

**WSR 21-23-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 21-01—Filed November 17, 2021, 8:37 a.m.]

Subject of Possible Rule Making: The Washington department of ecology (ecology) plans to develop new chapter 173-337 WAC, Safer products restrictions and reporting, aiming to reduce toxic chemicals in consumer products.

Ecology plans to conduct this rule making to:

- Reduce the use of priority chemicals in priority consumer products.
- Develop chapter 173-337 WAC in accordance with the regulatory actions outlined in the final report to the legislature. Ecology will submit by June 1, 2022.

Ecology could restrict the manufacture or sale of a chemical in a product, or require manufacturers to report a chemical in a product. Ecology could also adopt a rule that includes:

- Allowances for:
  - Pre- and post-consumer recycled content.
  - Products currently in the chain of commerce - available for purchase or stockpiled.
- Chemical concentration limits.
- Compliance schedules.
- Exclusions.
- Use of safer chemicals or reformulations.
- Other requirements or restrictions allowed by law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.350 RCW, Toxic pollution.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Steady releases of chemicals from millions of consumer products make up the largest source of toxics [toxins] entering Washington's environment. Toxic chemicals in consumer products can expose people:

- Directly from items such as personal care products, furniture, and household products.
- Indirectly from their environment - air we breathe, water we drink, and food we eat.

To address this, as ecology develops chapter 173-337 WAC, ecology plans to develop rules that could potentially:

- Reduce the use of toxic chemicals in products by restricting those chemicals when ecology identifies safer, available, and feasible alternatives. This will help:
  - Reduce consumers' exposure to toxic chemicals.
  - Reduce the amount of toxic chemicals that enter the environment.
- Increase product ingredient transparency.
- Encourage changes in the broader marketplace, both nationally and internationally.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency regulates toxic chemicals through the Toxic Substance Control Act. Many states regulate chemicals in consumer prod-

ucts or have proposed regulations. Ecology will consider these regulations when developing requirements and will coordinate with these agencies as necessary.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stacey Callaway, Department of Ecology, Hazardous Waste and Toxics Reduction Program, Olympia, WA, phone 360-407-7018, for Washington relay service or TTY call 711 or 877-833-6341, email SaferProductsWA@ecy.wa.gov, website [www.ecology.wa.gov/saferproductsrule](http://www.ecology.wa.gov/saferproductsrule); or Cheryl Niemi, Department of Ecology, Hazardous Waste and Toxics Reduction Program, Olympia, WA, phone 360-407-6850, email SaferProductsWA@ecy.wa.gov.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

November 16, 2021  
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Hazardous Waste  
and Toxics Reduction