

WAC 173-337-114 Bisphenols. (1) Drink cans.

(a) Applicability.

(i) Priority consumer products. This subsection applies to drink cans.

(ii) This subsection does **not** apply to food cans.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2025.

(c) Restriction.

(i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains a bisphenol-based epoxy can liner, excluding TMBPF-based epoxy can liners.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2025.

(ii) Ecology presumes the detection of a bisphenol, excluding TMBPF, indicates a bisphenol-based epoxy can liner.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that the priority consumer product does **not** contain a bisphenol-based epoxy can liner. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that the priority consumer product does **not** contain a bisphenol-based epoxy can liner.

(2) Food cans.

(a) Applicability.

(i) Priority consumer products. This subsection applies to food cans.

(ii) This subsection does **not** apply to drink cans.

(b) Compliance schedule.

(i) The reporting requirement in (c) of this subsection takes effect on January 1, 2024.

(ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:

(A) By January 31, 2025.

(B) Annually thereafter by January 31st.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains a bisphenol-based epoxy can liner. This does **not** include TMBPF-based epoxy can liners.

The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

(i) Ecology presumes the detection of a bisphenol, excluding TMBPF, indicates a bisphenol-based epoxy can liner.

(ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that the priority consumer product does **not** contain a bisphenol-based epoxy can liner. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that the priority consumer product does **not** contain a bisphenol-based epoxy can liner.

(3) Thermal paper.

(a) Applicability.

(i) Priority consumer products. This subsection applies to thermal paper.

(ii) This subsection does **not** apply to consumer products regulated by the FDA as medical devices.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2026.

(c) **Restriction.**

(i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added bisphenols.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(ii) Ecology presumes the detection of bisphenol concentrations above 200 ppm indicate intentionally added bisphenols.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that a bisphenol was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that a bisphenol was **not** intentionally added.

[Statutory Authority: Chapter 70A.350 RCW. WSR 23-12-044 (Order 21-01), § 173-337-114, filed 5/31/23, effective 7/1/23.]