

WAC 173-333-420 What are the contents of a CAP? (1) Contents of the chemical action plans. Chemical action plans will include, as appropriate, the following types of information, evaluations and recommendations:

(a) **General chemical information.** General information includes, but is not limited to, chemical name, properties, uses and manufacturers.

(b) **Production, uses and releases.** An analysis of information on the production, unintentional production, uses and disposal of the chemical. This will include estimates on the amount of each PBT used and released from all sources or activities in Washington and other man-made and naturally occurring sources that may contribute to exposures in Washington. Sources may include other chemicals or products that are known or suspected to degrade to the chemical included on the PBT list.

(c) **Human health and environmental impacts.** Information on the potential impacts on human health and the environment associated with the use and release of the PBT chemical. This will include consideration of available information on the levels of the PBT present in Washington's environment, potential for exposure, the likely fate and transport mechanisms, available body-burden data, toxicity effects, and the rates of diseases that have been associated with exposure to the particular PBT.

(d) **Current management approaches.** An evaluation of the regulatory and nonregulatory approaches that influence production, uses, releases and management of each PBT.

(e) **Identification of policy options.** A list of options for managing, reducing and phasing out the different uses and releases of the PBTs addressed in the CAP. The range of options for particular uses and releases will include:

(i) A no-action option;

(ii) An option that results in the phase out of PBT uses and releases;

(iii) An option to manage chemicals to reduce exposure; and

(iv) Other options, including the use of available substitutes, which will enable full consideration of the opportunities and constraints for reducing particular uses, releases and exposures.

(f) **Recommendations.** Recommendations for:

(i) Reducing and phasing-out uses and releases of the specific PBT or group of PBTs addressed in the CAP;

(ii) Managing products or wastes that contain the specific PBT or group of PBTs addressed in the CAP;

(iii) Minimizing exposure to the specific PBT or group of PBTs;

(iv) Switching to safer substitutes; and

(v) Encouraging the development of safer alternatives.

The recommendations will be based on an evaluation of the following factors:

(A) Environmental and human health benefits associated with implementing the action;

(B) Economic and social impacts associated with implementing the action;

(C) Feasibility of implementing the action;

(D) Availability and effectiveness of safer substitutes for uses of the PBT being addressed in the plan; and

(E) Consistency with existing federal and state regulatory requirements.

(g) **Implementation steps.** A description of the steps ecology will take to implement the CAP, including a description of:

(i) The existing resources and necessary additional budget ecology intends to use;

(ii) Potential funding sources for CAP implementation, including those that tie implementation costs to PBT sources and products;

(iii) How ecology intends to inform and educate affected persons about the CAP;

(iv) How ecology will promote, assist, and evaluate the effectiveness of voluntary actions;

(v) How ecology will collect additional information needed to evaluate the feasibility of potential actions; and

(vi) Any recommended regulatory actions and how ecology will pursue them.

(h) **Performance measures.** A description of interim milestones to assess progress and the use of objectively measurable outcomes, including recommendations for environmental and human health monitoring to measure levels of the chemical(s) (in the CAP) over time and whether the goals and purposes of the CAP are being achieved.

(i) **Other.** Other information that ecology determines is necessary to support the decision-making process.

(2) **Regulatory consistency.** When evaluating the consistency with existing federal and state regulatory requirements under subsection (1)(f)(iii)(E) of this section, ecology will:

(a) Ensure that the recommendations do not violate existing federal or state laws;

(b) Determine if the recommendations would impose more stringent performance requirements on private entities than on public entities, unless already required to do so by federal or state law, and if so, describe the justification for doing so; and

(c) Determine if the recommendations differ from federal regulations and statutes, and if so, explain why the difference is necessary and how ecology will coordinate with other federal, state, and local laws applicable to the same activity or subject matter.

(3) **Economic analyses.** In assessing economic impacts under subsection (1)(f)(iii)(B) of this section, ecology will identify costs of implementing the recommendations. This may include a qualitative and/or quantitative analysis of the probable benefits and costs of the CAP.

[Statutory Authority: 2004 c 276 and chapter 70.105 RCW. WSR 06-03-094 (Order 04-07), § 173-333-420, filed 1/13/06, effective 2/13/06.]