

Substitute Senate Bill 5135 Safer Products for Washington

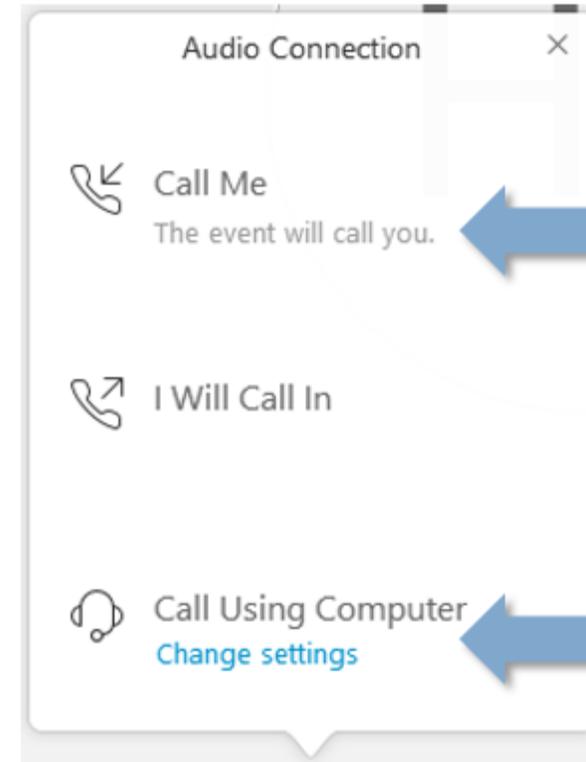


Washington State Department of Ecology
Washington State Department of Health
August 29, 2019



Webinar logistics

Please choose “Call Me”
or “Call Using Computer”
This helps us identify you
during our Q&A sessions.
All lines are muted.
*All questions should be
typed into the Q&A or
Chat box.*



Safer Products for Washington



What is Substitute Senate Bill 5135



How it will be implemented



When interested parties will be involved

Safer Products for Washington

(Substitute Senate Bill 5135)

- Priority chemicals are defined in the law as a chemical or class of chemicals:
 - Priority chemicals: Per and polyfluoroalkyl substances (PFAS), phthalates, flame retardants, phenolic compounds, polychlorinated biphenyls (PCBs).
 - Future priority chemicals to be identified by Ecology and Health
- Requires Ecology, in consultation with Health:
 - Identify priority consumer products that are a significant source of priority chemicals.
 - Determine regulatory actions to increase transparency and reduce the use of priority chemicals in priority consumer products.
 - Adopt rules to implement regulatory actions.



SSB 5135: <http://lawfilesexternal.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/5135-S.SL.pdf>

Safer Products for Washington's four phases

1: Identify Priority Chemicals

2019

2: Identify Priority Products

2020

3: Determine regulatory actions

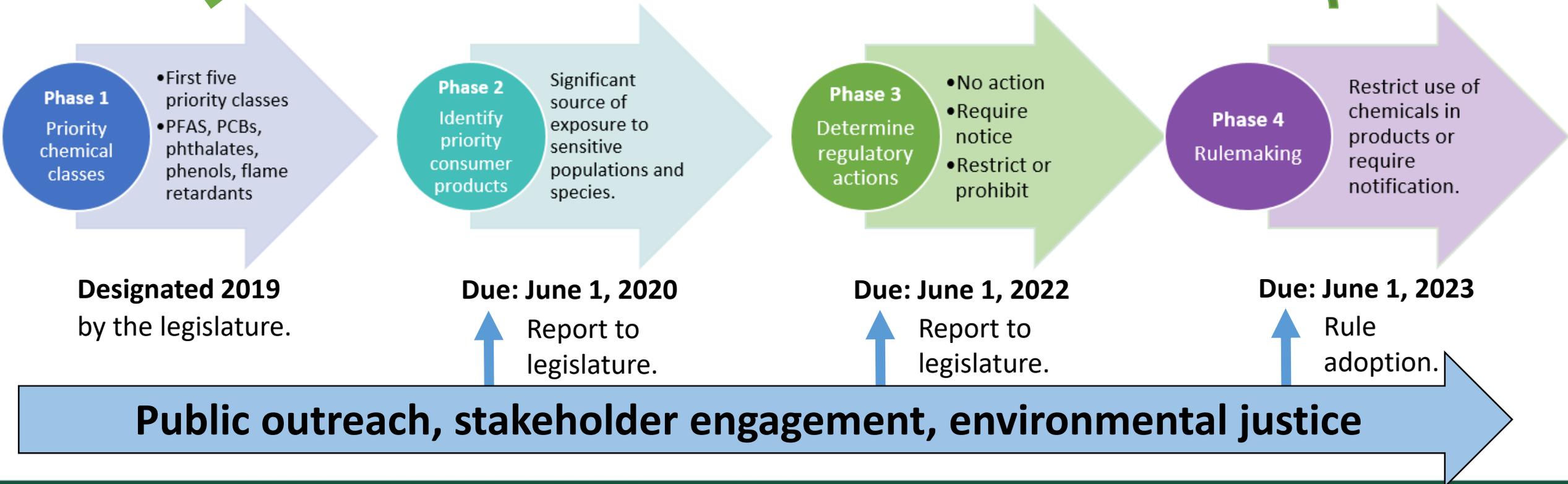
2022

4: Rulemaking

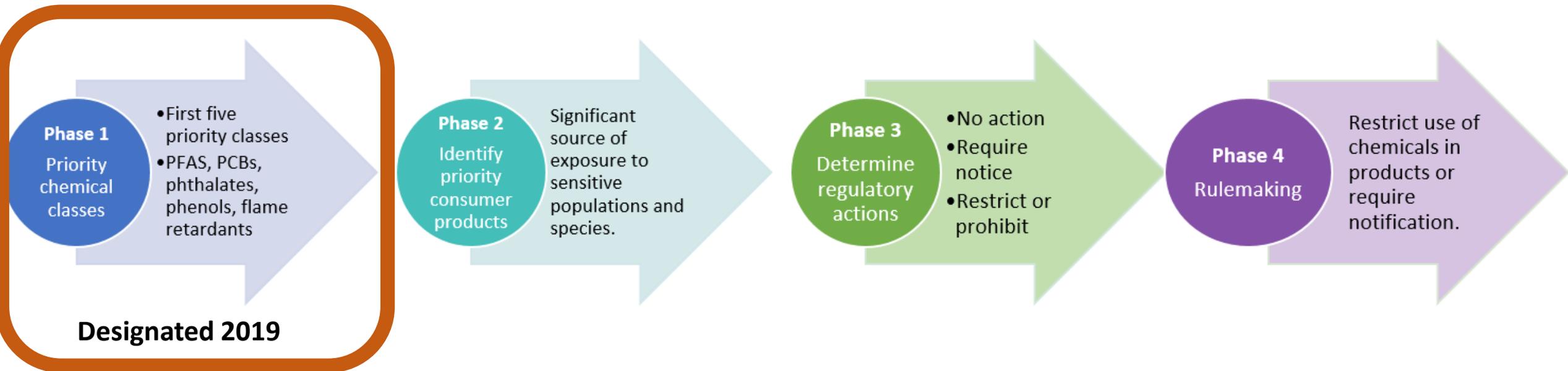
2023

Safer Products for Washington

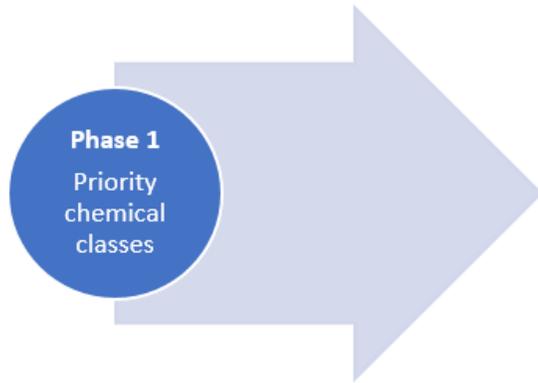
Five Year Cycle



Safer Products for Washington – Phase 1



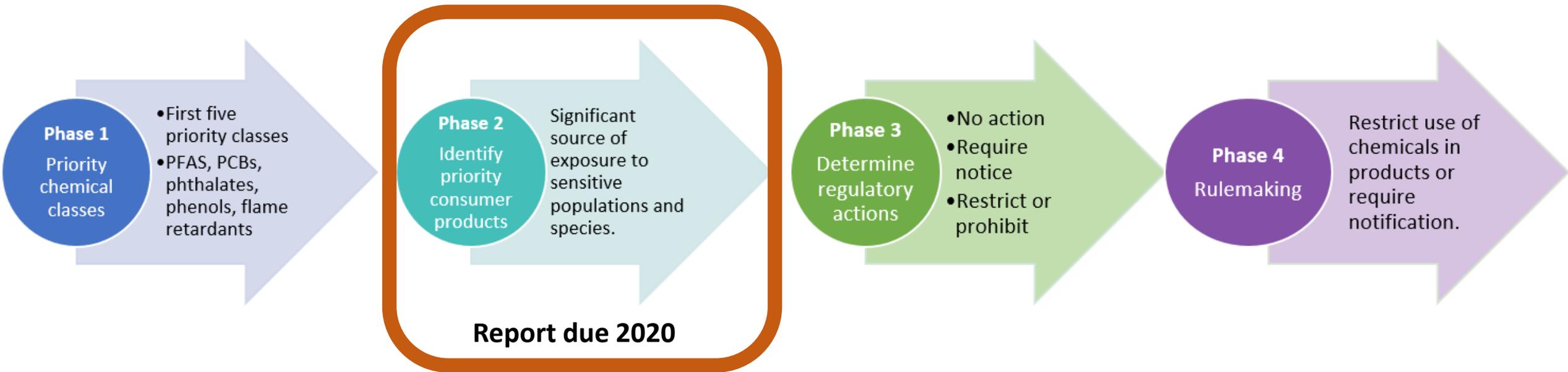
Phase 1 - Identify Priority Chemicals



Legislature designated these five classes in 2019:

- Polychlorinated biphenyls (PCBs).
- Per and polyfluoroalkyl substances (PFAS).
- Phenolic compounds: alkylphenol ethoxylates and bisphenols.
- Flame retardants: Organohalogen flame retardants and flame retardants identified under the Children's Safe Products Act.
- Phthalates.

Safer Products for Washington – Phase 2



Phase 2 – Identify Priority Consumer Products



Identify products that are significant sources or uses of priority chemicals.

Criteria we will use to evaluate products:

- The estimated volume of the priority chemical in the product.
- The volume of the product sold in Washington State.
- Potential exposure to sensitive populations or species.
- Presence in the environment.
- Another state or nation has taken regulatory action on the priority product-chemical combination.
- Whether safer alternatives are available and feasible.
- Existing consumer product in Washington laws.

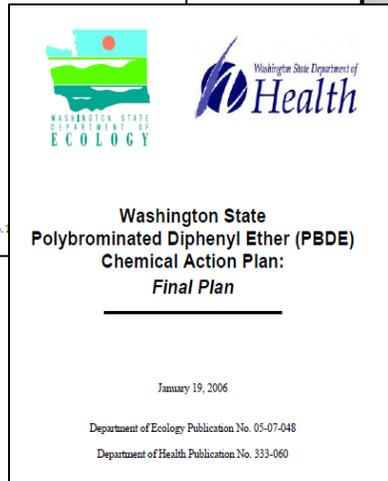
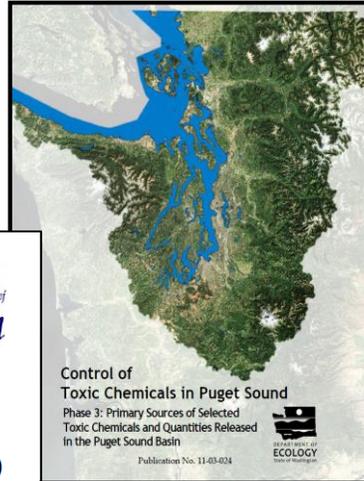
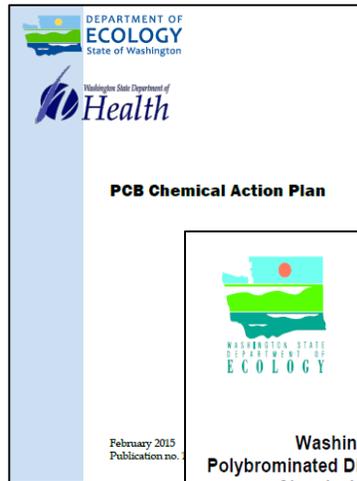
Request manufacturers submit information to Ecology about their product.

Phase 2 – Identify Priority Consumer Products

Phase 2
Priority
products

Examples of resources we are using to identify products:

- Chemical Action Plans.
 - PCBs, PBDEs, PFAS (draft).
- Toxics in Puget Sound.
- Flame retardant reports to the legislature.
- Product Testing Research.
- Reports from other jurisdictions.
- Peer reviewed science.



Phase 2 – Identify Priority Consumer Products

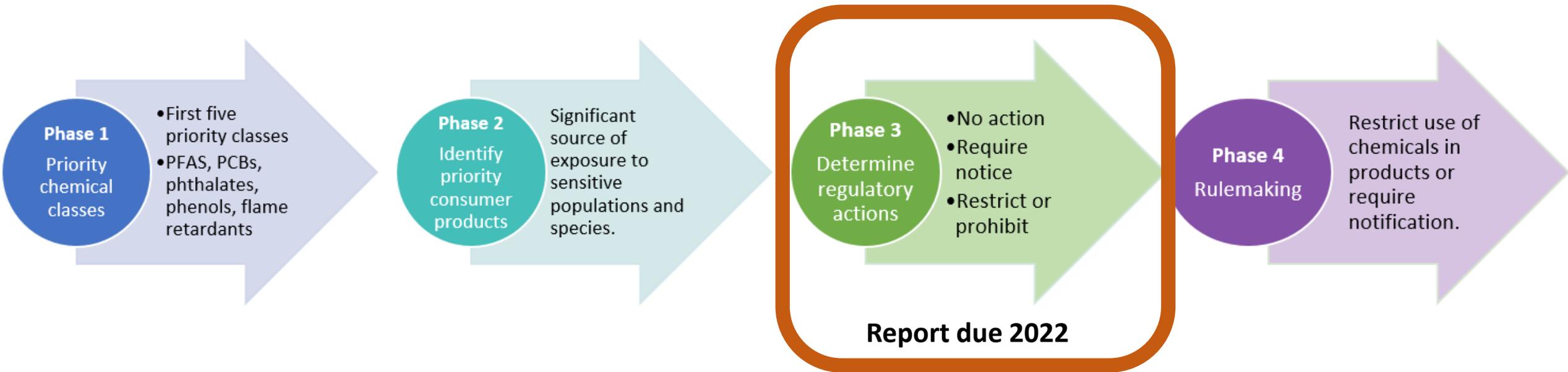


**Report to the
legislature
June 2020.**

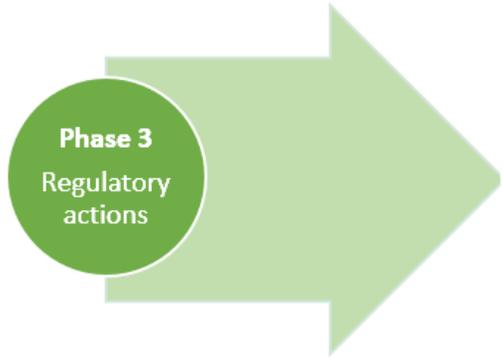
Timeline for stakeholder involvement:

- September 2019 – we will share which products we are currently researching and ask for your input.
- Fall 2019 – conversations with interested parties.
- Winter 2020 – we will post our draft priority product rationale for review and public comment.
- Spring 2020 – we will host meetings or webinars to review and discuss the product rationales with interested parties.
- June 2020 – submit our priority product report to the legislature.

Safer Products for Washington – Phase 3



Phase 3 - Determine Regulatory Actions

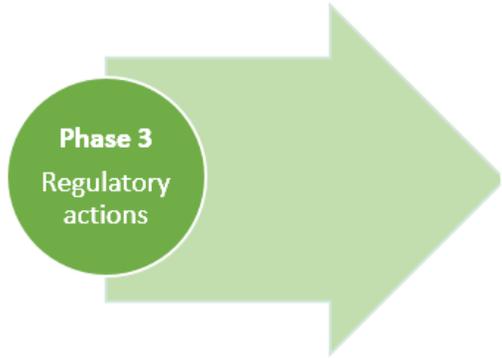


Determine regulatory actions to increase transparency and reduce the use of priority chemicals in priority products.

Regulatory actions:

- Determine no action is required
- Require manufacturers to provide notice
- Restrict or prohibit the use of the chemical
 - Safer alternatives must be feasible and available; and
 - Restriction will reduce a significant source or use of the priority chemical; or
 - Restriction is necessary to protect sensitive populations or species.

Phase 3 – Determine Regulatory Actions

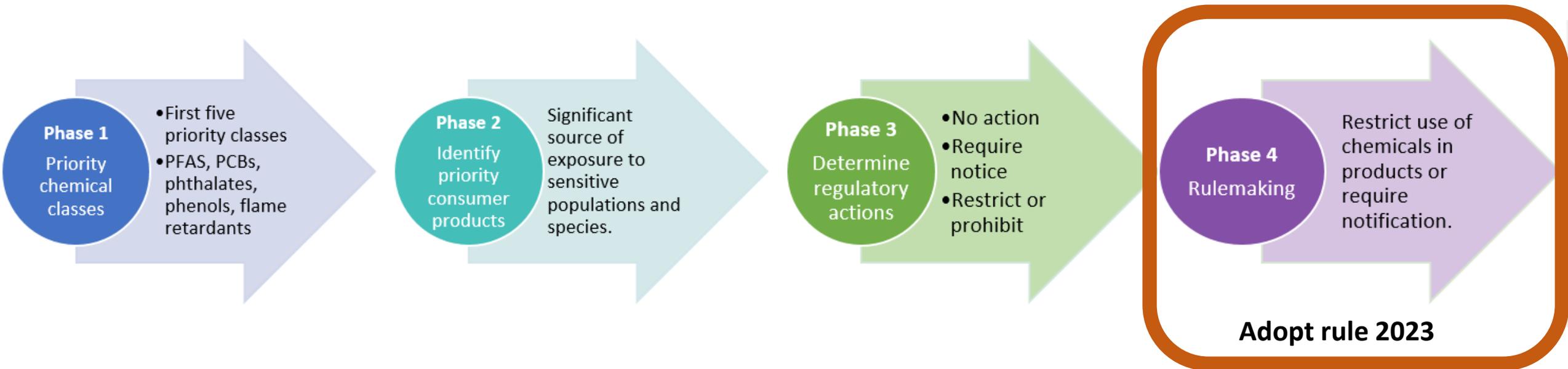


**Report to the legislature
June 2022.**

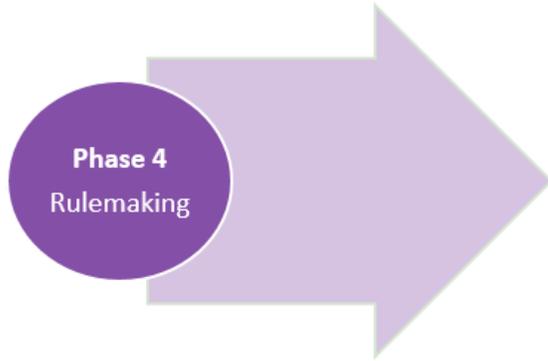
Several of the steps in Phase 3

- Identify and evaluate alternatives for the priority chemicals in priority consumer products.
- Research and evaluate actions to increase transparency and reduce the use of priority chemicals in priority consumer products.
- Order information from manufacturers.
- Share information with interested parties and ask for feedback and data.
- Submit a report to the legislature that identifies the regulatory actions.

Safer Products for Washington – Phase 4



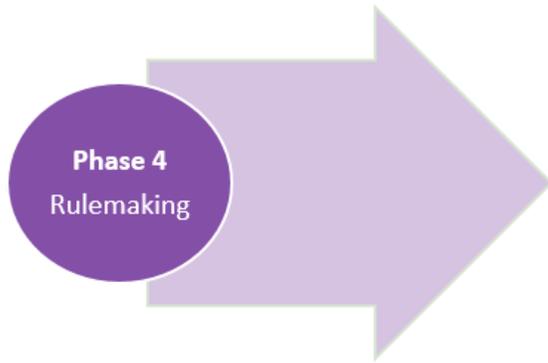
Phase 4 – Rulemaking



Rule adoption of regulatory actions

- Submit notice of the use of a priority chemical or class of priority chemicals consistent with the Children’s Safe Products Act (RCW 70.240)
- Restrict or prohibit the manufacture, wholesale, distribution, sale, retail sale, or any combination of a priority chemical or class of priority chemicals in priority consumer product.
 - Restrictions do not take effect for one year after rule adoption.
- Rule may include exemptions or exceptions.

Phase 4 – Rulemaking



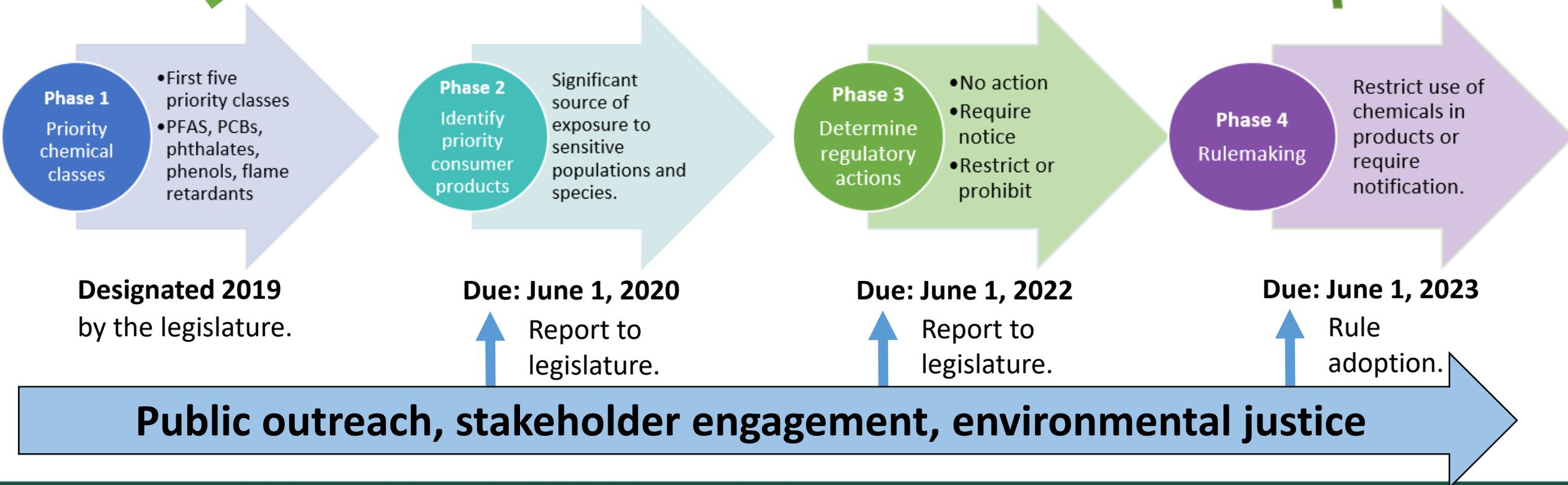
**Rule adoption
by June 2023.**

Several of the steps in Phase 4

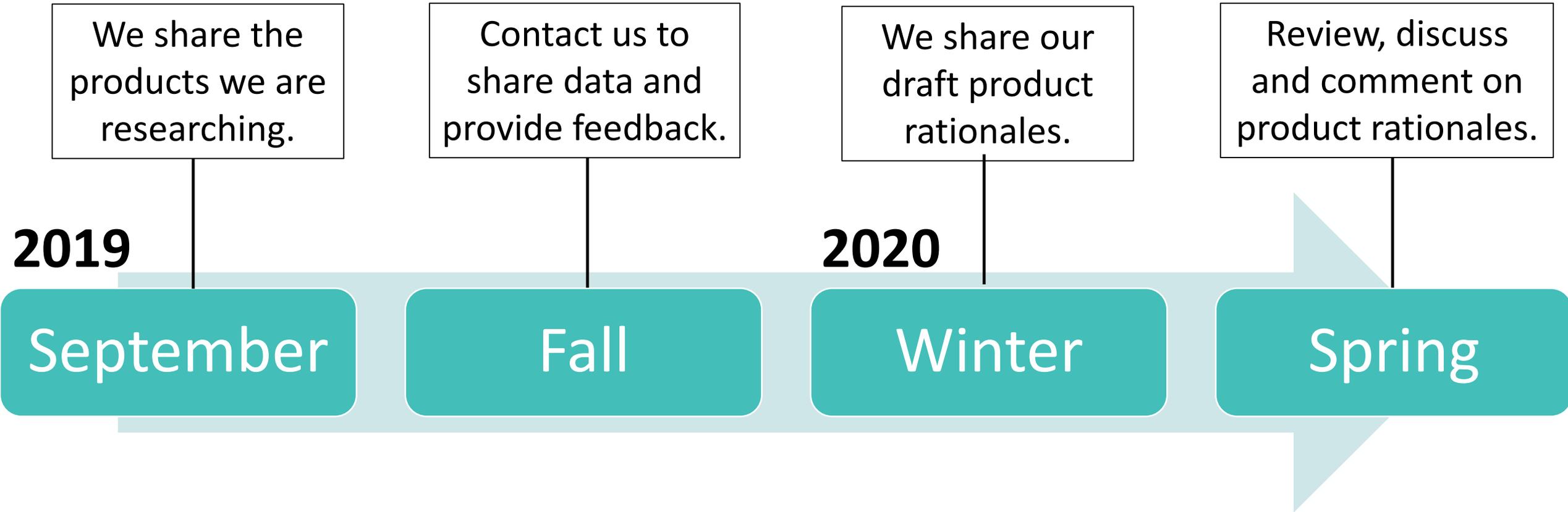
- Provide notice of rulemaking. This may occur early in the process.
- Meet with interested parties and regulated entities to discuss the content of the potential rule language.
- Propose the rule language.
- Hold public hearings on the proposed rule language
- Hold a 60-day public comment period.
- Adopt final rule language.

Safer Products for Washington

Five Year Cycle



Safer Products for Washington – Phase 2



Safer Products for Washington

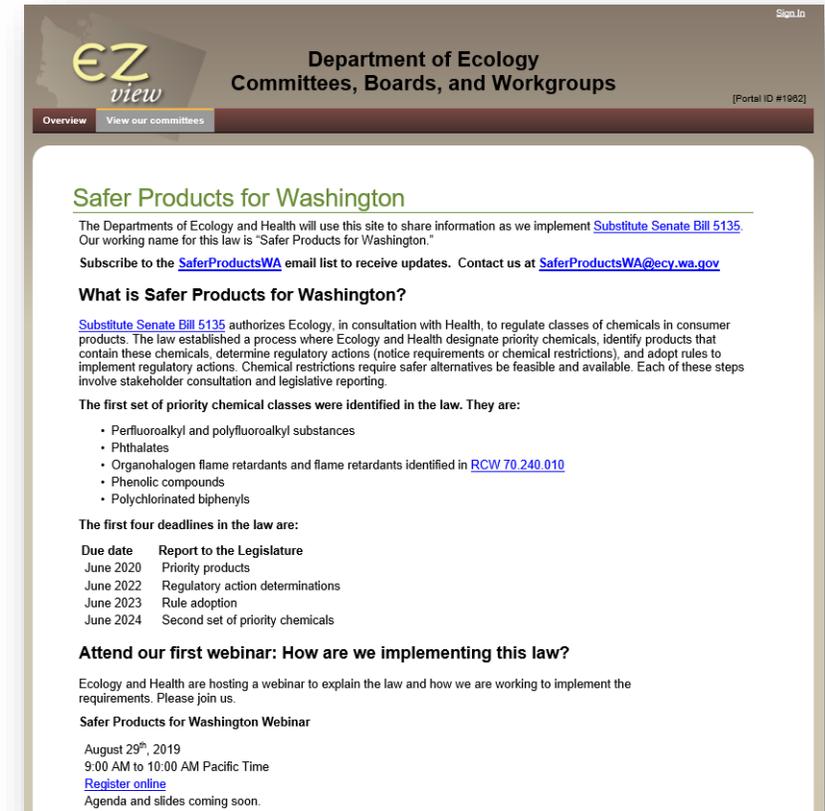
For more information:

https://www.ezview.wa.gov/site/alias_1962/37555/safer_products_for_washington.aspx

Join our email list:

<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=SAFERPRODUCTSWA&A=1>

Contact us: SaferProductsWA@ecy.wa.gov



The screenshot shows the website for the Department of Ecology, Committees, Boards, and Workgroups. The page title is "Safer Products for Washington". The content includes an overview of the law, a list of priority chemical classes, and a table of deadlines. The website logo "EZ view" is visible in the top left corner.

Safer Products for Washington

The Departments of Ecology and Health will use this site to share information as we implement [Substitute Senate Bill 5135](#). Our working name for this law is "Safer Products for Washington."

Subscribe to the [SaferProductsWA](#) email list to receive updates. Contact us at SaferProductsWA@ecy.wa.gov

What is Safer Products for Washington?

[Substitute Senate Bill 5135](#) authorizes Ecology, in consultation with Health, to regulate classes of chemicals in consumer products. The law established a process where Ecology and Health designate priority chemicals, identify products that contain these chemicals, determine regulatory actions (notice requirements or chemical restrictions), and adopt rules to implement regulatory actions. Chemical restrictions require safer alternatives be feasible and available. Each of these steps involve stakeholder consultation and legislative reporting.

The first set of priority chemical classes were identified in the law. They are:

- Perfluoroalkyl and polyfluoroalkyl substances
- Phthalates
- Organohalogen flame retardants and flame retardants identified in [RCW 70.240.010](#)
- Phenolic compounds
- Polychlorinated biphenyls

The first four deadlines in the law are:

Due date	Report to the Legislature
June 2020	Priority products
June 2022	Regulatory action determinations
June 2023	Rule adoption
June 2024	Second set of priority chemicals

Attend our first webinar: How are we implementing this law?

Ecology and Health are hosting a webinar to explain the law and how we are working to implement the requirements. Please join us.

Safer Products for Washington Webinar

August 29th, 2019
9:00 AM to 10:00 AM Pacific Time
[Register online](#)
Agenda and slides coming soon.

Thank you! Questions?

safeproductswa@ecy.wa.gov

