



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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WSR 24-01-020

Agency: Department of Ecology AO #23-07

Subject of possible rule making: The Washington State Department of Ecology (Ecology) is starting a rulemaking to revise the Safer Products Restrictions and Reporting rule—[Chapter 173-337 WAC](#)—aiming to reduce PFAS in consumer products. Ecology plans to conduct this rulemaking to:

- Reduce the use of priority chemicals in priority consumer products.
- Revise Chapter 173-337 WAC in accordance with the regulatory actions outlined in the Regulatory Determinations Report to the Legislature that Ecology will submit by June 1, 2024.

Under the authority of [Chapter 70A.350 RCW](#), Ecology may restrict the manufacture, sale, and distribution of a chemical in a product, or require manufacturers to report the use of a chemical in a product.

In this rulemaking, Ecology may create reporting requirements or restrictions that apply to the use of PFAS in product categories such as:

- Apparel and gear.
 - Apparel examples include athleticwear, rainwear, school uniforms, clothing for everyday use, undergarments (reusable diapers and period underwear), hats, scarves, gloves, shoes, outerwear for mountaineering, outerwear for whitewater kayaking, and commercial fishing bibs for offshore fishing.
 - Gear examples include backpacks, sleeping bags, umbrellas, camping furniture, and climbing rope.
- Cleaning products, including products to wash automobiles and boats.
- Cookware and kitchen supplies.
 - Examples include frying pans, cooking pots, rice cookers, waffle makers, griddles, bakeware, and reusable baking liners.
- Firefighting PPE (personal protective equipment).
- Hard surface sealants.
 - Examples include sealants applied to hard porous surfaces like stone, unglazed tile, concrete, and wood. They can be used for interior and exterior applications.
- Waxes and polishes, including products for floors, automobiles, skis, and snowboards.

Statutes authorizing the agency to adopt rules on this subject: Chapter 70A.350 RCW – Toxic Pollution

Reasons why rules on this subject may be needed and what they might accomplish: PFAS are a group of toxic chemicals that are very persistent in the environment. Most people living in the United States have PFAS in their blood. People are exposed through food, drinking water, and products with PFAS. As products are created, used, and disposed, exposure can occur:

- Directly from items such as apparel, cleaning products, and cookware.
- Indirectly from the environment—through the air we breathe, water we drink, and food we eat.

Ecology plans to develop rules that could:

- Reduce the use of PFAS in products by restricting PFAS when Ecology identifies safer, feasible, and available alternatives. This will help:
 - Reduce consumers' and workers' exposure to PFAS.
 - Reduce the amount of PFAS entering the environment.
- Increase product ingredient transparency.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The EPA regulates toxic chemicals through the Toxic Substance Control Act. Many states regulate chemicals in consumer products or have proposed regulations. Ecology will consider these regulations when developing requirements and will coordinate with these agencies as necessary.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Stacey Callaway	Name:
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Web site: Rulemaking webpage	Web site:
Other: N/A	Other:

Additional comments: Get involved in this rulemaking by:

- [Sharing feedback](#) on the [Cycle 1.5 Draft Regulatory Determinations Report](#). The comment period is open now and closes at 11:59 p.m. PST on January 12, 2024.
- Signing up for [email announcements](#).
- Attending webinars. Our next webinars will occur on December 13 and 14, 2023. Visit our [interested parties webpage](#) for more information.

Ecology will extend an offer for government-to-government consultation with Tribal governments during each phase of the rulemaking. Ecology will also complete an Environmental Justice Assessment in compliance with RCW.70A.02.06 as part of this rulemaking..

Date: December 8, 2023

Name: Katrina Lassiter

Title: Hazardous Waste and Toxics Reduction Program Manager

Signature:

