

Introduction

This document provides an overview of the Safer Products for Washington program’s Cycle 1 [Preliminary Draft Rule Language](#).¹ It includes two tables that provide context for the preliminary rule language. One table includes specific elements of the preliminary draft rule language, like effective dates and details about limits. The second table includes resources we used to shape the draft rule requirements. Contact our team at SaferProductsWA@ecy.wa.gov if you have questions or input to share.

Preliminary Draft Rule Summary

Table 1. A summary of the restrictions and reporting requirements in the [Preliminary Draft Rule Language](#)² for Safer Products for Washington's first implementation cycle.

Chemical	Product	Regulatory Action	Effective Date	Limit
Per- and polyfluoroalkyl substances (PFAS)	Aftermarket stain- and water-resistance treatments	Restriction	2025-01-01	<ul style="list-style-type: none"> • Intentionally added • Rebuttable presumption
PFAS	Carpets and rugs	Restriction	2025-01-01	<ul style="list-style-type: none"> • Intentionally added • Rebuttable presumption
PFAS	Leather and textile furniture and furnishings intended for indoor use	Restriction	2026-01-01	<ul style="list-style-type: none"> • Intentionally added • Rebuttable presumption
PFAS	Leather and textile furniture and furnishings intended for outdoor use	Reporting	2024-01-01	Not applicable
Ortho-phthalates	Fragrances in beauty products and personal care products	Restriction	2025-01-01	<ul style="list-style-type: none"> • Intentionally added • Rebuttable presumption
Ortho-phthalates	Vinyl flooring	Restriction	2025-01-01	<ul style="list-style-type: none"> • 1,000 ppm • Individual or combined

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/PreliminaryDraftRuleLanguage_Cycle1_August2022.pdf

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/PreliminaryDraftRuleLanguage_Cycle1_August2022.pdf

Chemical	Product	Regulatory Action	Effective Date	Limit
Flame retardants	Plastic external enclosures of electric and electronic products intended for indoor use	Restriction	*2025-01-01 2026-01-01 2027-01-01	<ul style="list-style-type: none"> • 1,000 ppm individual • 1,500 ppm combined • Intentionally added • Rebuttable presumption
Flame retardants	Plastic external enclosures of electric and electronic products intended for outdoor use	Reporting	2024-01-01	Not applicable
Flame retardants	Recreational covered wall padding made from polyurethane foam	Reporting	2024-01-01	Not applicable
Flame retardants	Other recreational products made from polyurethane foam	Restriction	2025-01-01	<ul style="list-style-type: none"> • 1,000 ppm • Individual or combined • Rebuttable presumption
Alkylphenol ethoxylates	Laundry detergent	Restriction	2025-01-01	<ul style="list-style-type: none"> • 1,000 ppm • Individual or combined
Bisphenols	Drink can linings	Restriction	2025-01-01	<ul style="list-style-type: none"> • Rebuttable presumption • Excludes TMBPF
Bisphenols	Food can linings	Reporting	2024-01-01	Not applicable
Bisphenols	Thermal paper	Restriction	2025-01-01	<ul style="list-style-type: none"> • 200 ppm • Individual only

Note: * = Effective date 2025-01-01 for TVs and displays. Effective date 2026-01-01 for other products manufactured by large businesses. Effective date 2027-01-01 for other products manufactured by small businesses.

Preliminary Draft Rule Related Materials

Table 2. A summary of the related materials supporting each product category in the [Preliminary Draft Rule Language](#)³ for Safer Products for Washington's first implementation cycle.

Chemical	Product	Related materials
PFAS	Aftermarket stain- and water-resistance treatments	California ⁴ requires manufacturers provide notice if their product “contains” PFAS. Ecology changed “cannot contain PFAS” to “intentionally added PFAS” in response to feedback during the June webinars . ⁵ Attendees voiced concerns about low-level contamination. Maine ⁶ has a ban on intentionally added PFAS that starts in January 2023. Maryland ⁷ and Vermont ⁸ have bans on intentionally added PFAS that start in July 2023. Colorado ⁹ has a ban on intentionally added PFAS that starts in January 2024.
PFAS	Carpets and rugs	California ¹⁰ requires manufacturers provide notice if their product “contains” PFAS. Ecology changed “cannot contain PFAS” to “intentionally added PFAS” in response to feedback during the June webinars . ¹¹ Attendees voiced concerns about low-level contamination. Maine ¹² has a ban on intentionally added PFAS that starts in January 2023. Maryland ¹³ and Vermont ¹⁴ have bans on intentionally added PFAS that start in July 2023. Colorado ¹⁵ has a ban on intentionally added PFAS that starts in January 2024.
PFAS	Leather and textile furniture and furnishings intended for indoor use	Colorado ¹⁶ has a ban on intentionally added PFAS that starts in January 2025.
PFAS	Leather and textile furniture and furnishings intended for outdoor use	Ecology included a notification requirement for this priority chemical-product combination in the Final Regulatory Determinations Report . ¹⁷

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https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/PreliminaryDraftRuleLanguage_Cycle1_August2022.pdf

⁴ https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/06/v_PFAS-CR_-Final-Regulatory-Text_revised-per-OAL.pdf

⁵ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/June_2022_Webinar_Presentation.pdf

⁶ <https://mainelegislature.org/legis/bills/getPDF.asp?paper=HP1113&item=5&snum=130>

⁷ https://mgaleg.maryland.gov/2022RS/Chapters_noln/CH_139_sb0273e.pdf

⁸ <https://www.jdsupra.com/legalnews/vermont-enacts-restrictions-on-pfas-6034241/>

⁹ <https://www.sgs.com/en/news/2022/06/safeguards-07622-colorado-usa-regulates-pfas-in-consumer-goods>

¹⁰ https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/06/v_PFAS-CR_-Final-Regulatory-Text_revised-per-OAL.pdf

¹¹ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/June_2022_Webinar_Presentation.pdf

¹² <https://mainelegislature.org/legis/bills/getPDF.asp?paper=HP1113&item=5&snum=130>

¹³ https://mgaleg.maryland.gov/2022RS/Chapters_noln/CH_139_sb0273e.pdf

¹⁴ <https://www.jdsupra.com/legalnews/vermont-enacts-restrictions-on-pfas-6034241/>

¹⁵ <https://www.sgs.com/en/news/2022/06/safeguards-07622-colorado-usa-regulates-pfas-in-consumer-goods>

¹⁶ https://leg.colorado.gov/sites/default/files/2022a_1345_signed.pdf

¹⁷ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

Chemical	Product	Related materials
Ortho-phthalates	Fragrances in beauty products and personal care products	Ecology changed the 100 ppm limit to a restriction on “intentionally added” ortho-phthalates as solvents or fixatives for fragrance ingredients, in response to feedback during the June webinars . ¹⁸
Ortho-phthalates	Vinyl flooring	The U.S. Consumer Product Safety Commission ¹⁹ has a restriction of no more than 0.1% by weight (1,000 ppm) of certain phthalates in children’s toys and child care articles. Test methods and related standards referenced in the Resilient Floor Covering Institute comment letter ²⁰ indicate that resilient flooring products cannot exceed 1,000 ppm for individual or total ortho-phthalates.
Flame retardants	Plastic external enclosures of electric and electronic products intended for indoor use	New York ²¹ has a ban on intentional use of organohalogen flame retardants in enclosures of televisions and displays that starts in January 2024. The European Union ²² has a ban on organohalogen flame retardants in enclosures of electronic displays (2019). UL 746H ²³ was developed to help manufacturers comply with the European Union ²⁴ ban on “use” of organohalogen flame retardants in enclosures of electronic displays. Manufacturers can specify UL 746H ²⁵ to communicate across their supply chain that the plastics used for enclosures need to be halogen-free. Ecology based the proposed limit (1,000 ppm individually and 1,500 ppm combined) on the UL 746H , ²⁶ which allows manufacturers to use existing tools for compliance. Intentional use of organohalogen flame retardants (typically 2 – 25%) is much higher than the limits in the draft rule (1,000 ppm (0.1%) individual, 1,500 ppm (0.15%) combined). Therefore, concentrations of organohalogen flame retardants not intentionally added should be much lower than the limits in the draft rule. TCO Certified ²⁷ does not assess components of external plastic housing that weigh less than 0.5 grams. Therefore, Ecology excluded plastic external enclosure parts that weigh less than 0.5 grams.
Flame retardants	Plastic external enclosures of electric and electronic products intended for outdoor use	Ecology included a notification requirement for this priority chemical-product combination in the Final Regulatory Determinations Report . ²⁸

¹⁸ https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/June_2022_Webinar_Presentation.pdf

¹⁹ <https://www.cpsc.gov/Newsroom/News-Releases/2018/CPSC-Prohibits-Certain-Phthalates-in-Childrens-Toys-and-Child-Care-Products>

²⁰ [https://scs-public.s3-us-gov-west-](https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did200002/pid_202268/assets/merged/zt81iic_document.pdf)

[1.amazonaws.com/env_production/oid100/did200002/pid_202268/assets/merged/zt81iic_document.pdf](https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did200002/pid_202268/assets/merged/zt81iic_document.pdf)

²¹ <https://legislation.nysenate.gov/pdf/bills/2021/A5418B>

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1576033291584&uri=CELEX:32019R2021>

²³ <https://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=28773>

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1576033291584&uri=CELEX:32019R2021>

²⁵ <https://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=28773>

²⁶ <https://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=28773>

²⁷ <https://tcocertified.com/>

²⁸ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

Chemical	Product	Related materials
Flame retardants	Recreational covered wall padding made from polyurethane foam	Ecology included a notification requirement for this priority chemical-product combination in the Final Regulatory Determinations Report . ²⁹
Flame retardants	Other recreational products made from polyurethane foam	California ³⁰ has a restriction of no more than 1,000 ppm of flame retardants (both organohalogen and organophosphate) in mattresses and upholstered furniture (both contain polyurethane foam).
Alkylphenol ethoxylates	Laundry detergent	The European Union ³¹ has a restriction of no more than 0.1% by weight (1,000 ppm) of nonylphenol and nonylphenol ethoxylates in domestic cleaning products and some industrial cleaning products (2009).
Bisphenols	Drink can linings	A 2016 study called Buyer Beware ³² found 67% of cans studied had BPA linings. A 2020 study called Canned Food Market Based Survey ³³ found 5% of cans studied had BPA linings. This indicates the switch to cans without BPA linings took about four years. The studies were not peer reviewed. However, the methods were transparent and both studies used similar brands and food types.
Bisphenols	Food can linings	Ecology included a notification requirement for this priority chemical-product combination in the Final Regulatory Determinations Report .
Bisphenols	Thermal paper	The European Union ³⁴ has a restriction of no more than 0.02% by weight (200 ppm) of BPA in receipts (2020). Switzerland ³⁵ has a restriction of no more than 0.02% by weight (200 ppm) of BPA and BPS in receipts (2020).

²⁹ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

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https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=8.&title=&part=&chapter=3.&article=5.5

³¹ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:164:0007:0031:EN:PDF>

³² <https://www.bcpp.org/wp-content/uploads/2016/12/buyer-beware-report.pdf>

³³ <https://www.cancentral.com/sites/cancentral.com/files/public-documents/CMI Washington State Canned Food Market Basket Report %2B Raw Data.pdf>

³⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R2235&from=EN>

³⁵ https://www.fedlex.admin.ch/eli/cc/2005/478/en#lv_d4e222/lv_d4e223