

DRAFT Chapter 173-337 WAC

Safer Products Restrictions and Reporting

Introduction

This is the preliminary draft rule for a chapter in the Washington Administrative Code (WAC): [Chapter 173-337 WAC: Safer Products Restrictions and Reporting](#).¹ It includes draft restrictions and reporting requirements for specific consumer products that contain intentionally added per- and polyfluoroalkyl substances (PFAS).

During this rulemaking, we're focusing on requirements for intentionally added PFAS in the new product categories. The new requirements are shown as underlined text. However, we will accept all feedback and if we don't act on a recommendation during this rulemaking, we'll consider it during the Cycle 2 rulemaking.

If you have questions about this preliminary draft rule, contact us at SaferProductsWA@ecy.wa.gov.

How to use this document

Make your voice heard and tell us what you think about the draft requirements in the preliminary draft rule. What did we get right? What should we change?

Step 1. Read.

Read the preliminary draft rule.

Step 2. Consider our questions.

The preliminary draft rule includes twelve new product categories. Three of these product categories include restrictions on intentionally added PFAS. The other nine product categories include reporting requirements.

For each new product category (section 110 (5) through (16)), please consider and provide feedback on the following questions.

- In bullet (a) in each new product category:
 - Does the description of the priority consumer product make sense?
 - How can we improve this description?
- In bullet (b) in each new product category:
 - Are these compliance dates feasible?
 - Do you have any thoughts or information about potential costs related to complying with these dates?

¹ app.leg.wa.gov/WAC/default.aspx?cite=173-337

- What other thoughts do you have about each new product category?

Step 3. Provide feedback.

We encourage you to provide feedback on any element of the preliminary draft rule.

- Share your feedback during our online discussion on September 25, 2024, at 9:30 a.m. [Join the webinar](#).²
- [Send us your feedback](#)³ before the comment period closes on October 16, 2024.

Tips for providing feedback

- Tell us what you support and what you disagree with.
- Suggest specific language. This helps our team understand what change you want.
- Use examples to illustrate concerns and explain your feedback.
- Provide supplemental information. Include references supporting your concerns—such as regulations, sales data, market information, or brand and product information.
- Offer solutions. Suggest ways we can address your concerns.

We'll use your feedback to improve our approach and write the formal draft rule. In summer 2025, we'll share the formal draft rule and provide another public comment period.

² ecology.wa.gov/events/hwtr/spwa-cycle-1-5/cycle-1-5-webinar-sept-25

³ ecology.wa.gov/events/hwtr/spwa-cycle-1-5/spwa-informal-public-comment

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Part A – General

010 Authority and purpose.

- (1) **Authority.** Chapter 70A.350 Revised Code of Washington (RCW) authorizes Ecology to:
 - (a) Implement, administer, and enforce chapter 70A.350 RCW.
 - (b) Regulate priority chemicals in priority consumer products.
- (2) **Purpose.** This chapter implements chapter 70A.350 RCW.
 - (a) This chapter provides a regulatory framework to:
 - (i) Reduce the use of priority chemicals in priority consumer products by establishing restrictions.
 - (ii) Increase transparency in product ingredients by requiring notification of priority chemicals in priority consumer products.
 - (b) This chapter establishes:
 - (i) Actions applicable persons must take related to manufacturing, distributing, selling or offering to sell (including but not limited to wholesale, online, or retail) priority consumer products containing priority chemicals in and into Washington state.
 - (ii) The enforcement process ecology will use if manufacturers fail to comply with this chapter.

015 Applicability.

- (1) This chapter applies to any person who manufactures, distributes, or sells or offers to sell a priority consumer product that contains a priority chemical in or into Washington state.
- (2) This chapter does **not** apply to:
 - (a) Consumer products excluded from chapter 70A.350 RCW.
 - (b) Consumer products transported or stored in Washington state solely for sale or distribution to consumers outside of Washington state.
 - (c) The recycling or disposal of existing stock.

020 Requesting an exemption.

- (1) A person required to comply with this chapter may request an exemption from the requirements of this chapter.
- (2) Ecology will use objective factors including but not limited to the following when evaluating exemption requests.
 - (a) The priority chemical is functionally necessary to the priority consumer product and there is no alternative.
 - (b) It is **not** currently possible to comply with the restriction and comply with another legally imposed requirement.
 - (c) An unforeseen event or circumstance limited the availability of alternatives.
- (3) A person seeking exemption from the requirements of this chapter must submit a request to ecology that includes the following information.
 - (a) Your name and address.
 - (b) Requirements in this chapter from which you request an exemption.
 - (c) A statement of the need and justification for the exemption. Include information, data, or sources relevant to the need and justification.
- (4) A person who submits a request for exemption must make the following certification.

“I certify under penalty of perjury under the law of Washington that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry as the person or one of the persons who manage(s) the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.”
- (5) A person who satisfies the requirements in subsection (3) and (4) of this section is temporarily exempt from the requirements from which they requested an exemption until ecology makes a decision on their request.
- (6) A person adversely affected by ecology’s decision about a request for exemption from the requirements of this chapter may request review of that decision by the ecology director or their designee. Ecology’s final decision is **not** subject to further administrative review.

025 Acronyms and definitions.

Unless Ecology determines the context requires otherwise, the following definitions apply for the purposes of this chapter.

“**Bisphenol**” means a chemical with two phenol rings connected by a single linker atom. The linker atom and phenol rings may have additional substituents.

“**Chemical abstracts service registry number**” or “**CAS RN**” means the number assigned for identification of a particular chemical by the chemical abstracts service, a service of the American Chemical Society that indexes and compiles abstracts of worldwide chemical literature called *chemical abstracts*.

“**Consumer product**” means any item, including any component parts and packaging, sold for residential or commercial use.

“**Credible evidence**” means information, data, or sources relevant to demonstrate that a priority chemical was **not** intentionally added to a priority consumer product. Ecology determines what qualifies as “credible evidence” on a case-by-case basis.

“**Ecology**” means the Washington state department of ecology.

“**Electronic display**” means a display screen and associated electronics that, as its primary function, displays visual information from wired or wireless sources.

“**Environmental justice**” means the term as defined in chapter 70A.02 RCW.

“**Existing stock**” means consumer products in commerce at the time a restriction takes effect.

“**External enclosures**” means the external part of the finished product that renders inaccessible all or any parts of the equipment that may otherwise present a risk of electric shock, or retards propagation of flame initiated by electrical disturbances occurring within, or both.

“**Extreme and extended use**” means outdoor apparel designed to protect the health and safety of experts or professionals who are exposed to extreme weather conditions including hurricanes, immersion in water or wet conditions, and snow for extended periods of time.

“**FDA**” means the United States Food and Drug Administration.

“**Firefighting personal protective equipment (PPE)**” has the same meaning as in chapter 70A.400 RCW:

“Firefighting personal protective equipment” means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

“**Flame retardant**” means a chemical that is added to or reacted with a material to effectively retard flames. Chemicals used in the product to provide anti-drip function are **not** flame retardants if other chemicals are explicitly used for the purpose of flame retardancy.

“**Gear for recreation and travel**” means equipment and accessories made from natural textiles, synthetic textiles, technical textiles, or leather. This includes non-apparel items such as backpacks, bags, totes, luggage, panniers, sleeping bags, sleeping pads, tents, and climbing ropes.

“Inaccessible electronic component” means a part or component of an electronic product that is located inside and entirely enclosed within another material and is not capable of coming out of the product or being accessed during any reasonably foreseeable use or abuse of the product.

“Intended for indoor use” means a product **not** “intended for outdoor use” as defined in this chapter.

“Intended for outdoor use” means a product designed for use in an outdoor setting and to maintain functionality after exposure to ultraviolet (UV) light, exposure to water, or immersion.

“Intentionally added priority chemical” or **“intentionally added”** means a chemical that serves an intended function in the final product or in the manufacturing of the product or part of the product. Chemicals present from the use of recycled materials are **not** considered “intentionally added priority chemical.”

“Manufacturer” means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

“Organohalogen” means a class of chemicals that includes any chemical containing one or more halogen elements bonded to a carbon.

“Ortho-phthalates” means synthetic chemical esters of benzenedicarboxylic acid consisting of two carboxy groups at ortho positions.

“Overburdened community” means the term as defined in chapter 70A.02 RCW.

“Perfluoroalkyl and polyfluoroalkyl substances” or **“PFAS”** means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

“Phenolic compounds” means alkylphenol ethoxylates and bisphenols.

“ppm” means parts per million.

“Previously owned product” means a priority consumer product owned by an end user or consumer, regardless of whether that end user purchased the product.

“Priority chemical” means a chemical or chemical class identified by ecology as a priority chemical under chapter 70A.350 RCW, or a chemical class identified in chapter 70A.350 RCW, or both.

“Priority consumer product” means a product identified by Ecology to be a significant source or use of a priority chemical.

“RCW” means Revised Code of Washington.

“Sell” or “offering to sell” includes but is **not** limited to wholesale, online, and retail.

“Sensitive population” means the term as defined in chapter 70A.350 RCW.

“Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip or glide properties.

“**Thermal paper**” means a paper coated with a material formulated to change color when exposed to heat.

“**TMBPF**” means tetramethyl bisphenol F (CAS RN: 5384-21-4).

“**USC**” means the United States Code.

“**WAC**” means Washington Administrative Code.

030 Enforcement and penalties.

- (1) Any violation of this chapter is subject to the enforcement and penalty sections ~~sanctions~~ of chapter 70A.350 RCW.
- (2) In accordance with chapter 70A.350 RCW:
 - (a) A manufacturer violating a requirement of this chapter is subject to a civil penalty **not** to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty **not** to exceed \$10,000 for each repeat offense.
 - (b) A manufacturer may appeal any penalty provided for in this chapter to the pollution control hearings board.
 - (c) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

035 Severability.

If any provision of this chapter or its application to any person is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is **not** affected.

040 Federal preemption.

- (1) This section applies if either of the following federal regulatory actions occurs after the effective date of this chapter.
 - (a) The U.S. Environmental Protection Agency takes an action under the Toxic Substances Control Act, 15 U.S.C. Secs. 2601 through 2697, that preempts pursuant to 15 U.S.C. Sec. 2617 the enforcement of a restriction imposed by this chapter on a priority chemical in a priority consumer product.
 - (b) The U.S. Consumer Product Safety Commission takes an action under the Consumer Product Safety Act, 15 U.S.C. Secs. 2051 through 2089, or the Federal Hazardous Substances Act, 15 U.S.C. Secs. 1261 through 1278a, that preempts pursuant to 15 U.S.C. Sec. 2075 or 15 U.S.C. Sec. 1261 note “Effect Upon Federal and State Law” at (b)(1)(B), the enforcement of a restriction imposed by this chapter on a priority chemical in a priority consumer product.

- (2) If either of the preemptive federal regulatory actions described in subsection (1) of this section occurs, manufacturers will, starting on the date of the relevant federal agency action, be subject to the requirements of WAC 173-337-060 regarding the affected priority chemical in the affected priority consumer product, instead of the restriction imposed by this chapter.

045 Relation to other laws and rules.

In addition to the requirements of this chapter and chapter 70A.350 RCW, other laws, rules, and ordinances may apply to priority consumer products containing priority chemicals. Nothing in this chapter is intended to excuse persons regulated by this chapter from complying with other laws, rules, ordinances, procedures, restrictions, or limitations on regulated consumer products.

050 Equity and environmental justice.

- (1) To strengthen the integration of equity and environmental justice considerations when implementing, administering, and enforcing chapter 70A.350 RCW, ecology will, to the extent legal and practical:

- (a) Strive to collaborate and co-develop approaches to equitable and meaningful community engagement with overburdened communities, sensitive populations, Tribes and Indigenous communities, and others.
- (b) Pursue processes that facilitate and support the inclusion of overburdened communities and reduce barriers in equitable participation.

Examples of barriers include childcare, food costs, the Americans with Disabilities Act (ADA) and other accessibility needs, and compensation for lived experience and expertise.

Examples of how community input may inform decision-making include determining:

- Preliminary priority chemicals, priority consumer products, and preliminary alternatives.
 - Rule requirements.
 - Compliance approach.
- (c) Use existing data and information to document potential exposure disparities when identifying priority chemicals and priority consumer products. Examples of data and information include peer-reviewed scientific studies, government reports and data, demographic information, market-based research, and other sources reviewed by Ecology.
 - (d) Prioritize chemicals and consumer products where regulatory actions may reduce disproportionate exposure.

- (e) Work toward equitable access to safer consumer products. This includes but is not limited to considering overburdened communities and low-income populations' ability to access safer consumer products.
- (2) Ecology will refer to guidance from relevant authorities including but not limited to:
 - (a) Title VI of the Civil Rights Act 1964, 42 U.S.C. Sec. 2000D et seq.
 - (b) Chapter 70A.02 RCW – Environmental justice.
 - (c) Chapter 43.03.220 RCW – Compensation of members of part-time boards and commissions—Class one groups.
 - (d) The Washington state office of equity.
 - (e) Ecology's office of equity and environmental justice.

055 Previously owned priority consumer products.

- (1) No person may sell or distribute a previously owned priority consumer product that they know violates a restriction in this chapter.
- (2) This does **not** apply to a:
 - (a) Priority consumer product manufactured before the effective date of the restriction, as listed in WAC 173-337-110 through WAC 173-337-114, even if the priority consumer product was refurbished after the effective date of the restriction.
 - (b) Repair part or replacement part that was made to refurbish a priority consumer product that was manufactured before the effective date of the restriction, as listed in WAC 173-337-110 through WAC 173-337-114.

060 Reporting requirements.

- (1) **Applicability.**
 - (a) This section applies to a manufacturer of a priority consumer product required to submit a notification to ecology, as listed in WAC 173-337-110, 173-337-112, and 173-337-114. This chapter refers to the person submitting the notification as the "reporting party."
 - (b) The manufacturer of the priority consumer product or a trade organization representing the manufacturer may serve as the reporting party.
 - (c) **Reporting party.** The following hierarchy determines which person or entity ecology will hold primarily responsible for ensuring that ecology receives a complete, accurate, and timely notification.
 - (i) The person or entity that had the priority consumer product manufactured unless it has **no** presence in the United States.

- (ii) The person or entity that marketed the priority consumer product under their name or trademark unless it has **no** presence in the United States.
 - (iii) The first person or entity, whether an importer or a distributor, who owned the priority consumer product in the United States.
 - (d) This chapter requires only one reporting party to submit notification with respect to a particular priority consumer product.
- (2) **Timing.**
- (a) The reporting party must submit a notification to ecology:
 - (i) By January 31 of the year after the effective date of the reporting requirement, as listed in WAC 173-337-110, 173-337-112, and 173-337-114.
 - (ii) Annually thereafter by January 31.
 - (b) The reporting party may submit a revised notification to ecology when a priority consumer product **no** longer contains an intentionally added priority chemical.
- (3) **Notification contents.**
- (a) The notification must include information about a priority consumer product containing an intentionally added priority chemical, that is sold or offered for sale in Washington state during the prior calendar year.
 - (b) The notification must include the following information.
 - (i) The name and CAS RN of the priority chemical that is intentionally added. If the priority chemical has a CAS RN, the notification must include it. If the priority chemical does **not** have a CAS RN, then include the generic name of the chemical.
 - (ii) The product category or product categories that contains the priority chemical. The product category means the "brick" level of the GS1 Global Product Classification (GPC) standard, which identifies products that serve a common purpose, are of a similar form and material, and share the same set of category attributes.
 - (iii) The product component within the product category that contains the priority chemical. The product component means a uniquely identifiable material or coating (including ink or dye) that is intended to be included as a part of a finished priority consumer product.
 - (iv) A description of the function of the priority chemical.
 - (v) The concentration range of each intentionally added priority chemical in each product component in each product category. The reporting party may report the concentration in ranges rather than the exact concentration. If there are multiple concentrations for a given product

component in a particular product category, the reporting party must report the highest concentration.

The reporting ranges are:

- (A) Less than 100 ppm (0.01%).
- (B) Equal to or more than 100 ppm (0.01%), but less than 500 ppm (0.05%).
- (C) Equal to or more than 500 ppm (0.05%), but less than 1,000 ppm (0.1%).
- (D) Equal to or more than 1,000 ppm (0.1%), but less than 5,000 ppm (0.5%).
- (E) Equal to or more than 5,000 ppm (0.5%), but less than 10,000 ppm (1.0%).
- (F) Equal to or more than 10,000 ppm (1.0%).

(vi) **Contact information.**

- (A) The name and address of the reporting party.
- (B) The name, address, phone number, and electronic mail address of the contact person for the reporting party.
- (C) When a trade organization serves as the reporting party, the notification must include a list of the manufacturers they report for and all the required information.
- (D) Which option in the hierarchy in (1)(c) in this section best represents the reporting party.

(vii) Any other information the reporting party deems relevant to the appropriate use of the product.

- (4) If the reporting party determines the information in the prior annual notification did **not** change in the current reporting year, they must resubmit the data from the previous year's notification.
- (5) This chapter does **not** require the reporting party to include:
 - (a) Specific formulations.
 - (b) The specific name and address of the facility responsible for the use or addition of a priority chemical in the priority consumer product or product component.
- (6) **Notification database.** The reporting party must use an ecology-designated notification database to submit the required notification to ecology.

065 Confidential business information (CBI).

A person who submits information to ecology may request that ecology treat that information as confidential as provided in RCW 43.21A.160 by providing appropriate documentation supporting the request.

PART B – CHEMICALS AND CONSUMER PRODUCTS

110 PFAS.

(1) Aftermarket stain- and water-resistance treatments.

(a) Applicability.

- (i) Priority consumer products. This subsection applies to:
 - (A) Aftermarket stain-resistant treatments for application to textile and leather consumer products.
 - (B) Aftermarket water-resistant treatments for application to textile and leather consumer products.
 - (C) Aftermarket stain-resistant and water-resistant treatments for application to textile and leather consumer products.
- (ii) This subsection does **not** apply to premarket topical chemical treatments applied during the manufacturing process.

(b) Compliance schedule. The restriction in (c) of this subsection takes effect on January 1, 2025.

(c) Restriction.

- (i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added PFAS.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2025.
- (ii) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(2) Carpets and rugs.

(a) Applicability. Priority consumer products. This subsection applies to:

- (i) Carpets intended for indoor use or intended for outdoor use.

- (ii) Rugs intended for indoor use or intended for outdoor use, including carpeted mats.
 - (b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2025.
 - (c) **Restriction.**
 - (i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added PFAS.

This does **not** apply to a:

 - (A) Priority consumer product described in (a) of this subsection manufactured before January 1, 2025, even if the priority consumer product was refurbished after January 1, 2025.
 - (B) Repair part or replacement part that was made to refurbish a priority consumer product described in (a) of this subsection that was manufactured before January 1, 2025.
 - (ii) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.
- (3) **Leather and textile furniture and furnishings intended for indoor use.**
- (a) **Applicability.**
 - (i) Priority consumer products. This subsection applies to leather and textile furniture and furnishings intended for indoor use.
 - (ii) This subsection does **not** apply to:
 - (A) Leather and textile furniture and furnishings intended for outdoor use.
 - (B) Leather and textiles sold separately and **not** part of furniture and furnishings.
 - (b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2026.

(c) **Restriction.**

- (i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added PFAS.

This does **not** apply to a:

- (A) Priority consumer product described in (a) of this subsection manufactured before January 1, 2026, even if the priority consumer product was refurbished after January 1, 2026.
- (B) Repair part or replacement part that was made to refurbish a priority consumer product described in (a) of this subsection that was manufactured before January 1, 2026.
- (ii) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
- (A) The name and address of the person submitting the statement.
- (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(4) **Leather and textile furniture and furnishings intended for outdoor use.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to leather and textile furniture and furnishings intended for outdoor use.
- (ii) This subsection does **not** apply to:
- (A) Leather and textile furniture and furnishings intended for indoor use.
- (B) Leather and textiles sold separately and **not** part of furniture and furnishings.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2024.
- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
- (A) By January 31, 2025.
- (B) Annually thereafter by January 31.

- (c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.
- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.
- (5) **Apparel.**
- (a) **Applicability.**
 - (i) Priority consumer products. This subsection applies to apparel and includes accessories (such as hats, gloves, and scarves) made from natural textiles, synthetic textiles, technical textiles, and leather.
 - (ii) This subsection does **not** apply to:
 - (A) Apparel intended for extreme and extended use, apparel that is firefighting PPE, and apparel with specific performance standards or criteria to protect the user from biological hazards.
 - (B) Accessories made from materials other than natural textiles, synthetic textiles, technical textiles, and leather.
 - (C) Footwear, including footwear that is firefighting PPE.
 - (D) Gear, including gear for recreation and travel and gear that is firefighting PPE.
 - (b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2027.
 - (c) **Restriction.**
 - (i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added PFAS.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2027.
 - (ii) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.

- (iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.
- (6) **Apparel intended for extreme and extended use.**
 - (a) **Applicability.**
 - (i) Priority consumer products. This subsection applies to apparel intended for extreme and extended use.
 - (ii) This subsection does **not** apply to:
 - (A) Apparel, including apparel that is firefighting PPE, and apparel with specific performance standards or criteria to protect the user from biological hazards.
 - (B) Footwear, including footwear that is firefighting PPE.
 - (C) Gear, including gear for recreation and travel and gear that is firefighting PPE.
 - (b) **Compliance schedule.**
 - (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
 - (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.
 - (c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.
 - (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include

information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(7) **Footwear.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to footwear. Footwear includes items intended to protect the foot such as boots, sandals, shoes, and water shoes.
- (ii) This subsection does **not** apply to:
 - (A) Apparel, including apparel intended for extreme and extended use, apparel that is firefighting PPE, and apparel with specific performance standards or criteria to protect the user from biological hazards.
 - (B) Footwear that is firefighting PPE.
 - (C) Gear, including gear for recreation and travel and gear that is firefighting PPE.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(8) **Gear for recreation and travel.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to gear for recreation and travel. Gear for recreation and travel includes non-apparel items such as backpacks, bags, totes, luggage, panniers, sleeping bags, sleeping pads, tents, and climbing ropes.
- (ii) This subsection does **not** apply to:
 - (A) Apparel, including apparel intended for extreme and extended use, apparel that is firefighting PPE, and apparel with specific performance standards or criteria to protect the user from biological hazards.
 - (B) Footwear, including footwear that is firefighting PPE.
 - (C) Gear that is firefighting PPE.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(9) **Automotive washes.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to automotive washes. Automotive washes are products that clean the exterior of automotives such as the body, windshield, mirrors, lights, and grills. Automotives include boats, buses, cars, emergency response vehicles, motorcycles, recreational vehicles, and trucks.
- (ii) This subsection does **not** apply to:
 - (A) Automotive washes applied during automotive manufacturing.
 - (B) Automotive waxes.
 - (C) All-in-one products intended to clean and wax automotives.
 - (D) Products intended to clean an engine.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2027.

(c) **Restriction.**

- (i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added PFAS.

This restriction does **not** apply to PFAS that is used as a propellant.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2027.
- (ii) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(10) **Automotive waxes.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to automotive waxes. Automotive waxes protect and enhance the exterior of automotives. Automotive waxes include waxes that are part of all-in-one formulas that also clean automotives. Automotives include boats, buses,

cars, emergency response vehicles, motorcycles, recreational vehicles, and trucks.

- (ii) This subsection does **not** apply to:
 - (A) Automotive waxes applied during automotive manufacturing.
 - (B) Automotive washes.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(11) **Cleaning products.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to cleaning products intended for household and institutional uses. This includes all-purpose cleaners, disinfectants, cleaners for glass, bathrooms, dishes, and tiles.
- (ii) This subsection does **not** apply to:
 - (A) Automotive washes.
 - (B) Cleaning products used during manufacturing activities.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2027.

(c) **Restriction.**

- (i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains intentionally added PFAS.

This restriction does **not** apply to PFAS that is used as a propellant.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2027.

- (ii) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.

- (iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(12) **Cookware and kitchen supplies.**

(a) **Applicability.**

- (i) Priority consumer products. This subsection applies to cookware and kitchen supplies. This includes durable houseware items that are used in homes and restaurants to prepare, dispense, or store food, foodstuffs, or beverages. Cookware and kitchen supplies include baking molds, baking sheets, bowls, cooking utensils, grills, pans, pots, pans, skillets, and trays.

- (ii) This subsection does **not** apply to:

(A) Disposable or single-use cookware and kitchen supplies.

(B) Internal components of cookware and kitchen supplies that **don't** contact food, foodstuffs, or beverages.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.

- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:

(A) By January 31, 2027.

(B) Annually thereafter by January 31.

- (c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.
- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.
- (13) **Firefighting personal protective equipment (PPE).**
- (a) **Applicability.**
 - (i) Priority consumer products. This subsection applies to firefighting PPE. This includes any clothing, jackets, pants, shoes, gloves, helmets, and respiratory equipment.
 - (ii) This subsection does **not** apply to apparel, gear, or footwear that **don't** meet the definition of "firefighting PPE."
 - (b) **Compliance schedule.**
 - (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
 - (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.
 - (c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.
- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.

- (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(14) **Floor waxes and polishes.**

(a) **Applicability.**

Priority consumer products. This subsection applies to floor waxes and polishes. Floor waxes and polishes are intended to polish, protect, or enhance floor surfaces. Floor waxes and polishes can be used on a variety of floor types including linoleum, stone, tile, vinyl, and wood.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
- (A) By January 31, 2027.
- (B) Annually thereafter by January 31.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

- (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
- (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
- (A) The name and address of the person submitting the statement.
- (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.

(15) **Hard surface sealers.**

(a) **Applicability.**

Priority consumer products. This subsection applies to hard surface sealers.

(b) **Compliance schedule.**

- (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.

- (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.
 - (c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.
 - (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.
 - (A) The name and address of the person submitting the statement.
 - (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.
- (16) **Ski waxes.**
 - (a) **Applicability.**

Priority consumer products. This subsection applies to ski waxes. Ski waxes include hot wax, spray wax, rub-on wax, and related tuning products for snow runners like skis and snowboards.
 - (b) **Compliance schedule.**
 - (i) The reporting requirement in (c) of this subsection takes effect on January 1, 2026.
 - (ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:
 - (A) By January 31, 2027.
 - (B) Annually thereafter by January 31.
 - (c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains intentionally added PFAS. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.
 - (i) Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS.
 - (ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

- (A) The name and address of the person submitting the statement.
- (B) A statement that PFAS were **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that PFAS were **not** intentionally added.