

Washington Department of Ecology (Ecology)'s Safer Products for Washington program is contacting manufacturers to request information about their vinyl flooring products. The law we're implementing requires us to request information using an "Order." We want to stress that this Order, unlike others from Ecology, does not mean you are out of compliance in any way. See more details below.

Overview

In 2019, the Washington State Legislature passed Substitute Senate Bill 5135, the Pollution Prevention for Healthy People and Puget Sound Act. This law aims to reduce toxic chemicals in consumer products. Ecology implements this law (Chapter [70A.350 RCW¹](#)) through a program called [Safer Products for Washington²](#).

The law authorizes us to regulate classes of chemicals in consumer products sold in Washington state. Under the law, we have the authority to require manufacturers to provide data on how they use priority chemicals in priority products. Manufacturers can request that we keep the information confidential.

Why we need this information

We identified vinyl flooring containing phthalates as a priority product in our [report on priority consumer products³](#). The phthalates of concern in our report are the ortho-phthalates. We are now working on determining whether regulatory actions are necessary. The vinyl flooring industry provided feedback during a public comment period that they no longer use ortho-phthalates in vinyl flooring. They requested that we remove vinyl flooring from the list of priority products.

At that time, we did not identify data to support removing vinyl flooring products from the priority products list. The peer-reviewed studies we referenced in the priority product report show ortho-phthalate use in vinyl flooring. However, we recognize that some of these studies focus on older products. Understanding the use of ortho-phthalates in products on the market today will inform our decision-making as we determine regulatory actions.

More details on this Order

We can use the information manufacturers submit to determine whether manufacturers are intentionally adding ortho-phthalates to vinyl flooring products. The law requires us to request this information using an Order. Ecology generally uses Orders in cases of non-compliance. **We want to emphasize that this Order to submit information does not mean you are out of compliance in any way.**

Where do I submit my information?

Please email SaferProductsWA@ecy.wa.gov or mail documents to:

Hazardous Waste and Toxics Reduction Program
P.O. Box 47600
Olympia, WA 98504-7600

Where do I get help?

For questions or assistance completing the template, please contact Cheryl Niemi.

cheryl.niemi@ecy.wa.gov
360-407-6850

¹ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350>

² <https://bit.ly/SaferProductsWA>

³ <https://fortress.wa.gov/ecy/publications/summarypages/2004019.html>

Further, this Order focuses on ortho-phthalates that manufacturers intentionally add to products. This does not include ortho-phthalates that could occur inadvertently in manufactured flooring (for example from using recycled flooring or other inputs to the production process).

Some of the data specified below are optional to report. While not required, these optional data will help us assess the status of ortho-phthalates in vinyl flooring. We will consider it as we make regulatory determinations.

Required information

This order contains required and optional information. Required information includes:

1. Any intentional use of ortho-phthalates in vinyl flooring products.
2. An estimation of the square yards of vinyl flooring products that contain intentionally added ortho-phthalates sold in Washington.

We recommend using our [Excel template](#)⁴ to submit the required information. Completing the required portions of the template will help ensure your company's compliance with this Order. The template also includes sections to submit optional information (see the [optional information](#) section below). We are here to help you complete the template if needed—see [contact information](#) above.

Confidential Business Information (CBI)

Under RCW 70A.350.060(1), “A manufacturer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department.” Please review our [CBI instructions](#)⁵ if you believe any of the information you submit may be eligible for confidential handling.

Optional information

While some information is not required in the Order, it could support the information you submit. Optional information will help us determine the prevalence of ortho-phthalates in vinyl flooring products currently on the market. If you choose to submit optional information, please include:

1. Supporting evidence showing you do not intentionally add ortho-phthalates to your product(s). See the [supporting evidence](#) section below for more details.
2. Any alternative plasticizers you are using in your product(s).
3. An estimation of the square yards of vinyl flooring products sold in Washington state in 2019 that **do not contain** any intentionally added ortho-phthalates listed in Table 1 at concentrations above 1,000 ppm (individual or sum).
4. The most recent month and year that you manufactured products with ortho-phthalates (if ever).

⁴

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/ExcelTemplate_CompletingVinylFlooringOrder.xlsx

⁵ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/CBI_Process_SaferProductsWA.pdf

Table 1. List of ortho-phthalates known to be used in resilient flooring and CAS number.

Phthalate, chemical formula, and abbreviation	CAS #
Dibutyl Phthalate (C16H22O4, DBP)	84-74-2
Diisobutyl phthalate (C16H22O4, DIBP)	84-69-5
Di-n-pentyl phthalate (C18H26O4, DPENP)	131-18-0
Di-n-hexyl phthalate (C20H30O4, DHEXP)	84-75-3
Dicyclohexyl phthalate (C20H26O4, DCHP)	84-61-7
Di(2-ethylhexyl) phthalate (C24H38O4, DEHP)	117-81-7
Benzyl Butyl Phthalate (C19H20O4, BBP)	85-68-7
1,2-Benzenedicarboxylic acid, 1,2-diisononyl (C26H42O4, DINP)	28553-12-0

Supporting evidence

If you report that some or all of your products are free of ortho-phthalates, please submit supporting evidence to show that you are not intentionally adding ortho-phthalates. Acceptable supporting evidence includes product certifications, reporting tools with third-party verification, or product testing data.

Examples of acceptable product certifications or transparency labels are:

- Assure Certified
- Health Product Declarations (HPD)*
- Declare Transparency Label*
- Others may be applicable.

***Data transparency:** Documentation showing the chemical inventory to at least the 0.1% (1,000 ppm) level—with all content either characterized, screened, and identified, or verified through the HPD or Declare Label third-party verification program—is very helpful. To show that you did not intentionally add ortho-phthalates, please disclose the function of the plasticizer in your products.

Product testing data

If you submit product testing results, please include results for each of the ortho-phthalates in Table 1 for each product you list in the [Excel template](#).⁶

We prefer test method **CPSC-CH-C1001-09.4^a** or equivalent. Laboratory results should reflect your current product formulations. Please submit laboratory results and relevant quality control data as an attachment.

⁶

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/ExcelTemplate_CompletingVinylFlooringOrder.xlsx