

## Bouge, Cathy (ECY)

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**Subject:** FW: Reporting  
**Attachments:** WA CSPA Time Extension Request.docx

**From:** Andy Hackman [<mailto:AHackman@serlinhaley.com>]  
**Sent:** Friday, January 13, 2017 10:02 AM  
**To:** Steward, Kara (ECY) <[kste461@ECY.WA.GOV](mailto:kste461@ECY.WA.GOV)>  
**Cc:** Schaefer, Tina (ECY) <[trus461@ECY.WA.GOV](mailto:trus461@ECY.WA.GOV)>  
**Subject:** RE: Reporting

Hi Kara,

Please forgive the informal nature of submitting these comments and this input, but attached please find a draft of language to provide the potential for additional time to be requested in certain situations for the initial roll-out of the new reporting chemicals and structure.

This input and these comments are being submitted on behalf of the Juvenile Products Manufacturers Association (JPMA). JPMA also strongly supports the treatment of inaccessible components that the Department continues to provide in this draft rule. It remains a reasonable compromise from the initial rulemaking and is an important structural element of how companies have structured their reporting.

Please feel free to let me know if we need to discuss the attached and work on the language in any regard.

Thanks again for the opportunity to comment.

Respectfully,  
Andy

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**From:** Steward, Kara (ECY) [<mailto:kste461@ECY.WA.GOV>]  
**Sent:** Monday, January 09, 2017 12:26 PM  
**To:** Andy Hackman <[AHackman@serlinhaley.com](mailto:AHackman@serlinhaley.com)>  
**Cc:** Schaefer, Tina (ECY) <[trus461@ECY.WA.GOV](mailto:trus461@ECY.WA.GOV)>  
**Subject:** RE: Reporting

Andy,

That sounds good – sending suggested language would make this addition to the rule easier (for me). Offering some sort of soft rollout for the initial reporting period for companies is definitely a welcome suggestion.

We have also been talking internally about our initial ‘enforcement’ letter – it is meant to ask if the company is aware of their reporting responsibility and how can we help. But the letter reads more aggressive – with mention of penalties in the initial outreach letter. We’ll work on that with our lawyer (assistant attorney general) and see if we can send out a more helpful intro letter.

Another question – have any of your companies indicated the added cost/effort required for these additional chemicals? I have not heard the specifics of the increase in analytical effort required. I would be interested to know more about how our proposed changes impact companies, those already reporting and those who would need to report for the first time (the smallest company sizes).

If we could get some resolution to your language request by the end of this week or very early next week, that would work for my internal rule language schedule.

FYI – I have Monday off (state holiday in honor of MLK Jr). If you can't get me suggested language by Friday (early in the day), then don't worry until Tuesday!

Best,  
Kara

**[Kara J. Steward](#)**

Hazardous Waste & Toxics Reduction Program  
360-407-6250 direct | [kara.steward@ecy.wa.gov](mailto:kara.steward@ecy.wa.gov)

***Children's Safe Products Act Resources***

[Website](#) | [Law](#) | [Reporting Rule](#) | [Listserv](#) | [Chemical List](#) | [Reporting Rule Guidance](#) | [Data Entry Help](#) |

Search CSPA Reported Data at <https://fortress.wa.gov/ecy/cspareporting/>

Search Data on Products at <https://fortress.wa.gov/ecy/ptdbpublicreporting/>

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**From:** Andy Hackman [<mailto:AHackman@serlinhaley.com>]

**Sent:** Friday, January 06, 2017 6:14 PM

**To:** Steward, Kara (ECY) <[kste461@ECY.WA.GOV](mailto:kste461@ECY.WA.GOV)>

**Cc:** Schaefer, Tina (ECY) <[trus461@ECY.WA.GOV](mailto:trus461@ECY.WA.GOV)>

**Subject:** Re: Reporting

Thanks so much for the email Kara!

My thought is that the new chemicals in many cases are very much more "new" chemicals that companies are not already proactively testing for - to my knowledge.

While January 2019 is quite a while it might still warrant companies extra time especially if they have never reported but perhaps suddenly get pulled in by a new chemical.

I definitely have seen and appreciate that the Department had been very fair if a item might show up as tested but not reported. I give your team and the Department a lot of credit and thanks for the fair and processed way you have worked with companies in this regard. Since my time working with John Williams I always appreciate how the Department had been diligent in this regard.

I am thinking more though that no company wants to be in even a potential enforcement situation or to be out of compliance. Thus if they realize that they might need extra time to get a robust compliance program in order for the new chemicals allowing them to request that might be appropriate. I'm still working on language and need to check that with a legal counsel that we have that promise to get that to you before January 13th

Let me know how that sounds and if this makes any sense. I'm in California for meetings and ended up only getting three hours of sleep last night due to flight delays.

Andrew R. Hackman

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Sent from my iPhone

On Jan 6, 2017, at 3:55 PM, Steward, Kara (ECY) <[kste461@ECY.WA.GOV](mailto:kste461@ECY.WA.GOV)> wrote:

Andrew,

I am pulling together the Q&A and other documents from our webinar on Wednesday (to post online). I wanted to follow up with you on your inquiry about reporting. Was there something specific you were looking to add to the text of the rule to allow some leniency for “new” and “small” businesses for their first reporting requirement?

If you look at the current rule language – companies of all sizes (to the smallest) are required to submit their reports by August 2018. The reporting period for this rule update will require reporting by end of January 2019. Do you believe there needs to be something in the rule to provide extra time? If so, why? All companies are required to report by Aug 2018. How would your members need extra time to submit reports by the end of January 2019? Are you concerned about the extra chemicals?

Can you give me some specifics so I can see if there’s a reason to work on something we can add to Section 100? If it’s just about this first reporting year, I’m inclined to provide you with our assurance of enforcement leniency instead of putting something in the rule for 2019.

As an aside, we only know if a company has failed to report when we TEST their product and have laboratory results. In our most recent product testing effort, we purchased over 1,000 products (over a one year period) sent samples from 400 products to the laboratory for testing and found ONLY 60 products that needed to report.

When we get test results like those 60 results, we spend at least a month to three months assisting companies with the reporting process. After 5 years of reporting requirements and product testing, we have NOT YET penalized any company for failure to get data into the database. Our goal is to help companies with the reporting process and getting compliance. We are very proud of our record of full compliance after notification (most companies are unaware of the CSPA requirement).

If your concern is consequences of late reporting in 2019 – I don’t think it’s something we need in the rule – it’s our standard of practice to help.

Does that help in any way with your concern?

Happy weekend,

Kara

**Kara J. Steward**

Hazardous Waste & Toxics Reduction Program  
360-407-6250 direct | [kara.steward@ecy.wa.gov](mailto:kara.steward@ecy.wa.gov).

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## 173-334-100

### When must manufacturers report ~~provide notice~~ and for what time period?

#### What time period is covered by the notice?

(1) On January 31, 2019, and annually thereafter, a manufacturer of a children's product sold or offered for sale in ~~or into~~ Washington that contains a CHCC listed in WAC 173-334-130 in an amount at or above a de minimis level must submit the information detailed in WAC 173-334-080 to the department. The ~~report notice~~ submitted on January 31, 2019 applies to children's products sold or offered for sale in ~~or into~~ Washington between September 1, 2017 and December 31, 2018. Reports submitted on January 31, 2020 and annually thereafter, apply to children's products sold or offered for sale during the prior calendar year. ~~Manufacturers must provide notice as required by WAC 173-334-110 on an annual basis for children's products that have been manufactured for sale in Washington during the twelve-month period that precedes the applicable due date for first notices set out in WAC 173-334-110(2).~~

(2) If the reporting party determines that there has been no change in the information required to be reported since the prior annual notice, the party may copy the prior year's notice and resubmit the same data into the online reporting database. ~~submit a written statement indicating that the previous reported data is still valid, in lieu of a new duplicate complete notice.~~

(3) If a CHCC is subsequently removed from the children's product component for which notice was given, the manufacturer may provide notice to the department. Such updated notices will be documented in the department's records.

(4) Annual reporting for internal components will not be required, except by amendment of this rule, based on a case-by-case evaluation by the department.

**(5) A manufacturer of a children's product containing a CHCC above the de minimis level, may request, from the Department, a 12-month extension for submission of notices required under this section, if one of the following conditions applies:**

**(a) The notice required on January 31, 2019 would be the first notices required by the manufacturer and the manufacturer will be reporting more than one product or chemical; or**

**(b) The notice required on January 31, 2019 would be for chemicals added to the CHCC list since August 2017, and for which analytical test methods have not been standardized for that component or material; or**

**(c) The notice required on January 31, 2019 would be for a small manufacturer with annual aggregate gross sales, both within and outside of Washington, of less than or equal to one hundred million dollars, based on the manufacturer's most recent tax year filing.**