

**WAC 173-337-020 Requesting an exemption.** (1) A person required to comply with this chapter may request an exemption from the requirements of this chapter.

(2) Ecology will use objective factors including, but not limited to, the following, when evaluating exemption requests.

(a) The priority chemical is functionally necessary to the priority consumer product and there is no alternative.

(b) It is **not** currently possible to comply with the restriction and comply with another legally imposed requirement.

(c) An unforeseen event or circumstance limited the availability of alternatives.

(3) A person seeking exemption from the requirements of this chapter must submit a request to ecology that includes the following information.

(a) Your name and address.

(b) Requirements in this chapter from which you request an exemption.

(c) A statement of the need and justification for the exemption. Include information, data, or sources relevant to the need and justification.

(4) A person who submits a request for exemption must make the following certification:

"I certify under penalty of perjury under the law of Washington that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry as the person or one of the persons who manage(s) the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

(5) A person who satisfies the requirements in subsections (3) and (4) of this section is temporarily exempt from the requirements from which they requested an exemption until ecology makes a decision on their request.

(6) A person adversely affected by ecology's initial decision about a request for exemption from the requirements of this chapter may request review of that decision by the ecology director or their designee. Ecology's final decision is **not** subject to further administrative review.

[Statutory Authority: Chapter 70A.350 RCW. WSR 23-12-044 (Order 21-01), § 173-337-020, filed 5/31/23, effective 7/1/23.]