

On February 19, 2020, the Washington State Departments of Ecology and Health hosted a webinar to outline key highlights from our [draft report on priority consumer products](#), to discuss where we are in the implementation process, and to hear questions from interested parties. The following information is provided from that presentation.

Contact us by emailing [SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov).

## General topics

**Q:** Will the slides be available after the webinar?

**A:** Find the February 19, 2020 slide presentation at this link:

[https://www.ezview.wa.gov/Portals/\\_1962/Documents/saferproducts/February\\_2020\\_Webinar\\_Presentation.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/February_2020_Webinar_Presentation.pdf)

**Q:** Does the act cover sales of products to state, county, and municipal governments and their affiliated agencies, departments, schools, etc.?

**A:** Yes, it covers sales of products to those entities.

**Q:** What is the scope/definition of the term, "consumer?" Does it include companies, corporations, etc. procuring the listed items?

**A:** Yes, consumers under this law includes anyone purchasing consumer products, including companies and corporations.

## Product questions

PCBs (polychlorinated biphenyls) in printing inks

**Q:** What are the actual products associated with the "printing inks" product listing? For example, a print cartridge, a canister/bottle of ink, consumer product packaging that has ink on it, etc.

**A:** As we move forward into Phase 3, we will continue to refine the scope of our product definitions. Currently, the scope would cover any ink or ink cartridge that is purchased in Washington for the purpose of printing on any material. This would not include consumer product packaging materials, but rather the ink used to print them.

**Q:** Does the law cover PCBs or iPCBs?

**A:** We are currently researching both, and could potentially regulate both under Safer Products for WA. Our potential selection of printing inks as a priority product makes no differentiation as to the source of the PCBs.

**Q:** Are you interested in individual components of inks or entire formulations? Also, are you seeking information from ink formulators or specific ingredient suppliers?

**A:** We are looking at the entire formulations of printing inks, and we welcome information from formulators or suppliers that could help us assess alternatives and refine the scope of the product category.

**Q:** For the "printing inks" listing, would toner (i.e., dry powder) be in scope, or only inks (i.e., liquid)?

**A:** Just printing inks, not toner.

**Q:** Regarding printing inks, is Ecology including printing ink on consumer products or packaging in addition to printing ink sold directly to consumers?

**A:** No, only ink sold directly to consumers, either in cartridges or in bulk.

**Q:** If the printing inks are for the cartridge, then what is the environmental concern and the release to the environment? I thought iPCBs concern came about with the release to water from recycling of packaging materials.

**A:** Printing inks expose the environment and people to iPCBs after they are used to make printed materials. We are proposing the ink, not the printed materials, for further research to reduce the inadvertent production of PCBs from the manufacturing process.

**Q:** To confirm, the scope of "printing inks" would even include those used in large-scale industrial operations?

**A:** Yes, the scope could include large-scale industrial operations.

### Flame retardants in electric and electronic equipment

**Q:** What is the definition of electronic casing/enclosure? Does it cover the sheath or connector of external cable and wire?

**A:** As we move forward into Phase 3, we will continue to refine the scope of our product definitions. This priority chemical-product combination only focuses on the plastics that encase electric or electronic components. It does not include an inaccessible electronic component, which is a part of an electronic product that is entirely enclosed within another material and is not capable of coming out of the product or being accessed during any reasonably foreseeable use or abuse of the product. Our definition for electronics is from the [Children's Safe Product Act](#), and our list of examples is in Table 3 on page 12 of the draft priority product report. The sheath or connector of external cable and wire would not be covered within this definition.

**Q:** Are home appliances such as refrigerators and washing machines and dryers in the scope of this program?

**A:** If they contain electronic enclosures, these types of appliances would be within the scope of the flame retardants in electric and electronic equipment category. They could also be included in different product categories under future 5-year cycles of Safer Products for WA.

**Q:** Can you provide a definition of a flame retardant, specifically an organohalogen flame retardant?

**A:** Organohalogen flame retardants are chemicals which prevent products from catching fire. As outlined in the statute, "Organohalogen" is a class of chemicals that includes any chemical containing one or more halogen elements bonded to carbon.

**Q:** The description of flame retardants is too vague. Is there a set CAS number list for flame retardants that are in scope of the draft report?

**A:** We are working within the statute definition of flame retardants. We included Chemical Abstracts Service (CAS) numbers in the report when they were available, and will continue to do so in future research.

**Q:** For flame retardants in electric and electronic equipment (device casings), how is Ecology weighing the impact of the CPSC supported NAS report that determined OFRs cannot be assessed as an entire class of chemicals?

**A:** We are following the chemical classes outlined in the law. We are aware of the report, and in Phase 3 we will continue to consult it as we refine the scope of these product categories.

**Q:** Did Ecology look at flame retardants in insulation as a potential priority product?

**A:** Yes, we assessed a number of products in our scoping, including insulation. Insulation did not reach the top of the list because we wanted a balanced list that was not entirely comprised of products that are difficult to replace and that remain in the home for long periods. We can have more immediate impact and reduce exposures to these chemical classes with products that Washington families can easily replace.

**Q:** Please elaborate on the data used to conclude safer alternatives exist for organohalogens. California and the US EPA already restrict OPFRs and also suggested metal casings do not provide thermal nor arc protection for hand contact.

**A:** We are not there yet. We will assess the feasibility of safer alternatives in Phase 3, and we will outline our approach for that process in our webinar this summer.

**Q:** How will Ecology consider the safety role that flame retardants play for electric and electronic equipment? How will that be factored into decisions around safer alternatives given many non-chemical alternatives aren't feasible in the marketplace?

**A:** We understand that any proposed alternative has to function in the product and serve its intended purpose. We will consider all these factors in Phase 3.

PFAS (per- and polyfluoroalkyl substances)

**Q:** Why didn't Ecology identify apparel as a priority product for PFAS?

**A:** We are focusing on the largest sources of exposure, supported with the most peer-reviewed information. We know carpet is second to textiles in terms of PFAS exposure, but the textiles category is too broad, so we focused on where we can have the most impact.

**Q:** Comments received and/or your own research verifies most major U.S. carpet manufacturers have ceased using PFAS chemicals. Will this result in removing carpet from the list or in a regulatory decision of no action needed (due to voluntary industry actions)?

**A:** We haven't made that determination yet. Right now, the data supporting this transition is mostly from non-governmental organizations, and we are relying primarily on peer-reviewed data to justify the inclusion of these products for further evaluation. In the next phase, we will consider these industry trends and work to confirm them.

**Q:** Did you consider addressing PFAS in cosmetics in addition to phthalates in fragrances?

**A:** Yes, we did consider PFAS in cosmetics. We selected carpet and aftermarket carpet treatments due to the strong data supporting the contribution those products make to exposures in Washington.

**Q:** Will relying only on peer-reviewed science create regulatory reporting requirements for companies that have ceased using PFAS or phthalates in flooring?

**A:** If you do not use the chemical or chemical class that is being regulated in your product, you do not have to report.

**Q:** Will full lists of CAS numbers be provided for lists such as PFAS and phenolic compounds? The guidance so far has not provided complete CAS number lists.

**A:** In the draft report on priority consumer products, we provided CAS numbers when they were available. As we continue to refine and scope these chemical-product combinations, we will determine whether a list of CAS numbers makes sense.

### Phthalates

**Q:** For the cosmetic fragrance category, would that include soaps, shampoos, and skin care products or just colognes, aftershaves and perfumes?

**A:** We narrowed the scope of this product category to perfumes, colognes, and body mists and sprays because the phthalate concentrations in these products are orders of magnitude higher than for perfumes found within other cosmetic products.

**Q:** Is the claim that women of color have higher phthalate levels borne out by extensive CDC biomonitoring data?

**A:** No. To reach this conclusion, we referred to Helm et. al (2018) and Zota et al. (2017) in the report.

**Q:** Regarding the concern for phthalates in vinyl flooring/house dust and airborne air, why weren't regulatory agency reports (ECHA, Health Canada and Australia NICNAS) considered in your draft report?

**A:** We are identifying the potential for exposure to sensitive populations and species, and aiming to reduce the exposures to priority chemical classes when safer alternatives are available and feasible. This is different from a risk assessment.

**Q:** Have you considered that phthalates in house dust and metabolites in children's urine can also come from cheap PVC-shoes or T-shirt prints?

**A:** We understand that this product list does not address every single source of exposure to these chemical classes. We are focused on finding significant contributions that affect the most people in Washington, that are supported with peer-reviewed data, and that give us the best opportunities to reduce exposures. We will continue to address additional sources of exposure in future cycles of Safer Products for WA.

**Q:** What particular phthalates are you finding in high levels in the Puget Sound and the Washington environment?

**A:** Please refer to the phthalates chapter in the draft report on priority consumer products. Table 13 on page 70 of the report address specific phthalate chemicals and their reported environmental concentrations.

**Q:** As far as I know, the flooring industry switched away from ortho-phthalate years ago, so there is no longer any exposure. Will this fact be considered in Phase 3?

**A:** Yes, we are working on confirming this trend. We're optimistic about the availability of safer alternatives given that many manufacturers have already phased these out. The law gives us the authority to do manufacturer requests for information about product formulation, so we will use that authority where necessary to confirm these trends.

**Q:** If other regulatory agencies (e.g. ECHA and California Prop 65) have shown that regulatory action is not needed for vinyl flooring containing phthalates, why is this included in the report?

**A:** Safer Products for WA is focused on reducing exposure to priority chemicals. Risk assessments that consider exposures associated with a single product need to be interpreted in the context of total exposure. We know exposures come from a wide variety of sources and products. The task in Phase 2 of Safer Products for WA is to identify products that are significant sources or uses of priority chemical classes. If safer alternatives are available and feasible, we can avoid that specific use of the priority chemical and reduce total exposure.

**Q:** In the process of identifying priority chemicals and chemical classes, are products predominately targeted towards low socioeconomic status communities/communities of color considered as part of health equity? I know that personal care products for natural hair has been addressed, but are there other areas being considered?

**A:** We are in the process of ramping up our efforts to reach disproportionately affected populations, and we did a Government Alliance on Race and Equity (GARE) analysis workshop to review our Phase 2 stakeholder process through an equity lens. It gave us two key takeaways to consider in the selection of these products for continued research. First, we aimed to select products with fewer barriers to replacement, and second, we considered products with disproportionate use by sensitive populations. With the short timeline up to now, we did what we could to reach community groups, but we are actively seeking input on how we can improve this type of outreach and ensure the opportunities for engagement are accessible to everyone who would like to provide input.

### Safer alternatives

**Q:** Are safer alternatives to these priority chemicals part of the act? What process will be used to select safer alternatives, an alternatives assessment (AA)? If an AA process is to be used, what process or guidance will be used to do the AA?

**A:** The process of assessing alternatives for safety, feasibility and availability happens in Phase 3. When we get to that phase, yes, we will rely on elements of the alternatives assessment process. In the past, we have used the Interstate Chemical Clearinghouse guiding principles. We will discuss this further in our webinar this summer.

**Q:** What is the method used to identify safer alternatives?

**A:** This work happens in Phase 3. In our webinar this summer, we will address the process for identifying safer alternatives.

**Q:** You will consider whether safer alternatives are available and feasible. Could you provide additional clarification on "feasible?"

**A:** We will refine this definition in Phase 3. We are not yet at that stage.