



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 31, 2023

TIME: 8:06 AM

WSR 23-12-044

Agency: Department of Ecology AO 21-01

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain: In June 2022, the Washington State Department of Ecology (Ecology) submitted the [Regulatory Determinations Report](#) to the Legislature, as directed by [RCW 70A.350.050\(1\)\(b\)](#). During the 2023 session, the Legislature had the opportunity to review the report and provide additional directions to Ecology. The 2023 legislative session ended on April 23, 2023, and the Legislature did not direct Ecology to amend the Regulatory Determinations Report. Therefore, the regulatory actions took effect and Ecology adopted rules implementing the regulatory actions, as directed by [RCW 70A.350.050\(1\)\(c\)](#).

Purpose: On May 31, 2023, Ecology adopted a new rule, Chapter 173-337 WAC—Safer Products Restrictions and Reporting. This new chapter establishes a regulatory program to reduce toxic chemicals in consumer products and increase product ingredient transparency, as directed by [Chapter 70A.350 RCW](#). Consumers use hundreds of items every day, many of which contain chemicals that are hazardous to human health and the environment. Ecology adopted a new rule to regulate hazardous chemicals in consumer products.

The adopted rule:

- Implements [regulatory actions](#) reported to the Washington State Legislature in June 2022.
- Creates reporting requirements and restrictions for manufacturers, distributors, and retailers of priority consumer products that contain priority chemicals. These include:
 - PFAS in aftermarket stain- and water-resistance treatments, carpets and rugs, and leather and textile furnishings.
 - Ortho-phthalates in vinyl flooring and in personal care product fragrances.
 - Organohalogen flame retardants in electric and electronic products.
 - Flame retardants (as defined in RCW 70A.350.010) in recreational polyurethane foam.
 - Phenolic compounds in laundry detergent, food and drink can linings, and thermal paper.
- Addresses existing stock, repair and replacement parts, refurbished products, and previously owned products.

Citation of rules affected by this order:

New: Chapter 173-337 WAC – Safer Products Restrictions and Reporting
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: Chapter 70A.350 RCW – Toxic Pollution

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 22-24-107](#) on [December 7, 2022](#) (date).

Describe any changes other than editing from proposed to adopted version: We made minor changes to the proposed rule filed on December 7, 2022 in [WSR 22-24-107](#):

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.
- To facilitate effective program implementation.

To review the changes we made and our reasons for making them, see the Concise Explanatory Statement available on the [Safer Products for Washington rulemaking webpage](#).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Stacey Callaway

Address: Department of Ecology, Hazardous Waste & Toxics Reduction Program
PO Box 47600, Olympia, WA 98504-7600

Phone: 360-584-5661

Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: saferproductswa@ecy.wa.gov

Web site: <https://apps.ecology.wa.gov/publications/summarypages/2304032.html>

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>17</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: May 31, 2023

Name: Laura Watson

Title: Director

Signature:

