

The Washington State Department of Ecology began a new cycle of Safer Products for Washington implementation in June. Ecology held a webinar on June 21, 2023 to discuss the [Draft Identification of Priority Chemicals Report to the Legislature](#).¹

Note: This document outlines questions attendees asked, as well as answers the Safer Products for Washington team provided, during the webinar held on June 21. Using our [cycle 2 priority chemicals online comment form](#) you can provide comments on the draft report through 11:59 p.m. on July 14, 2023. Find more information about Safer Products for Washington on the [stakeholder webpage](#).² If you have questions, contact us at SaferProductsWA@ecy.wa.gov.

Questions and Answers

Q: What were your sources of the 520 metric tons of lead per year in Puget sound?

A: That number came from a [2011 Puget Sound Toxics study](#),³ where Ecology estimated sources of various chemicals in Puget Sound. In that study, primary sources were ammunition and fishing weights.

Q: Are you working with any other states, like California, who have similar initiatives, to have broader alignment across the U.S.?

A: Ecology often coordinates with other states. As we move through the process to prioritize chemicals and consider regulations, we look to regulations that are already in place at state and national (even international) levels.

Q: How does the Department of Ecology plan to ensure tire safety (the requirement that tires meet Federal Motor Vehicle Safety Standards and other customer and manufacturer performance requirements) as part of this process?

A: We are in phase 1 now, where our focus is chemicals, not products. If we do work on 6PPD, and if we identify tires as priority products, then we'll start looking at alternatives in phase 3. There's already a lot of work going on in this space. We have an alternatives assessment from proviso, and California is also working on an alternatives assessment in collaboration with tire manufacturers. It is too early to consider any specific alternatives. Our [2020 Regulatory Determinations Report to the Legislature](#)⁴ shows our methods for identifying alternatives and we'd likely use similar methods moving forward.

¹<https://apps.ecology.wa.gov/publications/SummaryPages/2304038.html>

² https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx

³ <https://apps.ecology.wa.gov/publications/documents/1103024.pdf>

⁴ <https://apps.ecology.wa.gov/publications/summarypages/2004019.html>

Q: The chlorinated and/or brominated substances category is extremely broad and diverse. Are you only seeking comments on those examples of substances identified in the report, or will a list of potential substances be provided for evaluation?

A: We recognize this is a very diverse category. We likely will not provide a list. We use the chemicals in the report to characterize the class as a whole, based on those listed in the [EPA Chemical and Products database](#)⁵ and other sources. However, we would appreciate comments on the report or on other chemicals in the class category. As we move into phase 2, we're going to be narrowing by product, and we'll be looking at types of uses in specific products.

Q: Formaldehyde is a normal metabolite in all animals and plants. Humans make about 2 to 3 ounces of formaldehyde per day, and we consume about 100 milligrams per day in our food and drink. How do you account for the fact that natural concentrations in ourselves and our food are higher than the concentrations generally found in consumer products?

A: The root of exposure and where in your body you're receiving exposure can be different. Yes, we have endogenous formaldehyde, produced within our body as a product of metabolism, but our bodies can handle that. When we inhale aldehyde and other carbonyl compounds, it's associated with asthma and other toxic responses. So, it's not only the quantity, but also where, what tissue, and what mode of delivery that matter. In the most recent [cosmetics report](#),⁶ we found high concentrations of formaldehyde in some products, which can be associated with skin sensitization. There are other examples (like mobile homes) that led to high formaldehyde exposures following Hurricane Katrina.

Comment: I appreciate the way you are approaching all of this and that you are basing work and decisions on science, which is not always the case. In the case of chemical families or groups, it's always helpful to develop lists with CAS numbers, especially since not all chemicals in a family or group behave the same way or have the same properties (i.e., PBT), as is the case with PFAS.

Q: Are you planning on a threshold for these regulations or just a full ban?

A: It's very early. We're not at the stage of discussing regulations yet, just chemicals. In phase 2 we'll look at products and uses and what's possible for reducing exposures. Then, we'll start talking about potential ways regulations could be crafted. If you'd like to look at examples of cycle 1 work, we just adopted our cycle 1 rule, and that has some examples of how we've looked at regulations in the past. For these proposed chemical classes, we're just not there yet.

⁵ <https://www.epa.gov/chemical-research/chemical-and-products-database-cpdat>

⁶ <https://apps.ecology.wa.gov/publications/summarypages/2304007.html>

Q: A couple process and procedural questions for staff. I know you're required to add at least five new chemical groups to the list, but there's also existing ones from when the law was passed in 2019. So just as clarification, you could eventually be looking at chemicals from whatever is added, but it could also be some of the chemicals that were in the statute from 2019, right?

A: Yes, we will look at products that are significant sources of these new chemicals. I expect our capacity to be about the same as the first cycle. So, even though we have new chemicals, we're going to be looking at approximately the same number of products in this cycle.

Q: In the first round of work, you studied a total of 11 chemical-product combinations. Will you be assessing approximately that number of chemical-product combinations in this round?

A: We don't have the resources to assess 20 products. We have to think about the work associated with not only the chemical report but also across the entire cycle. We will study approximately the same number of chemical-product combinations as we did in the first cycle. Some products are going to be more or less work.

Q: The seven substances today are the preliminary choices. Are you still seeking feedback and additions from stakeholders?

A: Yes. This is our initial first draft, and we are seeking feedback on it. This report has been created on top of the current capacity, so adding without taking anything away would not be possible for us. I wouldn't expect chemical additions without taking away others, but we do change things based on public comment. That's one of the reasons why we put work out for review.

Q: I just wanted to double check and clarify expectations for cycle 2. Right now, in phase 1, you're just identifying five new priority classes, but it won't be until phase 2 that you'll work on previously identified chemicals?

A: Yes. We are required to identify new priority chemicals. In phase, 2 we'll start to look at new and previously listed priority chemical classes in products. Based on a few factors, we'll balance a list between those competing priorities.

Q: In general, toxicologists determine safe levels of chemical exposures, with an accounting of uncertainty. Can you expand on what you mean by "safer alternatives," when the levels in a product have already been determined to present no risk?

A: This is a great question and a little down the road in phase 3, but we'd still like to speak to it. Just know that we are not looking for safer alternatives to these chemical classes yet.

First, we need to find products, and the safer alternative really depends on a product and for what it's used. So, in general when we look for safer alternatives, we look for chemicals that are less hazardous than the existing chemical. We know that we don't necessarily interact with just one consumer product. We use lots of different products, and our exposure is the result of everything we interact with. On top of that, some chemicals can synergize or have additive impacts when you're exposed to multiple chemicals, and we're not exposed to one chemical at a time. These chemicals are present in our environment and further add to cumulative effects. So, we want to look at how people are exposed to chemicals and then see how we can reduce exposures. In our previous cycle, we set a transparent bar for what it means for something to be safer and then showed that safer products were less hazardous than the existing product. You can learn more about how we've previously identified safer alternatives in our [Regulatory Determinations Report to the Legislature](#).⁷

Q: Another process point for those of us who are closely following this in cycle 1. Reminding the group that even though it's in the statute, this is really the first time that we're doing phase 1.

A: This is a great point. You're right. We did do a previous cycle of Safer Products for Washington, but we only did phases 2 through 4. Going forward, first we identify chemicals, then products, then regulatory chemicals, and then adopt rules. The first set of priority chemicals (cycle 1) were identified in the statute. We didn't identify those chemicals, which means we haven't done a chemical identification step yet. This is the first time we're going through the process of identifying our own priority chemicals and not just working on that statute.

Q: Wanted to make a comment on cycle 1. I know the law will be fully adopted on July 1, and it was mentioned that more details were to be coming on the exemption process. Is that still expected to be announced around July 1?

A: We are discussing what information to include in a potential guidance document or web page. Until we have a resource available, please follow the instructions in the rule and send questions and exemption requests to saferproductswa@ecy.wa.gov.

Q: Can you speak to how limits would be set for brominated and chlorinated substances? Also, how is vinyl chloride described as a polymer? And how will that be regulated?

A: We're not there yet in this process. Brominated and chlorinated substances, as currently defined, would include polyvinyl chloride (PVC), but we haven't selected products yet. PVC is used in many products. We would have to make that decision down the road, to determine what products we're looking at.

⁷ <https://apps.ecology.wa.gov/publications/SummaryPages/2204018.html>

Q: I appreciate your response. From your response, it appears you are looking for less hazardous alternatives and are not accounting for chemicals that are less hazardous but have higher exposures. This gets to your point of unintended problems with substitution. Wouldn't it be more appropriate to say, "less hazardous alternatives" than "safer alternatives"?

A: Safer alternative is actually [defined in our statute](#).⁸ We do look at chemicals that may be less hazardous. A lot of the exposure pathways are going to be similar. We do, when looking for safer products, look at higher exposure potential from certain products. Appendix C, in the [cycle 1 Regulatory Determinations Report to the Legislature](#),⁹ describes how we define safer. This may be helpful resource.

Q: Are you able to speak to the reporting requirements on the cycle 1 products? If products are not allowed to be sold after a specified date, is annual reporting necessary? The language is a bit confusing in the rule.

A: Restrictions are required for some chemical-product combinations, while others have a reporting requirement. Starting in January 2024, manufacturers need to collect data, and they need to report that information on January 1, 2025, and annually thereafter. You can view reporting requirements in the [new Safer Products for Washington adopted rule](#).¹⁰ For anyone who is familiar with child safety products, we will be using a similar process and similar database.

Q: What data are you collecting from manufacturers?

A: We're collecting data on the specific use and how much of a chemical the company is using in the product. This is explained in section WAC 173-337-060 of our [adopted rule](#).¹¹ The reporting is very similar to our Children's Safe Products Act requirements.

⁸<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.350.010>

⁹ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

¹⁰ <https://ecology.wa.gov/getattachment/8f0d08ca-b529-4453-a797-13c6c635d282/OTS-4159-3-For-Filing.pdf>

¹¹<https://ecology.wa.gov/getattachment/8f0d08ca-b529-4453-a797-13c6c635d282/OTS-4159-3-For-Filing.pdf>