



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 29, 2017

TIME: 10:25 AM

WSR 17-20-050

**Agency:** Department of Ecology AO 16-08

**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:

**Purpose:** Ecology is amending Chapter 173-334 WAC Children’s Safe Products Reporting Rule. The 2016 Washington State Legislature’s amendment of RCW 70.240 identified six flame retardants to be considered for inclusion on the list of chemicals of high concern to children (CHCCs) in Chapter 173-334 WAC. Ecology and the Washington Department of Health evaluated recent scientific data for the six flame retardants and other chemicals. The rule amendment adds twenty chemicals, removes three chemicals, and splits one chemical listing into three individual listings on the list of CHCCs. The amendment also streamlines the rule: removes the phase-in reporting schedule, defines terms, and clarifies the reporting process.

**Citation of rules affected by this order:**

- New:
- Repealed: WAC 173-334-110
- Amended: WAC 173-334-010, 020, 040, 050, 070, 080, 090, 100, 120, 130
- Suspended:

**Statutory authority for adoption:** RCW 70.240.060 and RCW 70.240.035

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-07-131 on March 22, 2017 (date).  
Describe any changes other than editing from proposed to adopted version:  
Ecology made the following changes:

- In WAC 173-334-080(e), Ecology revised the text ~~revised~~ to state “The total concentration of the CHCC contained in each product component within each product category. The total concentration may be reported in ranges, rather than the exact concentration. If there are multiple CHCC concentrations for a given component in a particular product category, the manufacturer must use the highest concentration for reporting.”
- In WAC 173-334-130, Ecology removed two chemicals: Chemical Abstracts Service (CAS) number 78-33-1; Tris(4-tert-butyl) phosphate (TBPP) and CAS 220352-35-2; Butylated triphenyl phosphate.
- In WAC 173-334-130, Ecology added: CAS 117-82-8; Di-(2-methoxyethyl) phthalate (DMEP).

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

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 Web site: [http://www.ecy.wa.gov/programs/hwtr/laws\\_rules/CSP\\_ReportingRule/1608ov.html](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/1608ov.html)  
 Other:

**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	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>1</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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**The number of sections adopted in the agency's own initiative:**

New	___	Amended	<u>10</u>	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>10</u>	Repealed	<u>1</u>
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date adopted:** September 29, 2017

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

