

WAC 173-337-025 Acronyms and definitions. Unless ecology determines the context requires otherwise, the following definitions apply for the purposes of this chapter.

"Apparel and accessories" means articles of clothing worn or intended to be worn by a person. Apparel and accessories include, but are **not** limited to, costumes, dresses, formal wear, gloves, hats, jackets, leggings, pants, scarves, shirts, skirts, socks, swimwear, and underwear (including reusable underwear for incontinence and reusable period underwear).

"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.

"Cookware and kitchen supplies" means durable houseware items used to prepare, dispense, or store food, foodstuffs, or beverages. Cookware and kitchen supplies include, but are **not** limited to, baking molds, baking sheets, bowls, cooking utensils, grills, pans, pots, rice cookers, skillets, trays, and waffle makers.

"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 retain water-proofness when immersed in water (or other liquids) or snow.

"FDA" means the United States Food and Drug Administration.

"Firefighting personal protective equipment (PPE)" means the term as defined in RCW 70A.400.005.

"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 nonclothing equipment and accessories made from leather, natural textiles, synthetic textiles, or technical textiles. Gear for recreation and travel includes, but is **not** limited to, backpacks, bags, climbing ropes, luggage, panniers, sleeping bags, sleeping pads, tents, and totes.

"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 chemicals."

"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 or 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 the 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, but **not** limited to, 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).

"U.S.C." means the United States Code.

"WAC" means the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 23-12-044, filed 5/31/23, effective 7/1/23)

WAC 173-337-030 Enforcement and penalties. (1) Any violation of this chapter is subject to the enforcement and penalty (~~((sanctions))~~) sections 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.

AMENDATORY SECTION (Amending WSR 23-12-044, filed 5/31/23, effective 7/1/23)

WAC 173-337-110 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 31st.

(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 and accessories.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to apparel and accessories made from leather, natural textiles, synthetic textiles, or technical textiles.

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

(A) Apparel and accessories that are firefighting PPE.

(B) Apparel and accessories with specific performance standards or criteria to protect the user from biological hazards or chemical hazards.

(C) Apparel and accessories intended to be disposed of after each use.

(D) Apparel and accessories made from materials other than leather, natural textiles, synthetic textiles, or technical textiles.

(E) Apparel intended for extreme and extended use.

(F) Footwear or footwear that is firefighting PPE.

(G) Gear for recreation and travel or 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 made from leather, natural textiles, synthetic textiles, or technical textiles.

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

(A) Apparel intended for extreme and extended use that is fire-fighting PPE.

(B) Apparel intended for extreme and extended use with specific performance standards or criteria to protect the user from biological hazards or chemical hazards.

(C) Apparel intended for extreme and extended use that is intended to be disposed of after each use.

(D) Apparel intended for extreme and extended use made from materials other than leather, natural textiles, synthetic textiles, or technical textiles.

(E) Apparel and accessories or apparel and accessories that are firefighting PPE.

(F) Footwear or footwear that is firefighting PPE.

(G) Gear for recreation and travel or 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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 made from leather, natural textiles, synthetic textiles, or technical textiles. Footwear includes items intended to protect the foot.

Footwear includes, but is **not** limited to, boots, sandals, shoes, and water shoes.

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

(A) Footwear that is firefighting PPE.

(B) Footwear intended to be disposed of after each use.

(C) Footwear made from materials other than leather, natural textiles, synthetic textiles, or technical textiles.

(D) Apparel and accessories.

(E) Apparel intended for extreme and extended use.

(F) Gear for recreation and travel or 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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 made from leather, natural textiles, synthetic textiles, or technical textiles.

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

(A) Gear for recreation and travel intended to be disposed of after each use.

(B) Gear for recreation and travel made from materials other than leather, natural textiles, synthetic textiles, or technical textiles.

(C) Apparel and accessories.

(D) Apparel intended for extreme and extended use.

(E) Footwear or footwear that is firefighting PPE.

(F) 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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 automobiles including, but **not** limited to, the body, windshield, mirrors, lights, and grills. Automobiles include, but are **not** limited to, 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 automobiles.

(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 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 automobiles. Automotive waxes include, but are **not** limited to, waxes that are part of all-in-one formulas that also clean automobiles. Automobiles include, but are **not** limited to, 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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) Industrial cleaning products.

(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 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.

(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 do **not** 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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 as defined in chapter 70A.400 RCW.

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

(A) Apparel and accessories that do **not** meet the definition of "firefighting PPE."

(B) Footwear that does **not** meet the definition of "firefighting PPE."

(C) Gear that does **not** 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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, but **not** limited to, 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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. Hard surface sealers are intended to seal hard porous surfaces to provide a barrier to protect such surfaces from liquids and soils. Hard surface sealers can be used on a variety of hard surfaces including, but **not** limited to, concrete, hardwood, linoleum, stone, tile, and vinyl flooring.

(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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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, but are **not** limited to, 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 31st.

(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.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2026.

(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.