

WSR 24-12-084

DEPARTMENT OF ECOLOGY

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Public Notice**Announcing the safer products for Washington report to the Legislature on Regulatory Determinations for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in Priority Consumer Products**

This notifies the public that the Washington state department of ecology (ecology), together with the department of health, published the safer products for Washington Cycle 1.5 Regulatory Determinations Report to the legislature on May 30, 2024. This report contains regulatory determinations for firefighting personal protective equipment (PPE) and other products recommended in the 2021 PFAS chemical action plan (CAP).

Regulatory determinations can include restrictions on PFAS in priority products, requirements for manufacturers to report the use of PFAS in priority products to ecology, or no action. We have made the following regulatory determinations for PFAS in priority products:

- Apparel and gear:
 - Reporting requirement for outdoor apparel designed for experts or professionals who are exposed to extreme weather for extended periods of time.
 - Reporting requirement for shoes.
 - Reporting requirement for gear.
 - Restriction for all other types of apparel.
- Firefighting PPE: Reporting requirement.
- Cleaning products: Restriction.
- Automotive washes: Restriction.
- Automotive waxes: Reporting requirement.
- Floor waxes: Reporting requirement.
- Ski waxes: Reporting requirement.
- Hard surface sealants: Reporting requirement.

Learn more about the rationale behind these regulatory determinations in our legislative report (<https://apps.ecology.wa.gov/publications/SummaryPages/2404023.html>) and technical supporting documentation (<https://apps.ecology.wa.gov/publications/SummaryPages/2404024.html>).

Rule-making process: To implement these regulatory determinations, ecology will use a rule-making process in accordance with the Administrative Procedure Act. Ecology will amend chapter 173-337 WAC, Safer products restrictions and reporting. This rule aims to reduce toxic chemicals in consumer products. Learn more on the safer products for Washington website, <https://ecology.wa.gov/safer-products-wa>.

Ecology will host webinars on July 30 and August 14, 2024, to answer questions about the regulatory determinations and hear initial suggestions as we develop preliminary rules.

Project background: In 2019, the Washington state legislature directed ecology to implement a regulatory program to reduce toxic chemicals in consumer products under chapter 70A.350 RCW. The implementation program is called safer products for Washington. The law requires ecology, in consultation with Washington department of health, to determine regulatory actions that will increase transparency and reduce the use of priority chemicals in priority consumer products.

In 2022, the Washington state legislature amended chapter 70A.350 RCW to require ecology to make regulatory determinations on additional

products containing PFAS as part of our work under the safer products for Washington implementation program. The amended law allows ecology to consider firefighting PPE and products identified in the 2021 PFAS CAP as priority products without taking the actions outlined in RCW 70A.350.030. We are required to make an initial set of regulatory determinations on these products by June 2024 and adopt rules by December 2025. As this work falls between the due dates for our first two review cycles, we are referring to this new review as "Cycle 1.5."

Ecology contact: If you have any questions, please contact the safer products for Washington team, Washington state department of ecology, email SaferProductsWA@ecy.wa.gov.