

**WAC 173-334-090 Who is required to report to the department?**

(1) The manufacturer of a children's product, or a trade organization on behalf of its member manufacturers, must report to the department that the manufacturer's children's product component contains a chemical on the CHCC list.

(2) The definition of manufacturer in RCW 70.240.010 includes any person or entity that produces a children's product, any importer that assumes ownership of a children's product, and any domestic distributor of a children's product. However, it is only necessary for one person or entity to report with respect to a particular children's product.

The following hierarchy will determine which person or entity the department will hold primarily responsible for ensuring that the department receives a complete, accurate, and timely report for the children's product:

(a) The person or entity that had the children's product manufactured, unless it has no presence in the United States.

(b) The person or entity that marketed the children's product under its name or trademark, unless it has no presence in the United States.

(c) The first person or entity, whether an importer or a distributor, that owned the children's product in the United States.

[Statutory Authority: RCW 70.240.060 and 70.240.035. WSR 17-20-050 (Order 16-08), § 173-334-090, filed 9/29/17, effective 10/30/17. Statutory Authority: Chapter 70.240 RCW, RCW 70.240.040. WSR 11-16-008 (Order 09-04), § 173-334-090, filed 7/21/11, effective 8/21/11.]