

WSR 22-13-041

DEPARTMENT OF ECOLOGY

[Filed June 7, 2022, 11:01 a.m.]

PUBLIC NOTICE

Announcing the Safer Products for Washington Report to the Legislature on Regulatory Determinations

This notifies the public that the Washington department of ecology's (ecology) safer products for Washington program published the final report to the legislature on regulatory determinations. The report on regulatory determinations is available on the ecology website at <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>.

Ecology published a draft report on November 17, 2021, and held a 75-day public comment period ending January 28, 2022, to allow stakeholders and the public to review and comment on the draft regulatory determinations. After considering over 700 comments received on the draft report, ecology conducted additional research and consulted with the Washington department of health.

Based on this additional work, our regulatory determinations are restrictions on the following chemical-product combinations:

- Organohalogen flame retardants in external plastic device casings for electric and electronic products intended for indoor use.
- Organohalogen and organophosphate flame retardants in chapter 70A.430 RCW in recreational polyurethane:
 - Uncovered foam
 - Covered floor mats
 - Covered flooring
 - Outdoor recreational products
- PFAS in:
 - Carpets and rugs
 - Indoor leather and textile furniture and furnishings
 - Aftermarket stain- and water-resistance treatments for leather and textile products
- Bisphenols in:
 - Thermal paper
 - Drink can linings
- APEs in laundry detergent.
- Ortho-phthalates in:
 - Vinyl flooring
 - Fragrances used in personal care and beauty products

Our regulatory determinations are reporting requirements for the following chemical-product combinations:

- Organohalogen flame retardants in external plastic device casings for electric and electronic products intended for outdoor use.
- Organohalogen and organophosphate flame retardants listed in chapter 70A.430 RCW in recreational polyurethane covered wall padding.
- PFAS in outdoor leather and textile furniture and furnishings.
- Bisphenols in food can linings.

Identification of peer-reviewed science and other sources of information: Find this information in the citation list in Appendix B within the report to the legislature, ecology publication #22-04-018.

Rule-making process: To implement these regulatory determinations, ecology will use a rule-making process in accordance with the

Administrative Procedure Act. Ecology will develop new chapter 173-337 WAC, Safer products restrictions and reporting. This rule aims to reduce toxic chemicals in consumer products. See more on the safer products for Washington rule-making web page <https://ecology.wa.gov/SaferProductsRule>.

More information: Find more details about the safer products for Washington program on the stakeholder web page <https://bit.ly/SaferProductsWA>.

For information, or to request copies of the report on regulatory determinations, contact the safer products for Washington program: Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6700, email SaferProductsWA@ecy.wa.gov.

If you require special accommodations or need this public notice in a format for the visually impaired, contact ecology by phone at 360-407-6700 or email at hwtrpubs@ecy.wa.gov. Persons with hearing loss can call 711 for Washington relay service. Persons with a speech disability can call 877-833-6341.