/publications/summarypages/2404023.html](http://apps.ecology.wa.gov/publications/summarypages/2404023.html)

<sup>5</sup> [ecology.wa.gov/rulemaking-announcement-wac-173-337-12-06-23](http://ecology.wa.gov/rulemaking-announcement-wac-173-337-12-06-23)

- Cleaning products
- Require manufacturers to report the intentional use of PFAS in nine new product categories:
  - Apparel intended 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

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.

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

In 2022, the Washington State Legislature amended [RCW 70A.350.090](#)<sup>6</sup> and directed Ecology to:

- Consider firefighting personal protective equipment and products identified in Ecology's [PFAS Chemical Action Plan](#) (revised 2022).<sup>7</sup>
- Determine regulatory actions for specific products containing PFAS by June 1, 2024.
- Adopt those regulatory actions in rule by December 1, 2025.

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

The Washington State Legislature gave us the authority to regulate chemicals on a class basis. 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.

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<sup>6</sup> [app.leg.wa.gov/RCW/default.aspx?cite=70A.350.090](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.350.090)

<sup>7</sup> [apps.ecology.wa.gov/publications/summarypages/2104048.html](https://apps.ecology.wa.gov/publications/summarypages/2104048.html)

- Prevent regrettable substitutions.
- Promote safer alternatives.
- Reduce exposures to toxic chemicals.
- Avoid complex and expensive future pollution and cleanup efforts.

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

We only have the authority to restrict a chemical in a product when safer alternatives are feasible and available. We focused our alternative 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 with a focus on functional use helps us work more efficiently. Due to limited capacity to research alternatives, we couldn't adopt restrictions for all product categories.

We follow a process outlined in the law and must meet certain requirements to restrict PFAS in a product category. 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 of 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 adopt restrictions on PFAS in all product categories, we can assess these product categories and alternatives in future cycles.

## **6. What changed from the proposed rule to the adopted rule?**

On June 4, 2025, we proposed the formal draft rule (proposed rule) and accepted formal comments on the proposed rule and other rulemaking documents until July 20, 2025. During the 46-day comment period, we received 45 submissions, including comments from members of the public, industry associations, local government, community advocacy groups, and environmental advocacy groups. Based on these comments and additional research, we made the following changes.

- Acronyms and definitions (section 025)
  - Revised the definition of "extreme and extended use" to add "apparel intended for" to the definition title and to add specificity on intended performance and use.
  - Revised the definition of "cookware and kitchen supplies" to clarify that the definition applies to durable houseware items that are intended to contact food or beverages. We added lids to the list of example cookware and kitchen supplies. We also excluded major appliances, such as refrigerators and stoves, from this definition.

- Revised the definition of “gear for recreation and travel” to clarify that it includes nonclothing equipment and accessories used for recreation and travel.
- PFAS (section 110)
  - Revised the 12 product categories adopted under this rulemaking to include a 50 ppm de minimis threshold for total fluorine to presume the intentional addition of PFAS.
  - Revised applicability for cleaning products to clarify the:
    - Applicability of this section to formulated cleaning products intended for residential, commercial, and institutional uses.
    - Use of “cleaning products” consistently throughout the section.
    - List of products in this consumer product category includes, but is not limited to, the items listed.
    - Cleaning products with disinfectants are included in this consumer product category.
    - Clarify the meaning of “industrial.”
    - Exclude pesticidal products not marketed as cleaning products.

## 7. Who does the amended rule apply to?

The amended rule:

- Affects manufacturers, distributors, and retailers of the 12 product categories that operate in Washington State.
- Applies to regulated consumer products sold online and in physical stores.

Because Tribes are sovereign nations, Ecology doesn’t have the authority to regulate priority consumer products that are manufactured, sold, or used on Tribal lands.

## 8. What did Ecology do once the comment period closed?

Ecology accepted formal comments on the proposed rule and rulemaking documents from June 4, 2025, through July 20, 2025. Once the comment period closed, we used formal comments to develop the final rule and finalize the following rulemaking documents:

- [Adopted rule](#):<sup>8</sup> (Chapter 173-337 WAC: Safer Products Restrictions and Reporting)
- [Final Regulatory Analyses](#):<sup>9</sup>  
This document includes the probable costs and benefits of the amended rule and considers qualitative and quantitative benefits.

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<sup>8</sup> [www.ecology.wa.gov/adopted-rule-language-wac-173-337-11-20-25](http://www.ecology.wa.gov/adopted-rule-language-wac-173-337-11-20-25)

<sup>9</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504072.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504072.html)

- [SEPA Determination of Nonsignificance and Environmental Checklist](#):<sup>10</sup>  
These documents include information on potential environmental benefits of the proposed rule.
- [Concise Explanatory Statement](#):<sup>11</sup>  
This document includes Ecology’s responses to formal comments we received on the proposed rule and rulemaking documents.
- [Rule Implementation Plan](#):<sup>12</sup>  
This document describes our efforts to implement this rule.
- [Environmental Justice Assessment](#):<sup>13</sup>  
This document includes an assessment of potential environmental justice impacts related to this rulemaking. The assessment informs and supports consideration of overburdened communities and vulnerable populations.

## 9. 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 have used our authority in law and feedback from stakeholders and the public to:

- Adopt a rule (Cycle 1).
- Adopt a 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 [present](#)<sup>14</sup> our initial ideas and ask attendees for their feedback.

On December 8, 2023, we [announced](#)<sup>15</sup> the start of rulemaking to amend Chapter 173-337 WAC: Safer Products Restrictions and Reporting. In December 2023, we invited stakeholders and the public to comment on our draft regulatory determinations report. We hosted webinars in [December 2023](#)<sup>16</sup> and [August 2024](#),<sup>17</sup> to share information about the rulemaking process and invited attendees to inform draft rule requirements. We used feedback from webinar attendees

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<sup>10</sup> [apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502318](https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502318)

<sup>11</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504071.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504071.html)

<sup>12</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504074.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504074.html)

<sup>13</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504073.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504073.html)

<sup>14</sup> [www.ezview.wa.gov/Portals/\\_1962/Documents/saferproducts/PFAS\\_CAP\\_Products\\_September\\_2022\\_Webinar\\_Presentation.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/PFAS_CAP_Products_September_2022_Webinar_Presentation.pdf)

<sup>15</sup> [www.ecology.wa.gov/getattachment/74a7fe47-fa43-42b4-99c1-59ee2d48fd38/WSR-24-01-020.pdf](https://www.ecology.wa.gov/getattachment/74a7fe47-fa43-42b4-99c1-59ee2d48fd38/WSR-24-01-020.pdf)

<sup>16</sup> [www.ezview.wa.gov/Portals/\\_1962/Documents/saferproducts/December2023\\_PFASCycle\\_Presentation.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/December2023_PFASCycle_Presentation.pdf)

<sup>17</sup> [www.ecology.wa.gov/getattachment/bafe29ec-c557-4a4d-800e-48cd18dc9f1e/Aug14\\_Webinar\\_Presentation.pdf](https://www.ecology.wa.gov/getattachment/bafe29ec-c557-4a4d-800e-48cd18dc9f1e/Aug14_Webinar_Presentation.pdf)

and meetings with stakeholders to develop a [preliminary draft rule](#).<sup>18</sup> In September 2024, we released the preliminary draft rule, provided an informal comment period, and hosted a [webinar](#)<sup>19</sup> to answer questions and record feedback.

On June 4, 2025, we [proposed](#)<sup>20</sup> the [formal draft rule](#)<sup>21</sup> (proposed rule) and rulemaking documents, including the [Preliminary Regulatory Analyses](#)<sup>22</sup> and the [Draft SEPA Determination of Nonsignificance](#).<sup>23</sup> We accepted formal comments on the proposed rule and other rulemaking documents from June 4, 2025, through July 20, 2025. We hosted online information sessions and formal hearings on July 9, 2025, and July 10, 2025. During the formal comment period, we received [45 submissions](#),<sup>24</sup> including verbal testimony provided during the July [hearings](#).<sup>25</sup> We used that feedback to develop the adopted rule and finalize other rulemaking documents.

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

- Sending notices to our email list of over 1,800 subscribers.
- Updating multiple webpages including the [Safer Products for Washington Stakeholder webpage](#)<sup>26</sup> and the [Cycle 1.5 PFAS Rulemaking webpage](#).<sup>27</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.

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<sup>18</sup> [www.ecology.wa.gov/getattachment/780ffc62-58ce-4856-992f-47055234ecd9/SPWA\\_C1-5\\_PrelimDraftRule\\_2024-09.pdf](http://www.ecology.wa.gov/getattachment/780ffc62-58ce-4856-992f-47055234ecd9/SPWA_C1-5_PrelimDraftRule_2024-09.pdf)

<sup>19</sup> [www.ecology.wa.gov/getattachment/4505cdfd-50e2-4f7c-a3b7-2248c2365bbe/2024Sept25-Webinar-Presentation.pdf](http://www.ecology.wa.gov/getattachment/4505cdfd-50e2-4f7c-a3b7-2248c2365bbe/2024Sept25-Webinar-Presentation.pdf)

<sup>20</sup> [www.ecology.wa.gov/getattachment/33aa9d65-bdec-493f-a117-4124f23bf93e/WSR-25-12-097.pdf](http://www.ecology.wa.gov/getattachment/33aa9d65-bdec-493f-a117-4124f23bf93e/WSR-25-12-097.pdf)

<sup>21</sup> [www.ecology.wa.gov/getattachment/0a1b0d2c-90ce-434b-b910-309978c9053e/RDS-6288-2-For-Filing.pdf](http://www.ecology.wa.gov/getattachment/0a1b0d2c-90ce-434b-b910-309978c9053e/RDS-6288-2-For-Filing.pdf)

<sup>22</sup> [www.apps.ecology.wa.gov/publications/SummaryPages/2504027.html](http://www.apps.ecology.wa.gov/publications/SummaryPages/2504027.html)

<sup>23</sup> [www.apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502318](http://www.apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502318)

<sup>24</sup> [www/hwtr.ecology.commentinput.com/comment/extra?id=UkVY4maCd](http://www/hwtr.ecology.commentinput.com/comment/extra?id=UkVY4maCd)

<sup>25</sup> [www.ezview.wa.gov/Portals/\\_1962/Documents/saferproducts/Cycle%201.5%20PFAS%20Rulemaking%20Proposal.pdf](http://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/Cycle%201.5%20PFAS%20Rulemaking%20Proposal.pdf)

<sup>26</sup> [www.ezview.wa.gov/site/alias\\_\\_1962/37555/safer\\_products\\_for\\_washington.aspx](http://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx)

<sup>27</sup> [ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023](http://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023)

## 10. 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 from Cycle 1.
- Requires reporting for four chemical-product combinations from Cycle 1.
- 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 rule requirements, including the effective date of restrictions and reporting requirements from Cycles 1 and 1.5, see the [Safer Products for Washington compliance and reporting webpage](#).<sup>28</sup>

## 11. 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>29</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."

## 12. Why don't the requirements in the Safer Products Restrictions and Reporting rule focus on contaminants or recycled content?

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. The definition of intentionally added specifies that chemicals present from recycled materials aren't considered intentionally added priority chemicals and therefore not subject to restrictions or reporting requirements.

Under the Safer Products for Washington program, we need to determine that safer alternatives are feasible and available before restricting chemicals in consumer products. We identified safer alternatives to intentionally added chemicals; we haven't assessed the feasibility of reducing contaminant concentrations. Therefore, we are concerned that reducing priority chemicals present only as contaminants in priority consumer products may overly

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<sup>28</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/safer-products/compliance-and-reporting>

<sup>29</sup> [app.leg.wa.gov/WAC/default.aspx?cite=173-337-025](http://app.leg.wa.gov/WAC/default.aspx?cite=173-337-025)

burden industry. In future cycles, the Safer Products team may consider requirements for chemical contaminants.

### **13. What is the compliance strategy for the Safer Products Restrictions and Reporting rule? Why does it use total fluorine testing instead of total organic fluorine testing?**

#### **Rebuttable presumption**

The rule uses a compliance strategy that allows manufacturers to rebut our presumption of a noncompliant level of intentionally added restricted chemicals. We call this a “rebuttable presumption.” For example, to determine compliance with the restriction on intentionally added PFAS, we may conduct product testing on regulated products and look for the amount of total fluorine. If we detect total fluorine, or total fluorine above 50 ppm for the 12 product categories regulated through Cycle 1.5, we may presume PFAS has been intentionally added and notify the manufacturer of our findings. The manufacturer has an opportunity to rebut that presumption by submitting a statement to Ecology that they didn’t intentionally add PFAS, and they must include information and documentation to support that statement.

The rule doesn’t require use of a specific analytical method because we want to offer flexibility to regulated entities. Companies can rebut the presumption that total fluorine detected above 50 ppm indicates intentionally added PFAS by providing evidence the fluorine is from a source other than PFAS, such as inorganic fluorine. Regulated entities can demonstrate this through supply chain transparency, such as documentation from suppliers, or through analytical testing. By allowing multiple ways rebut the presumption of intentional addition of PFAS and demonstrate compliance, regulated entities can provide information they may already have. This reduces the burden associated with requiring evidence from a single specific analytical method.

This approach allows manufacturers to explain the source of total fluorine when it’s not from PFAS or intentionally added PFAS.

#### **Total fluorine vs. total organic fluorine**

When we conduct analytical testing for PFAS on regulated consumer products, we measure total fluorine instead of total organic fluorine.

Total organic fluorine testing doesn’t accurately capture all organic fluorine; organic fluorine from polymers is often underestimated in total organic fluorine testing.<sup>30</sup> Using total fluorine testing ensures we don’t miss noncompliant products. However, as some commentors have pointed out, by using total fluorine testing, we may capture products that have inorganic fluorine present from pigments or plastic manufacturing processes. In these cases, the manufacturer may rebut our presumption by submitting information to Ecology such as the use of any fluorinated ingredients or inorganic fluorine test results.

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<sup>30</sup> Shultes et al. 2019 ES&T: <https://pubs.acs.org/doi/full/10.1021/acs.estlett.8b00700>

This approach aligns with the European Union’s recently proposed PFAS restriction. Under the European Union proposal, if total fluorine is detected above 50 ppm, the manufacturer must provide proof for the fluorine measured as either PFAS or non-PFAS.<sup>31</sup>

The restrictions in the amended rule apply to intentionally added PFAS, not total fluorine. Additionally, this rule requires manufacturers to report intentionally added PFAS. It doesn’t require manufacturers to measure or report total fluorine concentrations. Manufacturers can choose to report intentionally added PFAS in concentration ranges based on supply chain transparency or through product testing.

#### **14. Why does the amended rule include a de minimis threshold of 50 parts per million (ppm) for the new product categories regulated in Cycle 1.5?**

In response to formal comments, we adopted a de minimis threshold of 50 ppm total fluorine in the rebuttable presumption for the 12 new product categories. This approach aligns with the European Union’s proposed PFAS restriction.

Based on our analyses, the de minimis threshold will capture the intentional uses of PFAS in product categories regulated in Cycle 1.5. If total fluorine is detected above 50 ppm, we will presume PFAS was intentionally added. If total fluorine is detected below 50 ppm, we will presume it isn’t the result of intentionally added PFAS.

The restrictions in the amended rule apply to intentionally added PFAS, not total fluorine. And if we presume a regulated product contains intentionally added PFAS, manufacturers can rebut our presumption by submitting a statement with credible evidence.

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

The Safer Products for Washington program regulates toxic chemicals in consumer products. We focus on pollution prevention and reducing the use of toxic chemicals before they harm people and the environment. We use a hazard-based approach for decision-making, meaning we focus on identifying less hazardous alternatives.

This program focuses on hazard rather than risk because the law defines safer as "less hazardous," not less risky (RCW 70A.350.010). Risk assessments and exposure assessments focus on risk and don’t meet the law's definition of safer. They answer the question, “what is the highest level of exposure society can accept?” Compared to our hazard-based approach which answers the question, “where are the opportunities to reduce exposure to toxic chemicals by using safer alternatives?”

Ecology and the Department of Health use risk assessments for things like establishing drinking water limits and clean-up levels. Risk assessments combine the toxicity of chemicals and how much people are exposed to them. For consumer products, we don’t:

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<sup>31</sup> EU Proposed PFAS Ban: page 4 (<https://echa.europa.eu/documents/10162/1c480180-ece9-1bdd-1eb8-0f3f8e7c0c49>)

- Have full hazard assessments on all chemicals in commerce.
- Know all the ways people are exposed to chemicals.

Assessing risk based on only part of the exposure can underestimate the risk. It's possible not to see risk if considering exposure from only a single consumer product. However, 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. We focus on hazard and pollution prevention to reduce the potential for exposure to toxic chemicals from consumer products and protect people and the environment.

## 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>32</sup>
- [Children's Safe Products Act](#).<sup>33</sup>
- [Lead in Cookware law](#).<sup>34</sup>
- [Toxic-Free Cosmetics Act](#).<sup>35</sup>
- [Toxics in Firefighting law](#).<sup>36</sup>
- [Toxics in Packaging law](#).<sup>37</sup>

For more information on the Washington consumer safety laws that reduce toxic exposure, visit our [toxics in products laws webpage](#).<sup>38</sup>

## 17. How will Ecology support compliance with the laws and rules related to toxic chemicals in consumer products?

We expect regulated entities to comply with all federal, state, and local laws and rules without direct oversight by Ecology. We are available to answer questions to help regulated entities better understand their responsibilities with our laws and rules.

When noncompliance occurs, we may use a variety of strategies to notify the regulated entity.

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<sup>32</sup> [ecology.wa.gov/BetterBrakes](http://ecology.wa.gov/BetterBrakes)

<sup>33</sup> [ecology.wa.gov/ChildrensSafeProductsAct](http://ecology.wa.gov/ChildrensSafeProductsAct)

<sup>34</sup> [ecology.wa.gov/lead-cookware](http://ecology.wa.gov/lead-cookware)

<sup>35</sup> [ecology.wa.gov/TFCA](http://ecology.wa.gov/TFCA)

<sup>36</sup> [ecology.wa.gov/ToxicsInFirefighting](http://ecology.wa.gov/ToxicsInFirefighting)

<sup>37</sup> [apps.leg.wa.gov/rcw/default.aspx?cite=70A.222](http://apps.leg.wa.gov/rcw/default.aspx?cite=70A.222)

<sup>38</sup> [ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws](http://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws)

## Identifying toxic chemicals through product testing

One option for monitoring product compliance is by testing products for restricted chemicals. Our product studies team designs studies, develops methods, and tests for toxic chemicals in a variety of consumer products to collect information on which chemicals are present in certain products.

## Complaints and third-party information

We may use complaints, data, and information received from external parties as a starting place for conversations with regulated entities.

## Monitoring compliance with reporting requirements

To monitor compliance with reporting requirements, we may review annual reports for completeness and may send inquiries to responsible parties for things such as:

- Missing information.
- Late reports.
- Reports that include a priority consumer product under a restriction for the priority chemical or chemical class.
- Duplicate reports or overreports.
- Received complaints.

## Noncompliance and enforcement process

Regulated entities are responsible for complying with all applicable laws and rules. We have the authority to issue penalties for violations.

When an enforcement action is necessary, we ensure that the action is clearly defined and:

- Falls within the authority of the law or rule.
- Provides clear direction about how to achieve compliance.
- Provides a compliance schedule.
- Outlines the consequences of continued noncompliance.

We design compliance strategies to encourage regulated entities to develop and maintain compliant practices and protect the environment and public health.

## Services and resources to support compliance and voluntary efforts

We intend to provide technical resources to support compliance efforts and inform regulated entities. We may develop or revise the following types of supporting materials or systems as a result of the amended rule:

- Developing guidance documents.
- Updating webpages.

- Creating educational videos.
- Hosting webinars, or virtual trainings.
- Updating and maintaining the [High Priority Chemicals Data System](#).<sup>39</sup>
- Sharing reference materials.
- Providing compliance assistance from our team.

We'll provide these services and resources as funding is available.

## 18. How can I find more information?

For more information:

- Send an email to the Safer Products for Washington team at [SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov).
- Subscribe to the [Safer Products for Washington email list](#).<sup>40</sup>
- Contact the Safer Products for Washington Communications Lead:  
Wayne Rysavy  
[SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov)  
360-280-5799
- Visit the following webpages.
  - [Cycle 1.5 PFAS Rulemaking webpage](#)<sup>41</sup>
  - [Safer Products for Washington webpage](#)<sup>42</sup>
  - [Safer Products for Washington Stakeholder webpage](#)<sup>43</sup>
  - [Chapter 70A.350 RCW: Toxic Pollution law webpage](#)<sup>44</sup>
  - [Chapter 173-337 WAC: Safer Products Restrictions and Reporting rule webpage](#)<sup>45</sup>
- Review the following rulemaking documents:
  - [Adopted rule](#)<sup>46</sup>
  - [Final Regulatory Analyses](#)<sup>47</sup>

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<sup>39</sup> <https://www.theic2.org/hpcds/>

<sup>40</sup> [public.govdelivery.com/accounts/WAECY/signup/40160](https://public.govdelivery.com/accounts/WAECY/signup/40160)

<sup>41</sup> [ecology.wa.gov/spwa-pfas](https://ecology.wa.gov/spwa-pfas)

<sup>42</sup> [ecology.wa.gov/safer-products-wa](https://ecology.wa.gov/safer-products-wa)

<sup>43</sup> [www.ezview.wa.gov/site/alias\\_\\_1962/37555/safer\\_products\\_for\\_washington.aspx](https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx)

<sup>44</sup> [app.leg.wa.gov/rcw/default.aspx?cite=70A.350](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350)

<sup>45</sup> [app.leg.wa.gov/WAC/default.aspx?cite=173-337](https://app.leg.wa.gov/WAC/default.aspx?cite=173-337)

<sup>46</sup> [ecology.wa.gov/adopted-rule-language-wac-173-337-11-20-25](https://ecology.wa.gov/adopted-rule-language-wac-173-337-11-20-25)

<sup>47</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504072.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504072.html)

- [SEPA Determination of Nonsignificance and Environmental Checklist](#)<sup>48</sup>
- [Concise Explanatory Statement](#)<sup>49</sup>
- [Rule Implementation Plan](#)<sup>50</sup>
- [Environmental Justice Assessment](#)<sup>51</sup>
- Review the following publications:
  - [Regulatory Determinations Report to the Legislature: Cycle 1.5 Implementation Phase 3](#) (May 2024)<sup>52</sup>
  - [Technical Supporting Documentation for Regulatory Determinations Report to the Legislature: Safer Products for Washington Cycle 1.5 Implementation Phase 3](#) (May 2024)<sup>53</sup>
  - [Regulatory Determinations Report to the Legislature: Safer Products for Washington Cycle 1.5 Phase 3 Comment Summary](#) (May 2024)<sup>54</sup>
  - [Per- and Polyfluoroalkyl Substances Chemical Action Plan](#) (September 2022)<sup>55</sup>
  - [Focus on: PFAS Statewide Funding Strategy](#) (November 2024)<sup>56</sup>
  - [PFAS Statewide Funding Strategy: Four-Year Plan for Prevention, Reduction, and Mitigation in Washington State](#) (November 2024)<sup>57</sup>

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<sup>48</sup> [apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502318](https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502318)

<sup>49</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504071.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504071.html)

<sup>50</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504074.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504074.html)

<sup>51</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504073.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504073.html)

<sup>52</sup> [apps.ecology.wa.gov/publications/summarypages/2404023.html](https://apps.ecology.wa.gov/publications/summarypages/2404023.html)

<sup>53</sup> [apps.ecology.wa.gov/publications/summarypages/2404024.html](https://apps.ecology.wa.gov/publications/summarypages/2404024.html)

<sup>54</sup> [apps.ecology.wa.gov/publications/summarypages/2404020.html](https://apps.ecology.wa.gov/publications/summarypages/2404020.html)

<sup>55</sup> [apps.ecology.wa.gov/publications/summarypages/2104048.html](https://apps.ecology.wa.gov/publications/summarypages/2104048.html)

<sup>56</sup> [apps.ecology.wa.gov/publications/summarypages/2404054.html](https://apps.ecology.wa.gov/publications/summarypages/2404054.html)

<sup>57</sup> [apps.ecology.wa.gov/publications/summarypages/2404058.html](https://apps.ecology.wa.gov/publications/summarypages/2404058.html)

## Publication Information

This report is available on the Department of Ecology's website at <https://apps.ecology.wa.gov/publications/SummaryPages/2504075.html>.

## 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](https://www.ecology.wa.gov)<sup>58</sup>

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<sup>58</sup> [www.ecology.wa.gov/contact](https://www.ecology.wa.gov/contact)

# Language Services

## English

The Department of Ecology is committed to providing language services, including translation and interpretation, for people whose primary language is not English. To request these services, email [HWTRpubs@ecy.wa.gov](mailto:HWTRpubs@ecy.wa.gov) or call 360-407-6700. If you call, ask for an interpreter to be connected with one.

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