

**WAC 173-333-410 What evaluation factors and processes will ecology use to select PBTs or metals of concern for chemical action plan preparation?** (1) **Purpose.** Ecology will consult with the department of health to develop a multiyear schedule for the preparation of chemical action plans. The purpose of this section is to describe the evaluation factors and processes ecology will use to prepare and update the multiyear schedule.

(2) **Evaluation factors.**

(a) Ecology will consider the following factors when preparing the multiyear schedule:

(i) **Relative ranking.** The relative ranking assigned to each PBT based on ecology's evaluation of information on PBT characteristics, uses of the chemical in Washington, releases of the chemical in Washington, the levels of the chemical present in the Washington environment, and levels of the chemical present in Washington residents.

(ii) **Opportunities for reductions.** Whether there are opportunities for reducing or phasing out uses, production or releases of the PBT in Washington. In reviewing available information, the agencies shall consider whether more than one PBT is present in particular products, generated in particular processes or released from particular sources (co-occurring chemicals).

(iii) **Multiple chemical releases and exposures.** Scientific evidence on the combined effects of exposure to one or more PBTs and other substances commonly present in the Washington environment.

(iv) **Sensitive population groups and high-exposure populations.** Scientific evidence on the susceptibility of various population groups including the timing of the exposure and the cumulative effects of multiple exposures.

(v) **Existing plans or regulatory requirements.** Whether there are existing plans or regulatory requirements that reduce and phase out uses and releases of a particular PBT or group of PBTs.

(b) Ecology will not prepare CAPs if the department determines:

(i) All uses and releases of the PBT are prohibited under other state and federal laws or regulations;

(ii) There is credible scientific information to support a conclusion that the PBT is not used, released or present in Washington; or

(iii) There are no available opportunities for reducing or phasing out the uses, releases or exposures of the PBT beyond levels required under other federal or state laws or regulations.

(3) **Preliminary schedule.** Ecology will prepare a preliminary schedule that will identify the PBTs for which CAPs will be developed for the multiyear schedule, the rationale for selecting these PBTs and a timeline for completing CAPs for these PBTs.

(4) **Public notice and comment.** Ecology will notify the public when it has prepared a preliminary schedule and provide an opportunity for public review and comment. Ecology will notify the public through an announcement published in the *Washington State Register* and posted on the ecology website. Ecology will also send a written announcement to interested persons and organizations. Ecology will provide sixty days, from the date the notice is published in the *Washington State Register* for the public to review and submit comments on the preliminary selection.

(5) **Final schedule.** Ecology will review all public comments on the preliminary schedule prior to preparing a final schedule. Ecology will notify the public of the final decision through an announcement published in the *Washington State Register* and posted on the ecology

website. Ecology will also provide written notification to individuals or organizations who submitted comments on the preliminary schedule.

(6) **Schedule updates.** Ecology will review and, as appropriate, update the schedule for chemical action plans at least once every three years. In making such revisions, ecology will follow the process for preparing the schedule (including an opportunity for public review and comment) specified in this section.

[Statutory Authority: 2004 c 276 and chapter 70.105 RCW. WSR 06-03-094 (Order 04-07), § 173-333-410, filed 1/13/06, effective 2/13/06.]