

Welcome to the webinar for Safer Products for WA Cycle 1.5

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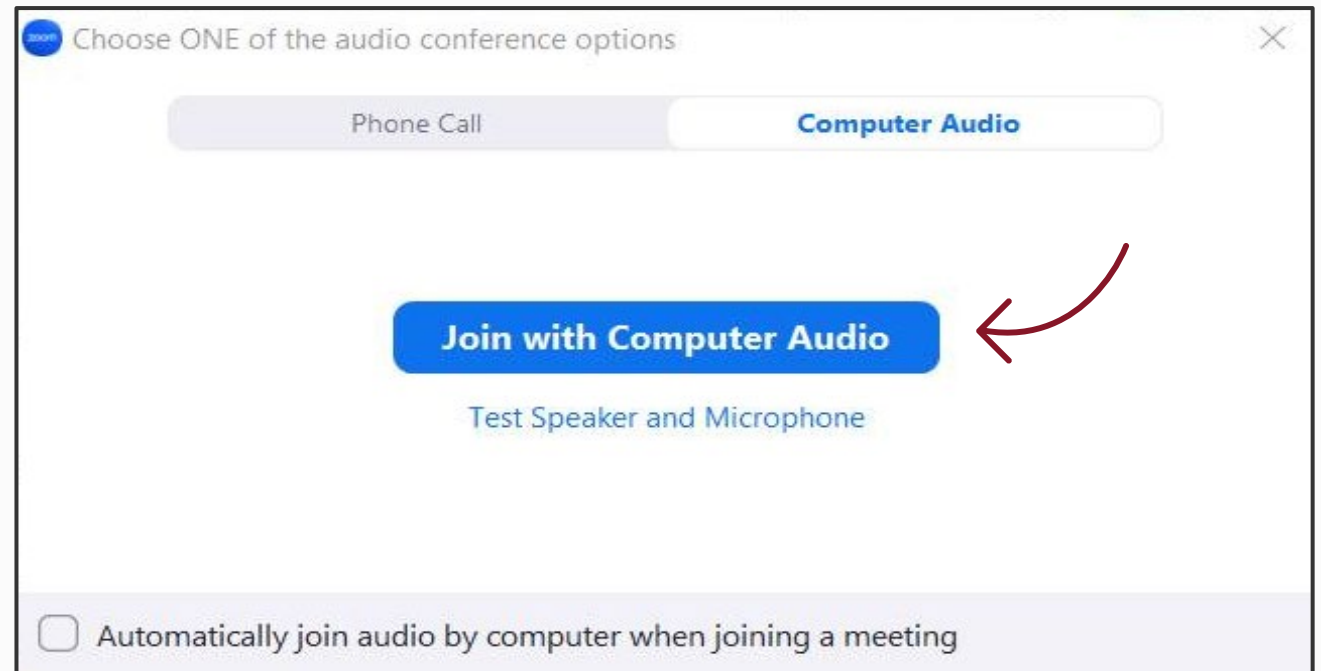
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Regulatory determinations and draft rule requirements for PFAS in products

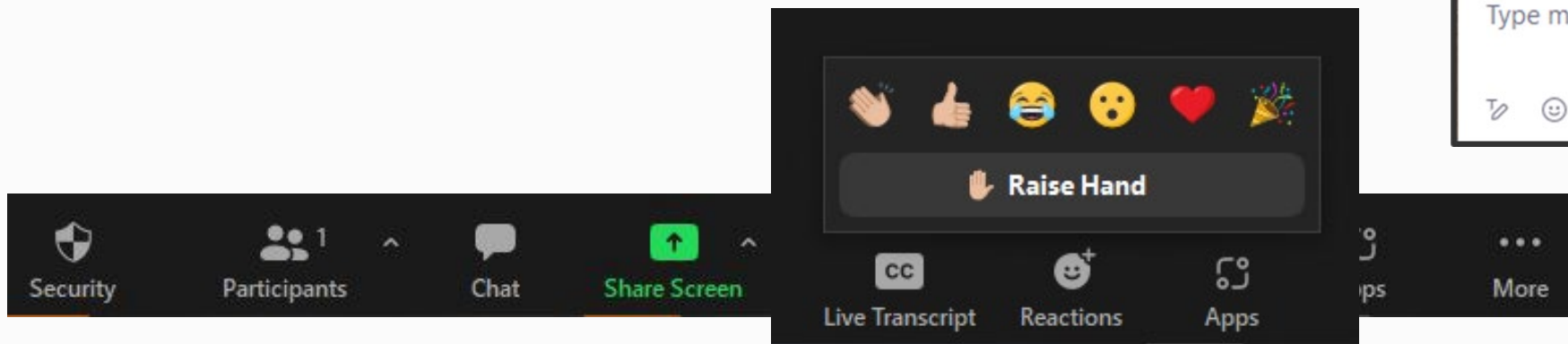
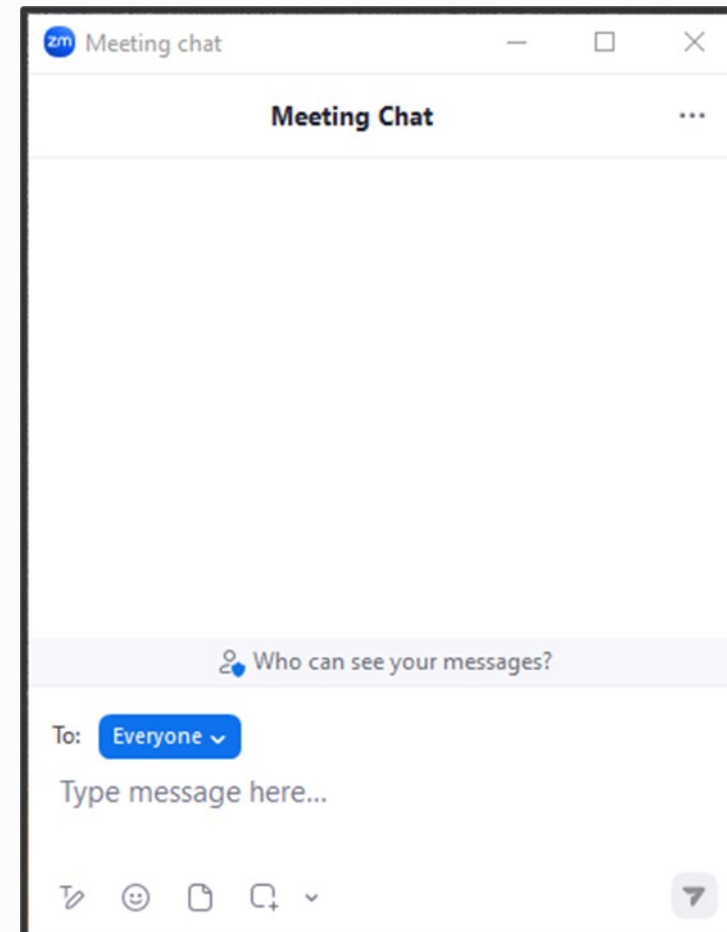
Safer Products for Washington
August 14, 2024



Zoom logistics



- To raise your hand, select the React button on the tool bar at the bottom of the screen, then click Raise Hand.
- To participate in the chat, make sure your responses are sent to Everyone.



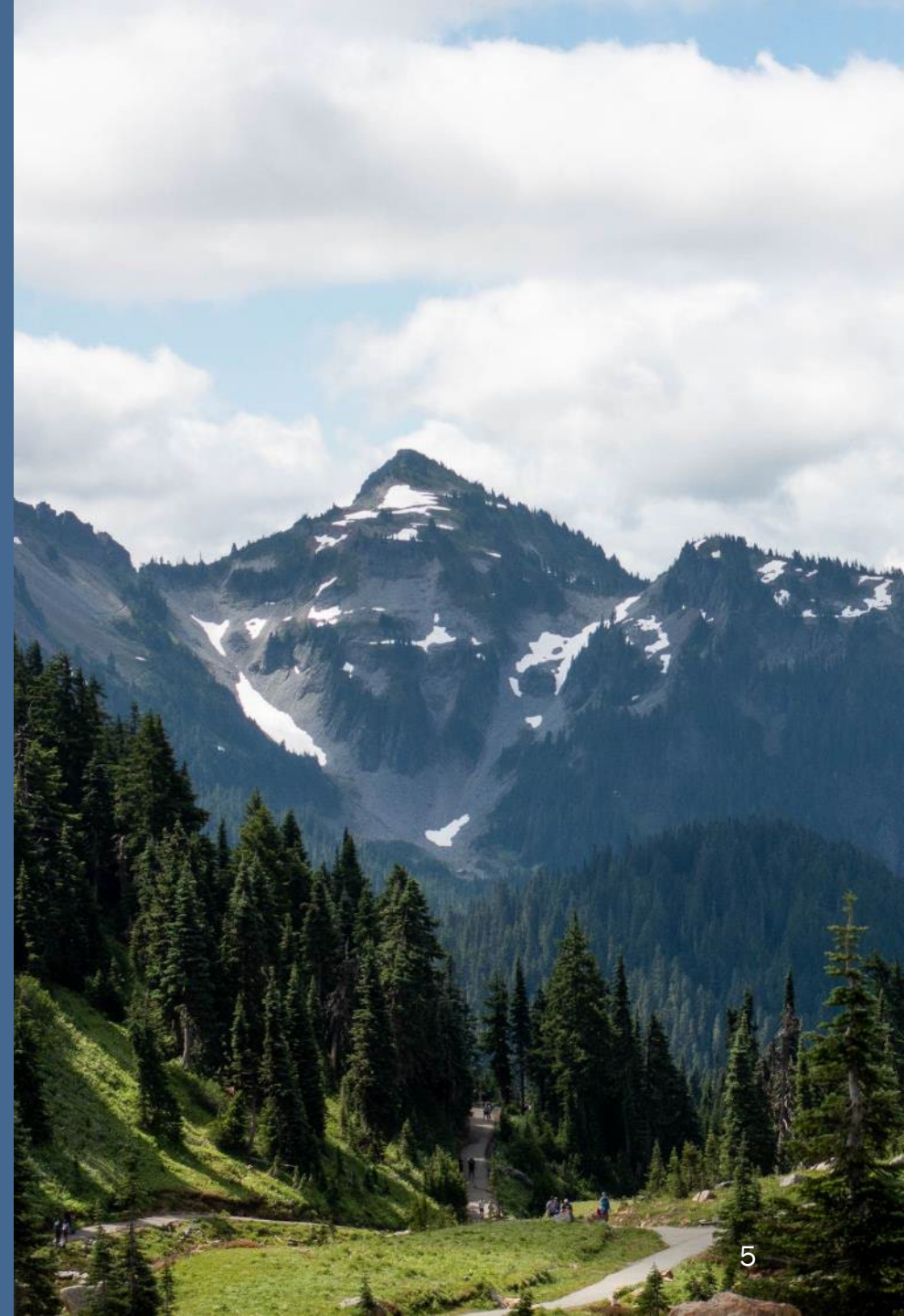


Agenda

1. Overview of Safer Products for Washington
2. Regulatory determinations for PFAS in products
3. Rulemaking overview
4. Draft rule requirements
5. Next steps



Overview of Safer Products for Washington

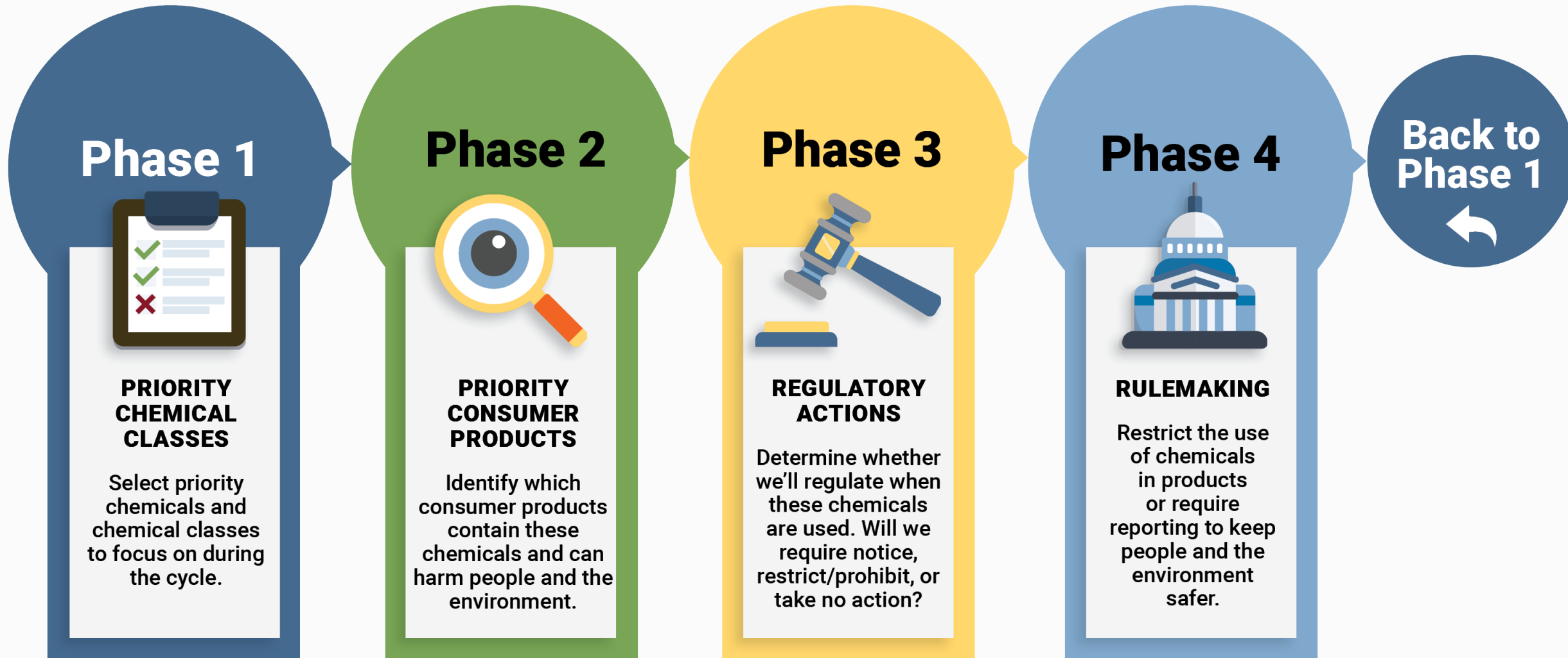


Safer Products for Washington

- Cyclical process for systematically regulating classes of chemicals in consumer products.
 - Statute: Chapter 70A.350 RCW
 - Rule: Chapter 173-337 WAC
- Equitably reduce exposure to toxic chemicals from consumer products.
- Prevent releases of toxic chemicals into the environment.



Safer Products for Washington implementation process



Safer Products for Washington cycles

- **Cycle 1:** Adopted new rule (Chapter 173-337 WAC) in May 2023
- **Cycle 2**
 - **Phase 1:** Priority Chemical Report submitted June 2024
 - **Phase 2:** Priority Products Report due June 2025
 - Webinar July 11, 2024 (slides on webpage)
 - Draft report expected for public comment in late 2024
- **Cycle “1.5” Phase 3:** Regulatory Determinations on PFAS in Products

Cycle 1.5: Focus on PFAS

In 2022, the Legislature amended Chapter 70A.350 RCW to add specific requirements to reduce PFAS in products. It instructs us to:

- Consider products in the PFAS Chemical Action Plan.
- Identify firefighting personal protective equipment as a priority product.
- Determine regulatory actions by **June 2024**.
- Adopt rules by **December 2025**.

Why PFAS?

- RCW 70A.350.010 defines PFAS as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- The carbon-fluorine bond makes PFAS persistent in the environment.
- Many PFAS are:
 - **Mobile** in the environment or bioaccumulate.
 - **Pervasive** environmental contaminants.
 - **Toxic** to people and the environment.
 - **Detected** in nearly everyone.

Priority products from the chemical action plan



Apparel
and gear



Firefighting personal
protective equipment



Cleaning products including
automotive washes



Automotive waxes
and polishes



Floor waxes
and polishes



Ski
waxes



Hard surface
sealants



Cookware and
kitchen supplies

Safer Products for Washington phase 3

- Regulatory determinations can require:
 - No action.
 - Require reporting.
 - Restrict.
- Ecology considered whether the restriction would:
 - Reduce significant sources or use of PFAS.
 - Be safer, were feasible, and if there are available alternatives
 - Considered other regulations.
 - Conducted a market analysis
- Must identify safer, feasible, and available alternatives to restrict PFAS in products.

Phase 3



REGULATORY ACTIONS

Determine whether we'll regulate when these chemicals are used. Will we require notice, restrict/prohibit, or take no action?

Evaluating alternatives to PFAS in priority products

Evaluated alternatives to PFAS in:

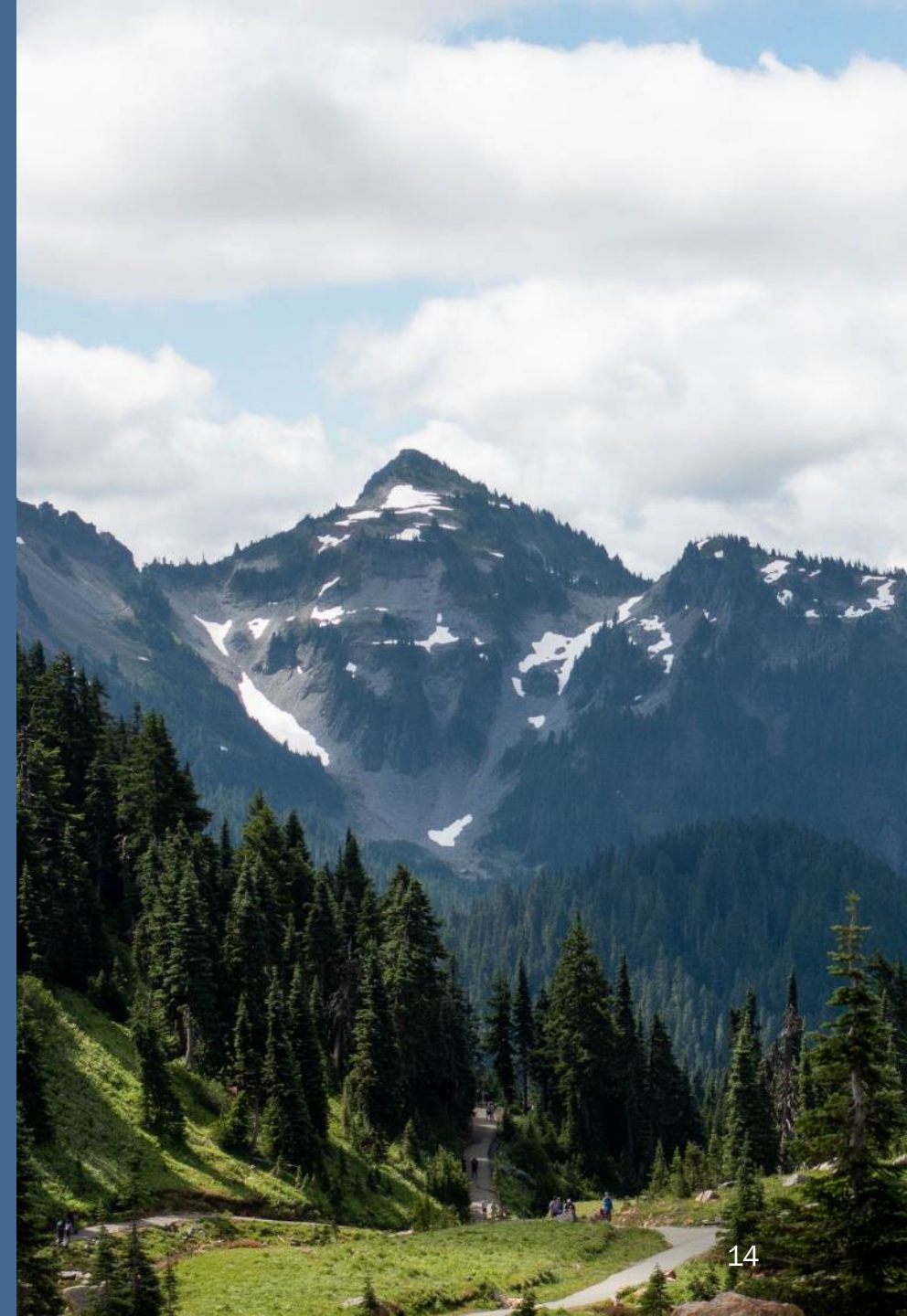
- Apparel and gear.
- Firefighting personal protective equipment.
- Cleaning products.
- Automotive washes.
- Automotive wax.
- Floor wax.
- Ski wax.

Didn't evaluate alternatives to PFAS in:

- Hard surface sealants.
- Cookware and kitchen supplies.



Cycle 1.5 regulatory determinations



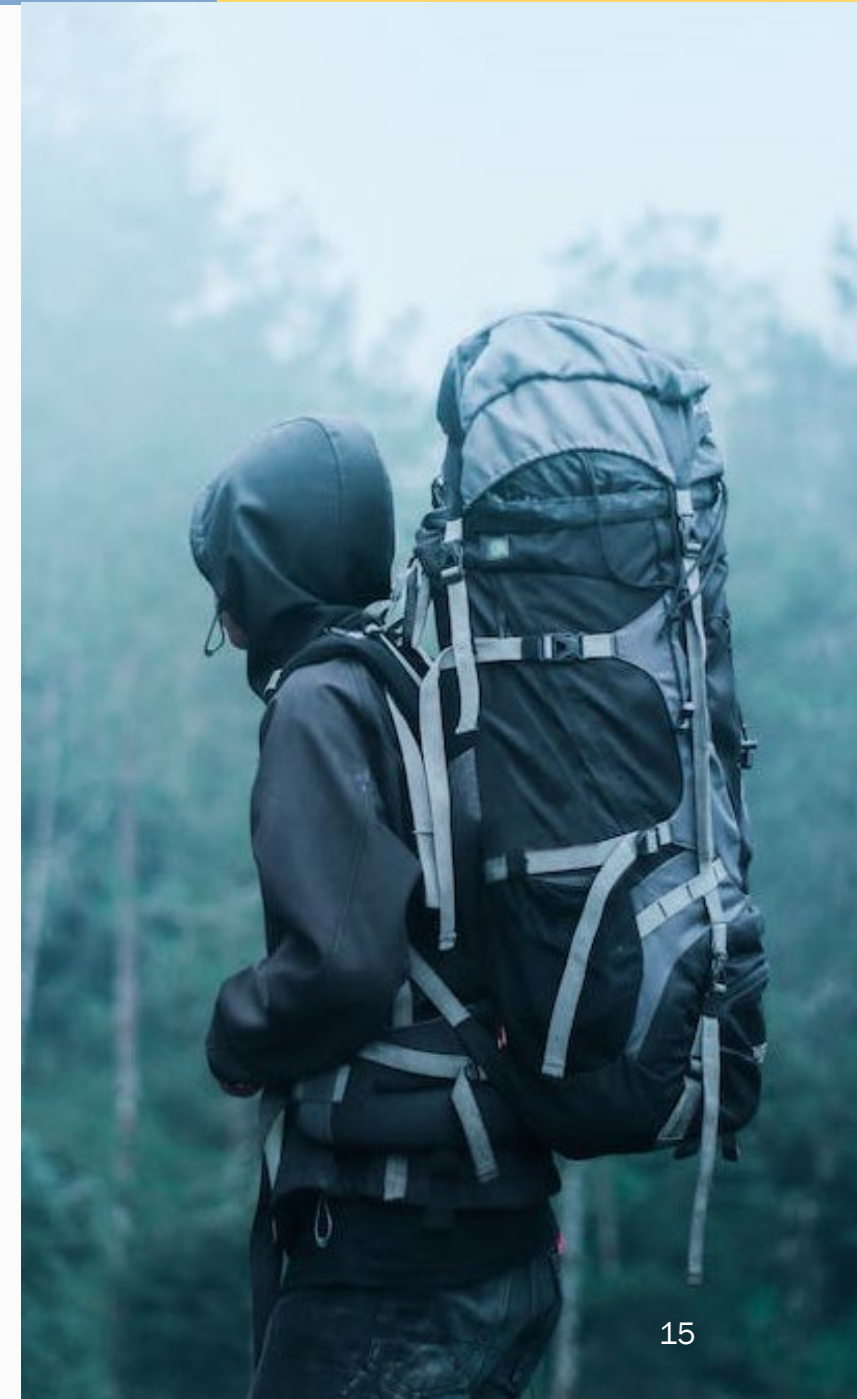
Apparel and gear product scope

Examples of apparel

- Athleticwear
- Rain wear
- Reusable diapers
- Menstrual underwear
- School uniforms
- Dresses
- Hats
- Scarves
- Gloves
- Shoes
- Extended-use products

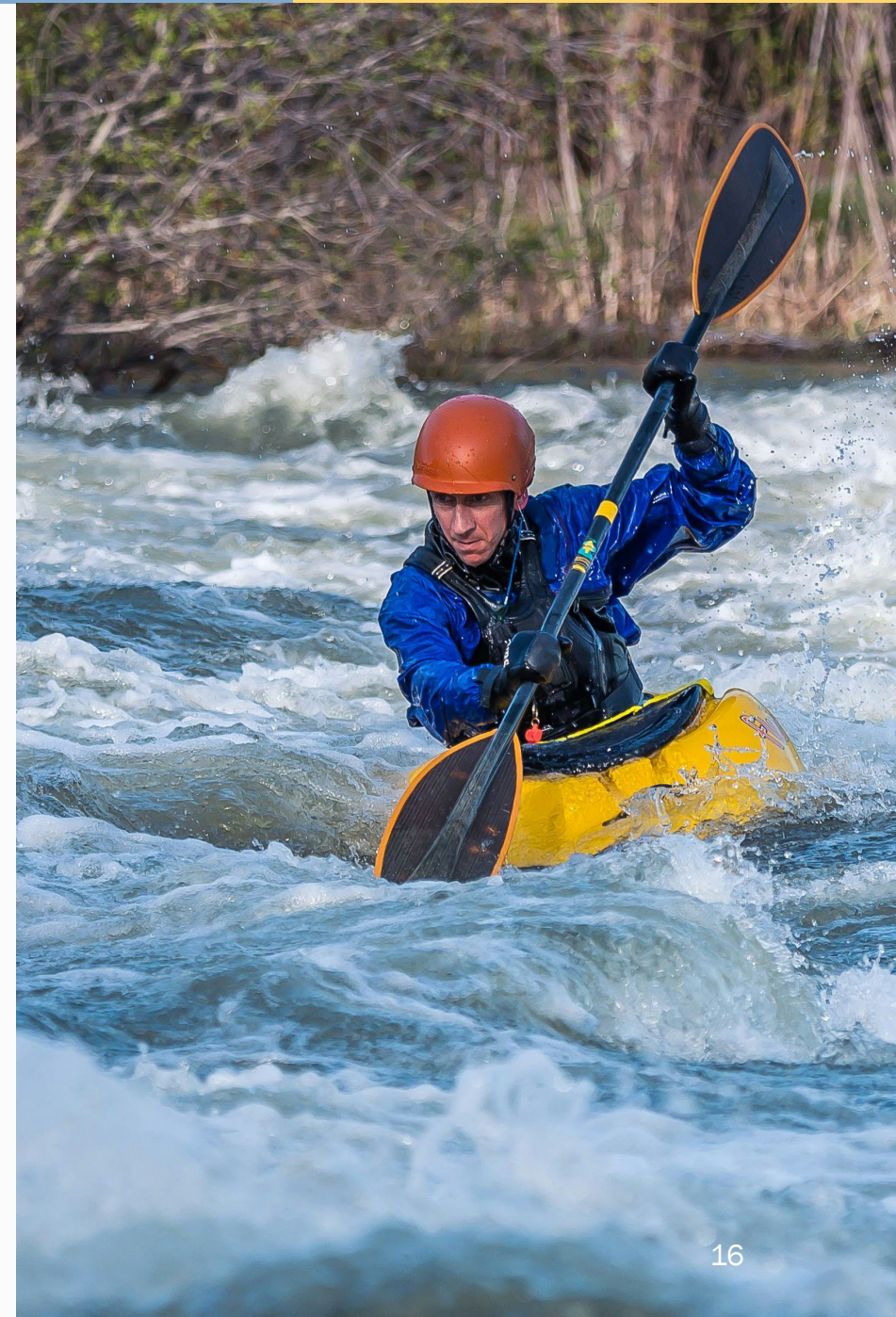
Examples of gear

- Backpacks
- Sleeping bags
- Umbrellas
- Camping furniture
- Climbing rope



Extended use products

- Outdoor apparel designed for experts or professionals who are exposed to extreme weather for extended periods.
- Aligns with California Code, Health and Safety Code 108970.
- Examples include outerwear for:
 - Offshore sailing.
 - Whitewater kayaking.
 - Mountaineering.



Regulatory determinations for PFAS in apparel and gear

- **Reporting requirements** when safer alternatives were not identified. The reporting requirement is for:
 - Apparel intended for extended use.
 - Shoes.
 - Gear.
- A **restriction** when safer alternatives were feasible and available. The restriction is for:
 - All other types of apparel.



Firefighting personal protective equipment

RCW 70A.400.005(4) firefighting personal protective equipment means:

“Any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.”



Regulatory determination for PFAS in firefighting personal protective equipment

- Since 2018, manufacturers must notify purchasers if PFAS is in firefighting personal protective equipment (RCW 70A.400.030).
- There is a **reporting requirement** for PFAS in firefighting personal protective equipment.
- We are continuing work to identify safer, feasible, and available alternatives for future cycles.



Cleaning products

- Cleaning products and cleaning agents intended for:
 - Household and institutional uses (glass, bathrooms, dishes, tiles).
 - Automotive (boats, trucks, cars).
- It doesn't include PFAS used as propellants.
- A few examples are:
 - All-purpose cleaners
 - Disinfectants



Regulatory determination for PFAS in cleaning products

- Safer alternatives are feasible and available.
- There is a **restriction** on PFAS in cleaning products.



Automotive waxes and polishes

- Automotive (cars, RVs, trucks, boats) polishes and waxed-based products are formulated products marketed for use on an **automotive exterior**.
- It doesn't include waxes and polishes applied during manufacturing.
- Some examples are:
 - Polish
 - Wash and wax
 - All-in-one wax
 - Spray wax
 - Wet wax



Floor waxes and polishes

- Floor polishes and waxed-based products are formulated products designed to **polish, protect, or enhance a floor's surface.**
- Some examples are:
 - Multi-surface floor finishes.
 - Low-gloss.
 - Semi-gloss.
 - High-gloss polishes.



Ski waxes

- Ski wax products are formulated products intended for use on snow equipment (Nordic skis, alpine skis, snowboards) with the intent of **modifying friction properties**.
- Some examples are:
 - Hot wax.
 - Spray wax.
 - Rub-on wax.



Regulatory determinations for PFAS in waxes and polishes

- There is a **reporting requirement** for PFAS in automotive waxes and polishes.
- There is a **reporting requirement** for PFAS in floor waxes and polishes.
- There is a **reporting requirement** for PFAS in ski waxes.
- We're currently evaluating alternatives to floor waxes and polishes for future cycles.



Hard surface sealants

- Hard surface sealants are used to seal hard, porous surfaces such as:
 - Stone.
 - Unglazed tile.
 - Concrete.
 - Wood.
- They are designed to protect a variety of surfaces from liquids and soil.
- They can be used for interior and exterior applications.



Regulatory determination for PFAS in hard surface sealants

- There is a **reporting requirement** for PFAS in hard surface sealants
- We are currently evaluating alternatives for consideration in future cycles.



Cookware and kitchen supplies

- Durable houseware items used in homes and restaurants to prepare, dispense, or store food, foodstuffs, or beverages.
- Focus on food contact materials, not inaccessible components
- Examples
 - Frying pans
 - Cooking pots
 - Rice cookers
 - Waffle makers
 - Griddles
 - Bakeware
 - Reusable baking liners
 - Cooking utensils



Regulatory determination for PFAS in cookware and kitchen supplies

- There is a **reporting requirement** for PFAS in cookware and kitchen supplies
- We are currently evaluating alternatives for consideration in future cycles.

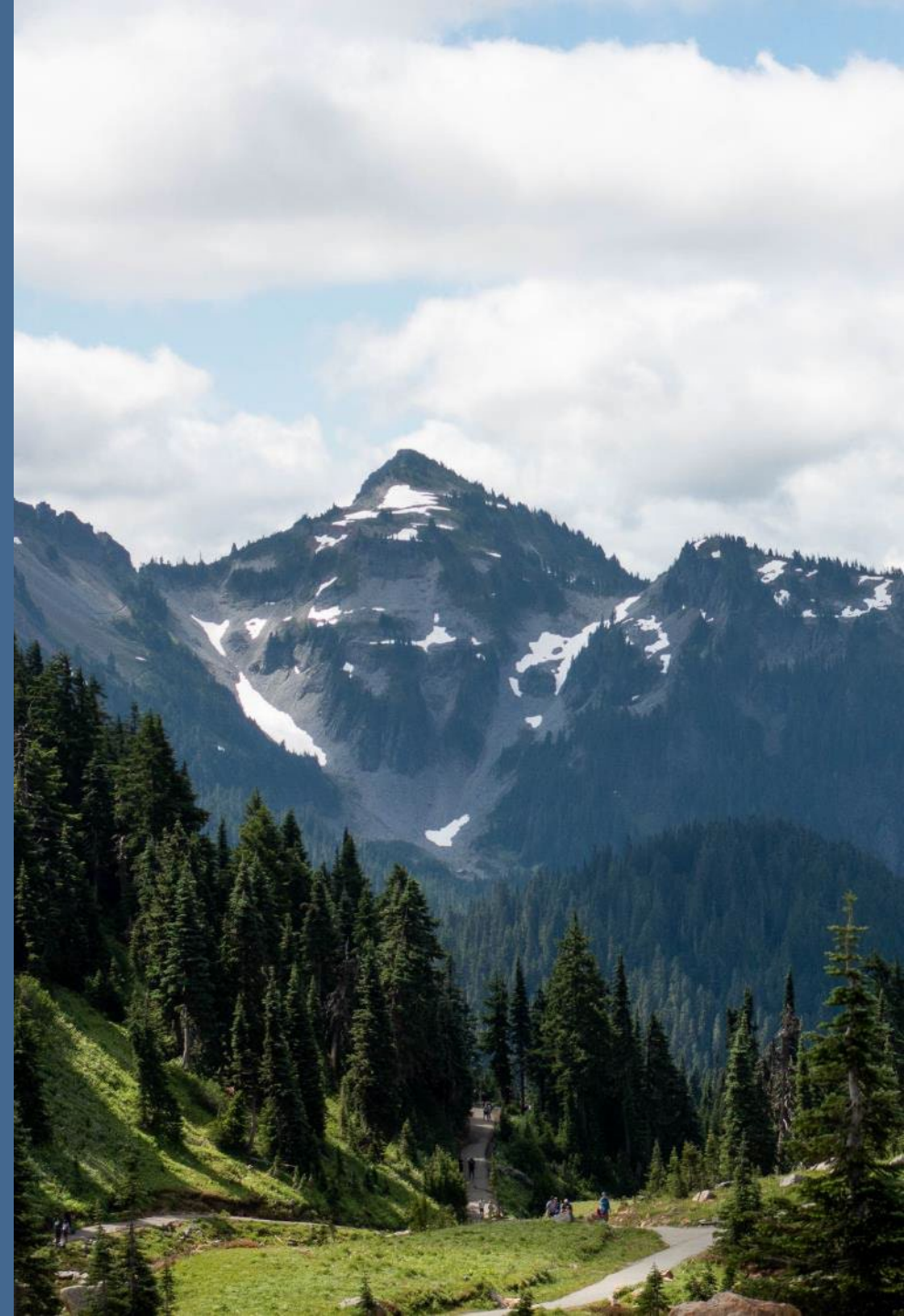




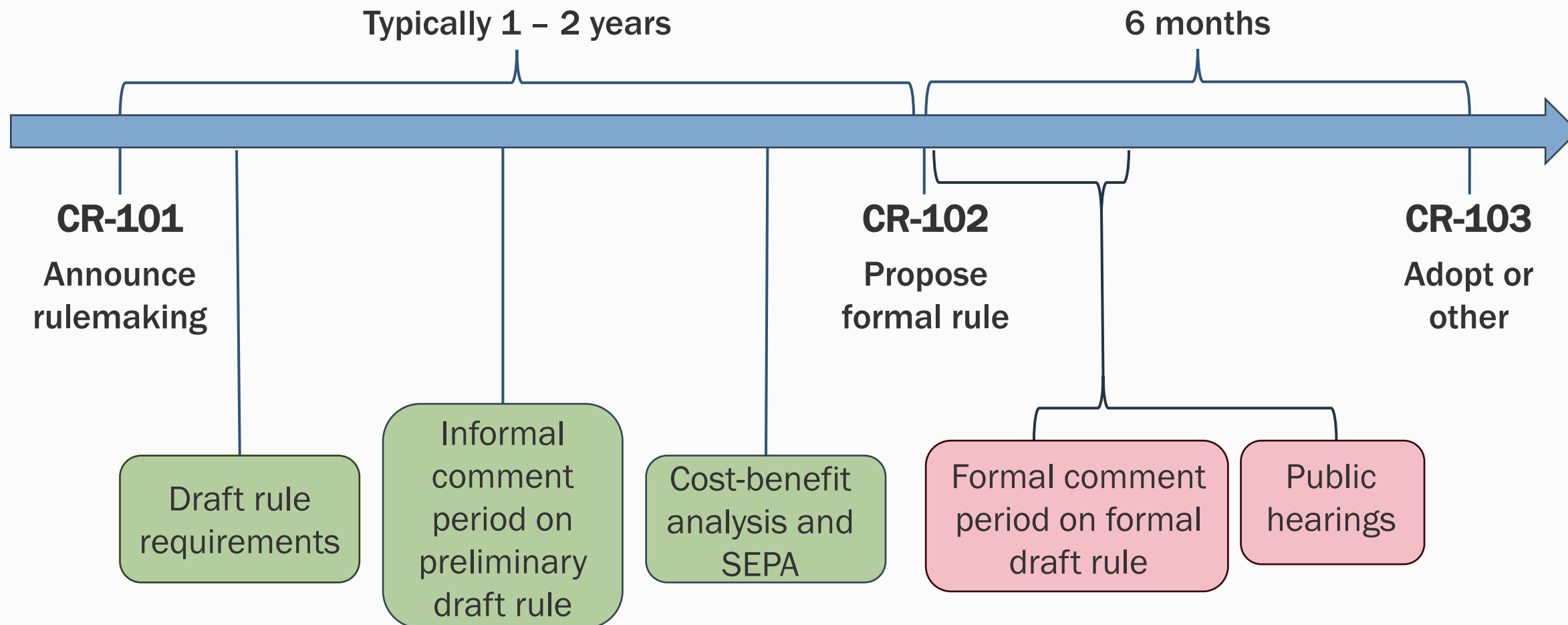
Time for a quick break



Rulemaking PFAS



Rulemaking process



See slide 53 for figure description.

Opportunities to provide feedback

CR-101

INFORMAL comment period

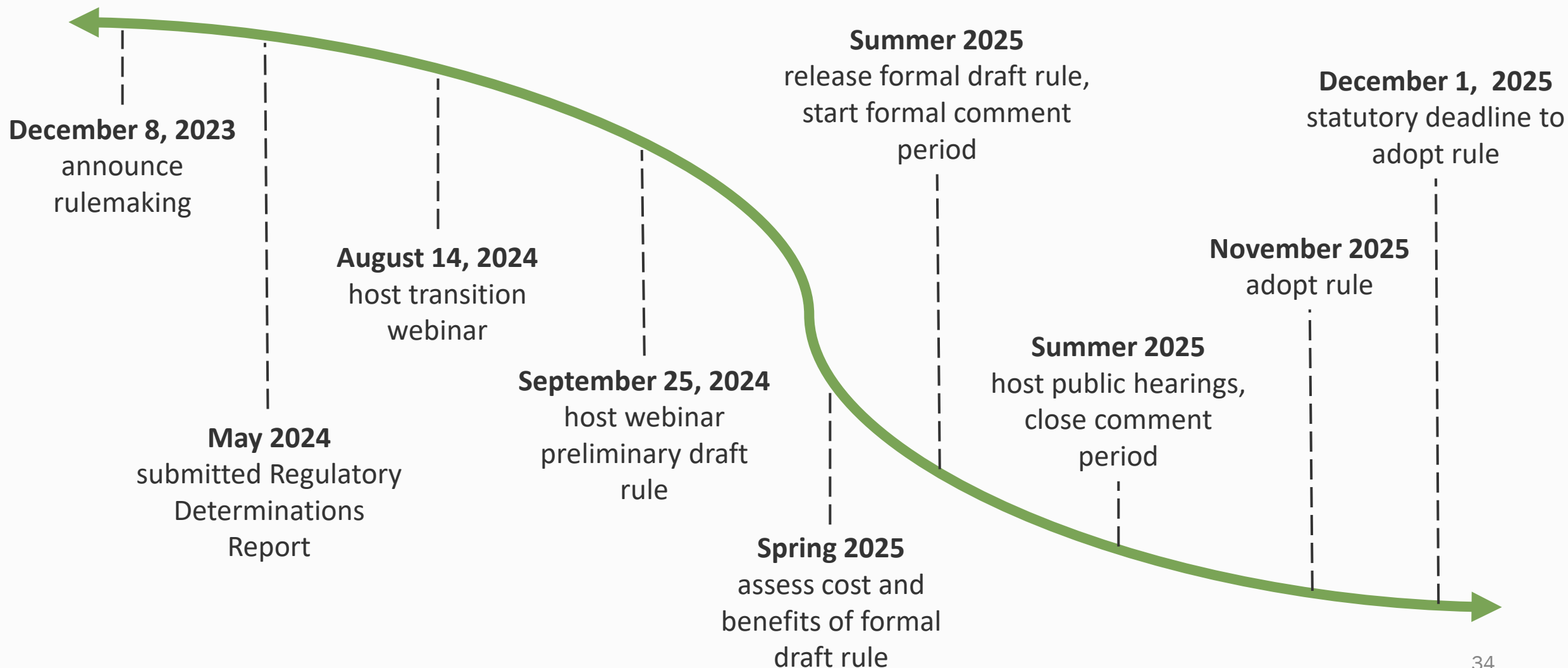
- Create draft rule requirements.
- Write preliminary draft rule.
- Provide INFORMAL public comment period.
- Significant changes are ok.

CR-102

FORMAL comment period

- Release formal draft rule, cost-benefit analysis, and SEPA.
- Provide FORMAL public comment period and hearings.
- Must refile the CR-102 form if significant changes to rule.

Cycle 1.5 rulemaking timeline



Scope of cycle 1.5 rulemaking

Implement regulatory actions in Regulatory Determinations Report (submitted May 2024)

Restrictions on PFAS in:

- Apparel (NOT extended use).
- Automotive washes.
- Cleaning products.

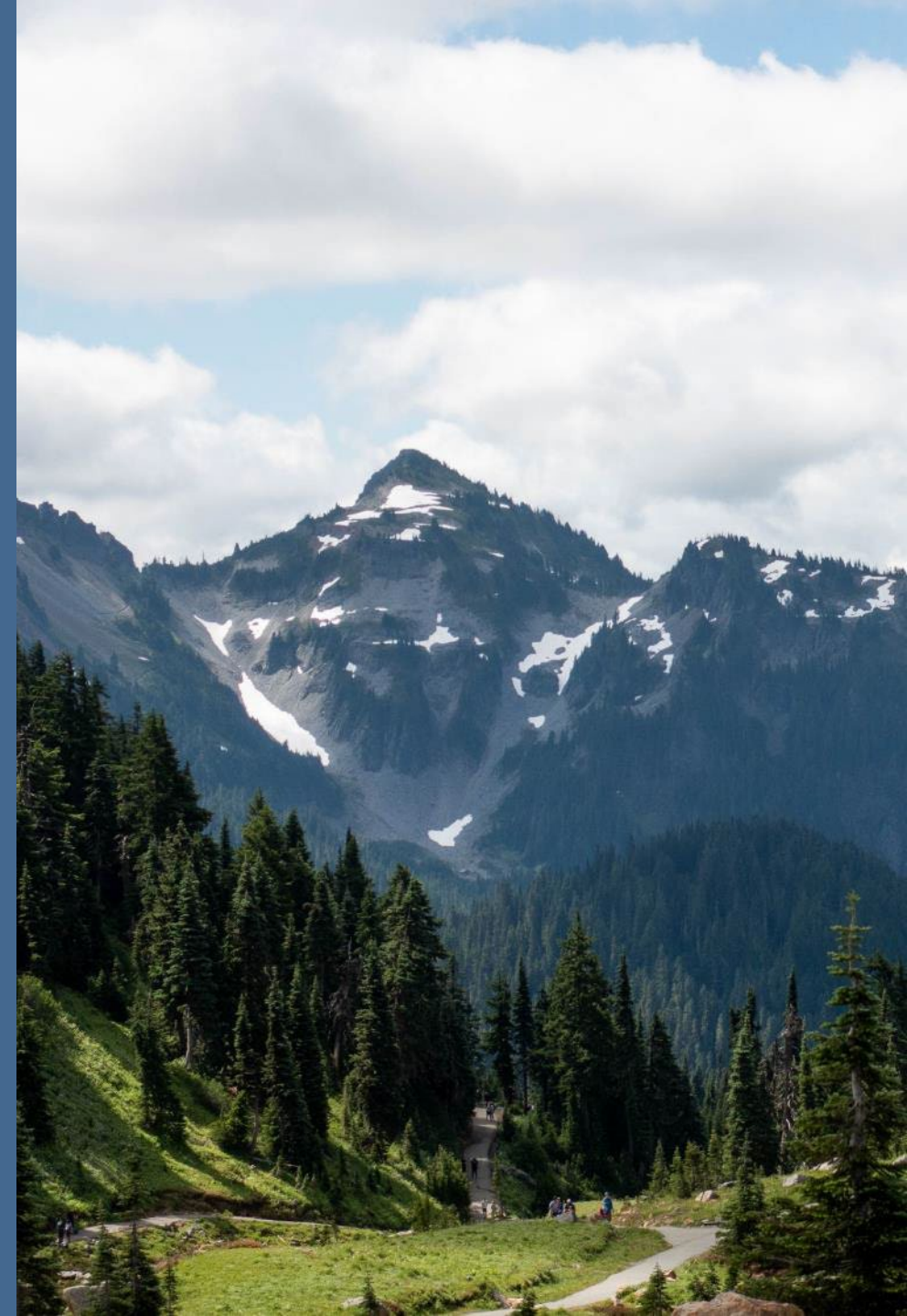
Report use of PFAS in:

- Apparel (extended use), gear, shoes.
- Automotive waxes.
- Cookware and kitchen supplies.
- Firefighting personal protective equipment.
- Floor waxes and polishes.
- Hard surface sealants.
- Ski waxes.



Discussion

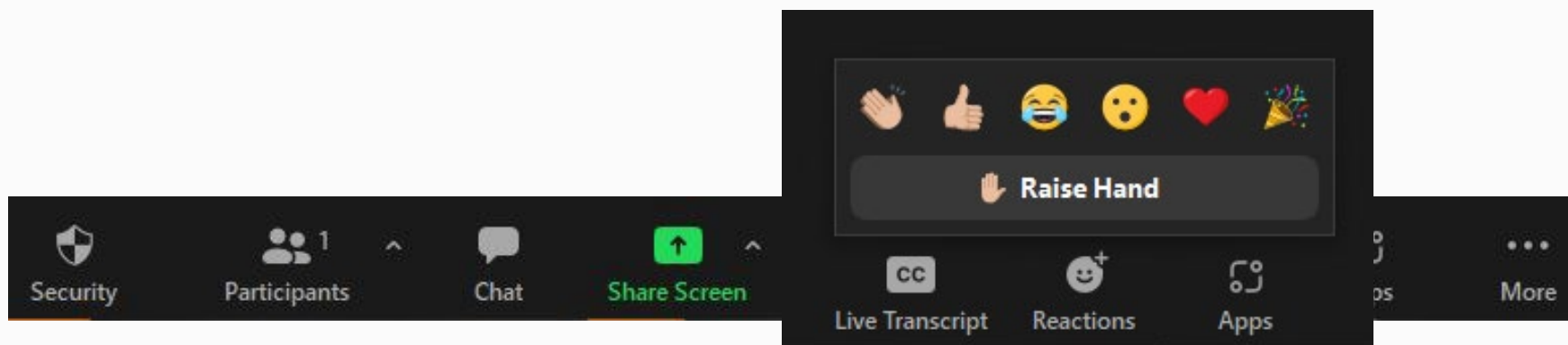
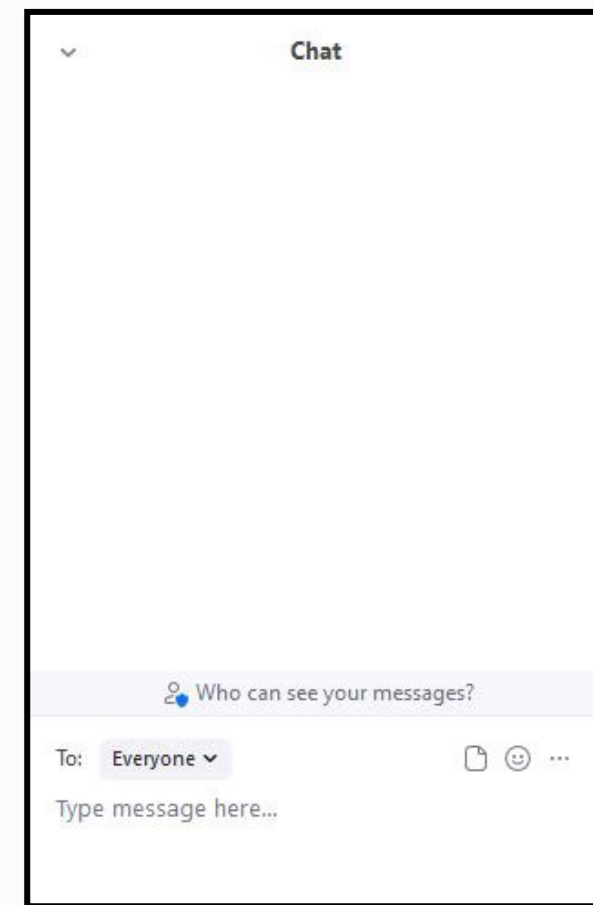
Draft rule requirements



Tell us your ideas

To share feedback:

- Type your ideas in the chat.
- Raise your hand to share your ideas verbally.



Apparel and gear feedback

Apparel (NOT extended use)

- Ex: clothing, uniforms, athleticwear
- Doesn't include shoes or gear
- Restriction on intentionally added
- **Effective Jan. 1, 2027**

Apparel (extended use)

- Ex: extreme weather for extended periods (professional users)
- Doesn't include shoes or gear
- Reporting (track in 2026, **report by Jan. 31, 2027**)

Questions

- Are these dates feasible?
- Thoughts about potential costs related to complying with these dates?
- Questions or thoughts about products in these categories?

Apparel and gear (cont.)

Gear

- Ex: backpacks, camping furniture, sleeping bags, umbrellas
- Reporting (track in 2026, report by Jan. 31, 2027)

Shoes

- Ex: boots, casual, dress, hiking, running, sandals
- Reporting (track in 2026, report by Jan. 31, 2027)

Questions

- Are these dates feasible?
- Thoughts about potential costs related to complying with these dates?
- Questions or thoughts about products in these categories?

Automotive washes feedback

Draft requirements

- Includes boats, cars, RVs, trucks.
- Restriction on intentionally added
- Effective Jan. 1, 2027

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Automotive waxes feedback

Draft requirements

- Such as all-in-one, spray wax, wet wax.
- It doesn't include products applied during automotive manufacturing.
- Reporting (track in 2026, report by Jan. 31, 2027)

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Cleaning products feedback

Draft requirements

- Such as all-purpose cleaners, disinfectants.
- Doesn't include PFAS used as propellant function.
- Restriction on intentionally added.
- Effective Jan. 1, 2027

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Cookware and kitchen supplies feedback

Draft requirements

- For things like frying pans, cooking pots, rice cookers, waffle makers, griddles, bakeware, reusable baking liners, and cooking utensils.
- Doesn't include internal electrical components.
- Reporting (track in 2026, report by Jan. 31, 2027)

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Firefighting personal protective equipment

Draft requirements

- As defined in statute (RCW 70A.400.005(4)).
- The clothing worn by firefighters in the performance of their duties. Such as jackets, pants, shoes, gloves, helmets, respirator.
- Reporting (track in 2026, report by Jan. 31, 2027)

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Floor waxes and polishes feedback

Draft requirements

- For items like multi-surface floor finishes, semi-gloss, and high-gloss.
- Is designed to polish, protect, or enhance a floor's surface.
- Reporting (track in 2026, report by Jan. 31, 2027)

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Hard surface sealant feedback

Draft requirements

- Are used to seal hard, porous surfaces (stone, unglazed tile, concrete, wood).
- Is intended for interior and exterior applications.
- Reporting (track in 2026, report by Jan. 31, 2027)

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



Ski waxes feedback

Draft requirements

- Such as hot wax, spray wax, and rub-on wax.
- When it's used on snow equipment (Nordic skis, alpine skis, and snowboards).
- Reporting (track in 2026, report by Jan. 31, 2027).

Questions

- Is this date feasible?
- Thoughts about potential costs related to complying with this date?
- Questions or thoughts about products in this category?



General discussion

What else would you like to tell us?

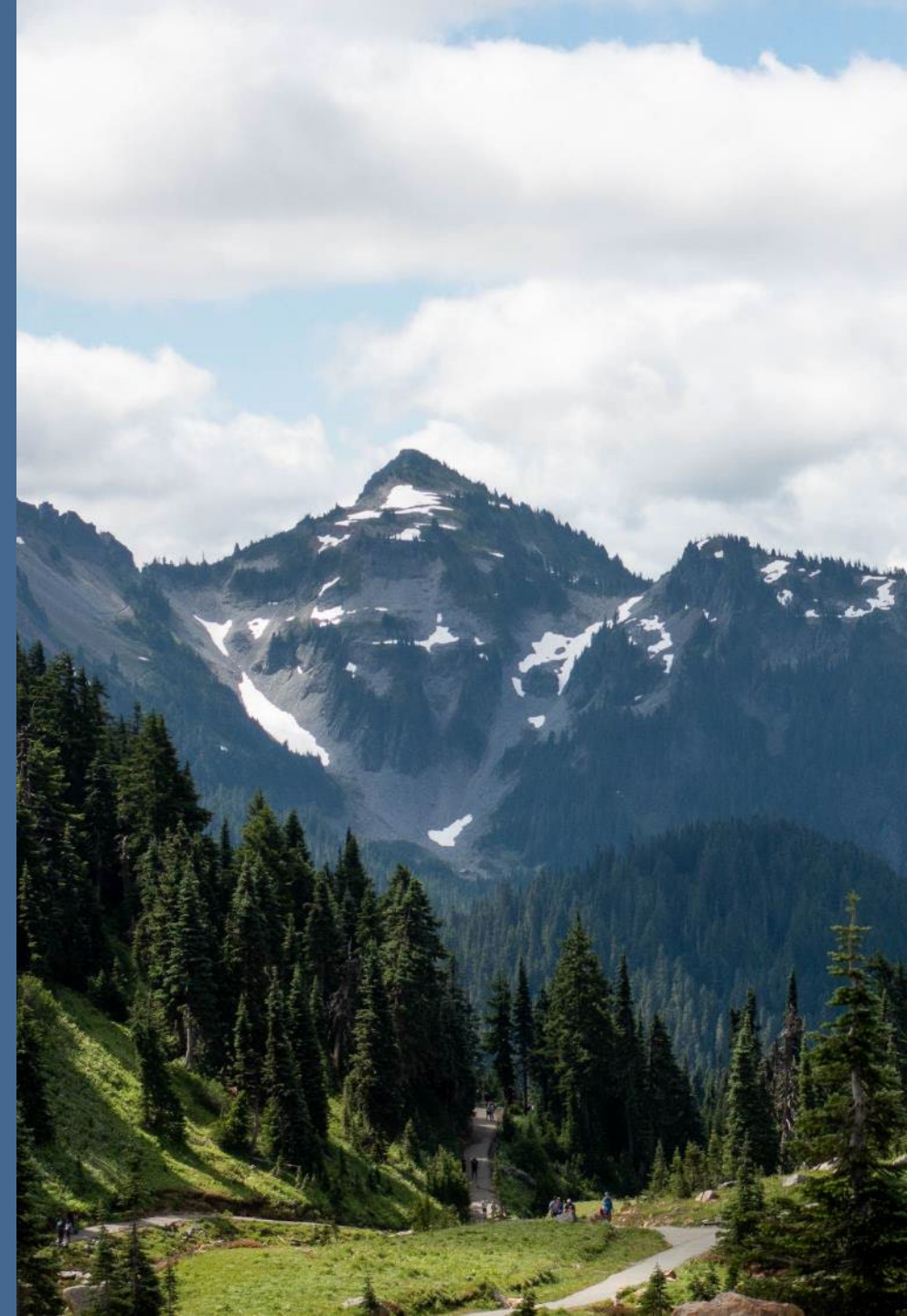
- Questions?
- Feedback?





Next steps

Cycle 1.5 rulemaking



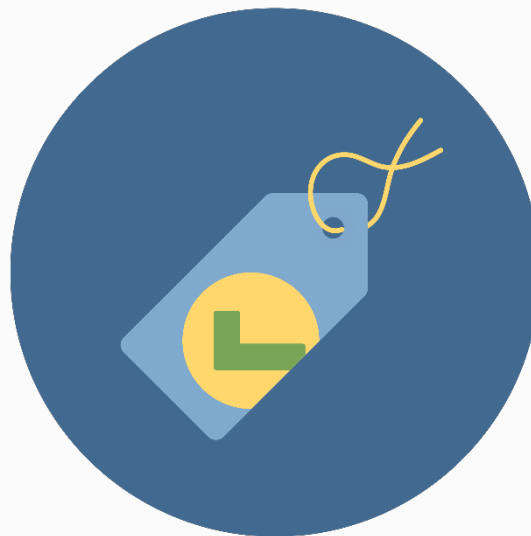
Next steps for cycle 1.5 rulemaking

- We'll release the preliminary draft rule in September.
- We'll host a webinar on September 25.
- Share feedback on the preliminary draft rule before October 16.
- We'll conduct an economic assessment on the formal draft rule in spring 2025.
- We'll propose the formal draft rule in summer 2025.

Thank you for joining us!



SaferProductsWA@ecy.wa.gov



ecology.wa.gov/Safer-Products-WA



Chapter 70A.350 RCW
Chapter 173-337 WAC

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Figure Description, slide 7

- **Slide 7:** This slide demonstrates the four phases of a standard Safer Products for Washington cycle: priority chemical classes, priority consumer products, regulatory actions, and rulemaking.
- Safer Products for Washington implementation cycle are defined in four phases. Once phase four is complete, it's back to phase 1.
- Phase 1: Priority Chemical Classes in which we select priority chemicals and chemical classes to focus on during the cycle.
- Phase 2: Priority Consumer Products in which we identify which consumer products contain these chemicals and can harm people and the environment.
- Phase 3: Regulatory Actions in which we determine whether we'll regulate when these chemicals are used. Will we require notice, restrict/prohibit, or take no action?
- Phase 4: Rulemaking in which we restrict the use of chemicals in products or require reporting to keep people and the environment safe.

Figure Description, slide 32

Slide 32: This slide shows the three milestones of the rulemaking process. We file the CR-101 form to announce the rulemaking, and this officially starts the rulemaking effort. This phase typically lasts one to two years and includes drafting the rule requirements, an informal comment period on the preliminary draft rule, a cost benefit analysis, and SEPA review. Then we file the CR-102 form and materials to propose the formal draft rule. This process lasts six months. During this time, we start the formal comment period (which typically lasts 30 – 45 days) and host formal hearings. If the Ecology director supports adopting the rule, then we file the CR-103 form and materials with the Code Reviser.