The webinar will begin shortly.

Safer Products for Washington: Phase 3

Implementing RCW 70.365: The Pollution Prevention for Healthy People and Puget Sound Act

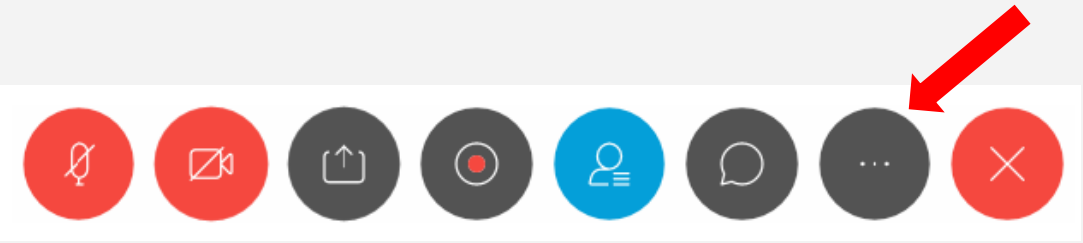
AUGUST 25, 2020

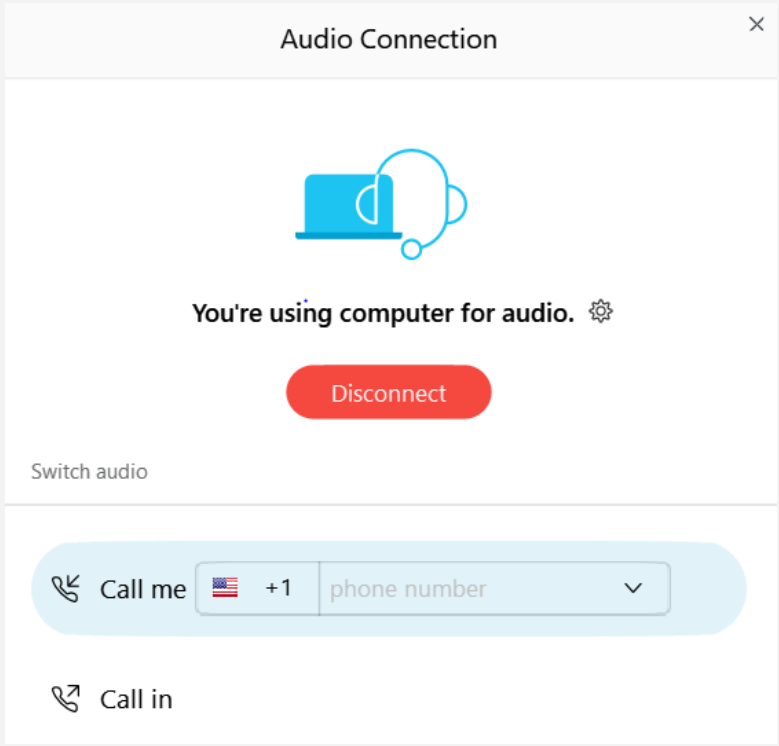
DEPARTMENT OF ECOLOGY State of Washington

Washington State Department of Health

Audio connection logistics

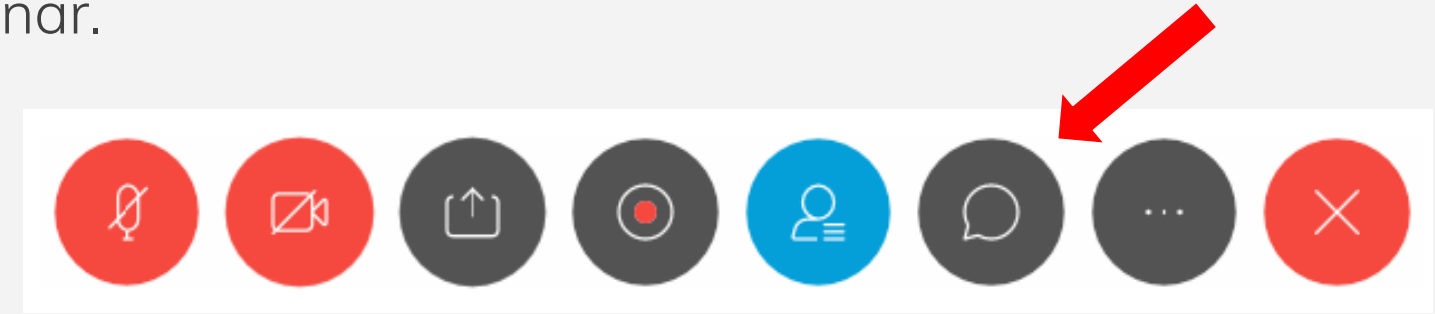
- For audio connection, we recommend using your computer microphone and speaker.
- If you are unable to join using computer audio, use “Call Me” to have the system call your phone.
- To open the audio options, select the three dots icon in the menu at the bottom of your screen.





Webinar logistics

- All lines are muted.
- All questions should be typed into the Q & A box.
  - Ask them anytime, we will address at the end.
- All technical difficulty issues should be typed into the chat box.
- To open the chat box, select the chat icon in the menu at the bottom of your screen. The chat box will appear at the lower right hand side of your screen.
- In the event of major technical difficulties, we will reschedule the full webinar.



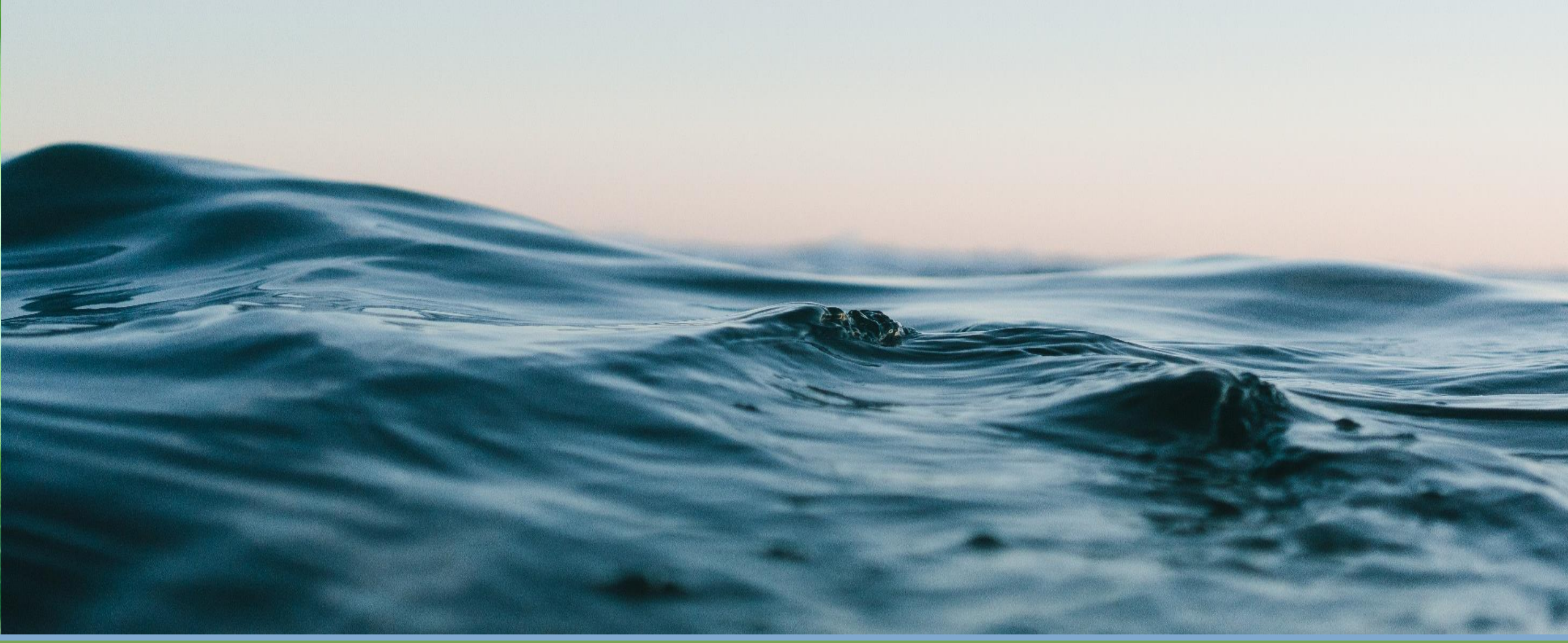
Safer Products for Washington

Implementation Phase 3

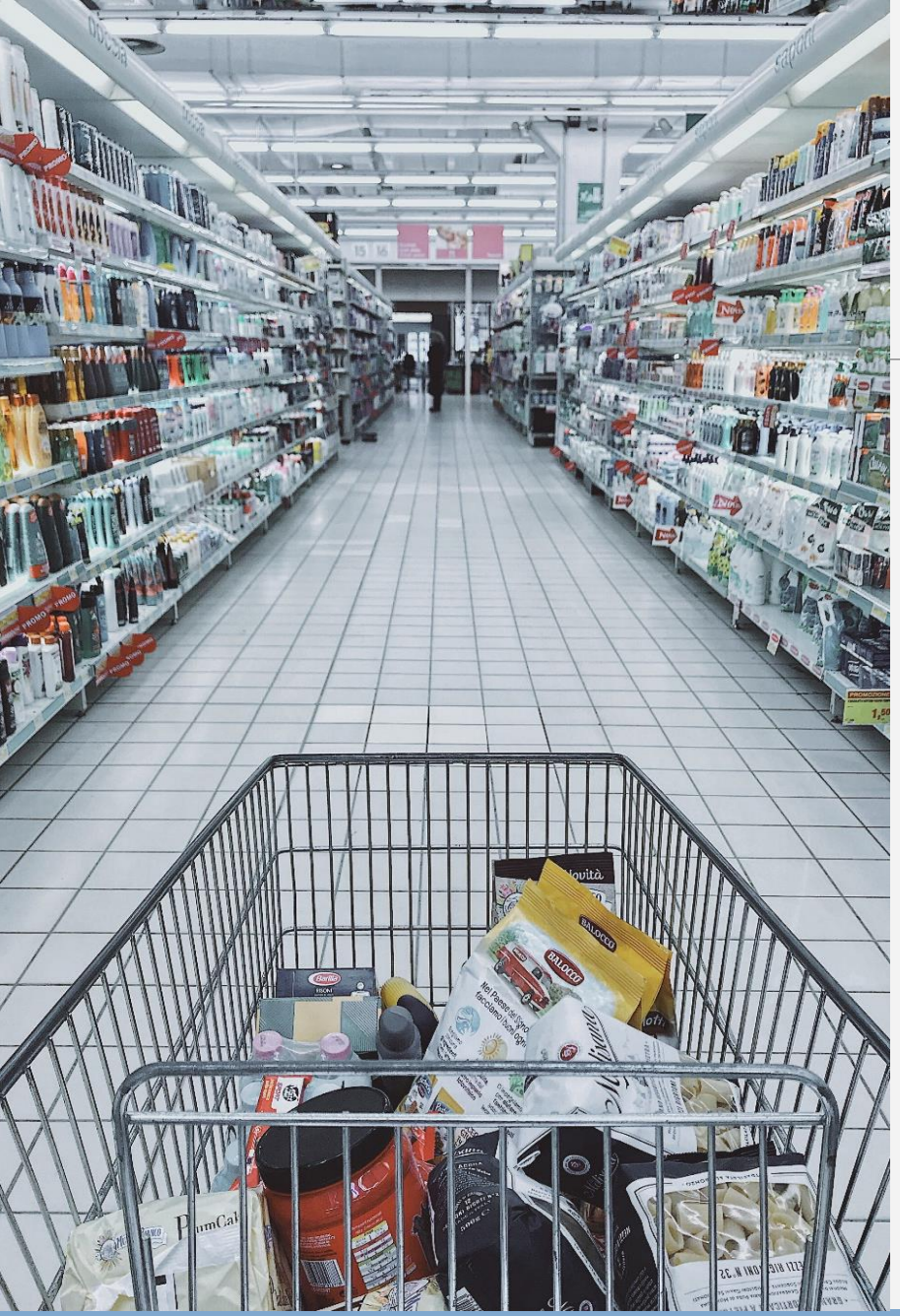
From Ecology: Cheryl Niemi, Marissa Smith, Saskia van Bergen, Craig Manahan, Kimberly Goetz, Lauren Tamboer, and Amber Sergent.
From Health: Laura Johnson, Holly Davies, Barbara Morrissey.

What we'll cover

1. Recap: Safer Products for Washington background
2. Where we are now
3. Ecology's required action in Phase 3
    1. Ecology's approach
4. Phase 3 process and decisions
5. Next steps: Opportunities for input
6. Questions



Section 1. Safer Products for WA background



Safer Products for WA background

- Pollution Prevention for Healthy People and Puget Sound Act, signed into law May 2019 (RCW 70.365).
- Act aims to reduce exposures to priority chemicals resulting from the use of consumer products.
- Act sets requirements for Ecology to:
  - Report to Legislature at multiple points.
  - Consider and use information in specific ways.
  - Enact rulemaking (if needed).
- Safer Products for Washington is the implementation program for RCW 70.365.
- Ecology has separate (but related), ongoing pollution prevention projects that include alternatives analyses and Chemical Action Plans around PFAS.

Section 2. Where we are now

Safer Products for WA Implementation Process

See an accessible version of this graphic.

Priority chemical classes

- In 2019, the Legislature identified PFAS, phthalates, flame retardants, PCBs, and phenolic compounds (alkylphenol ethoxylates and bisphenols) as priority chemicals.
- Chemicals within these classes are associated with:
  - Endocrine disruption
  - Reproductive and developmental toxicity
  - Cancer
  - Organ system toxicity
  - Ecotoxicity
- Some chemicals within these classes are persistent and/or bioaccumulative.
- Almost everyone is exposed to chemicals within these classes.

A reminder: Phase 2 priority products

Priority chemical or chemical class	Priority product in the report
Flame retardants	Electric and electronic equipment
Flame retardants	Recreational polyurethane foam
PCBs	Paints and printing inks
PFAS	Carpet and rugs
PFAS	Aftermarket stain and water resistance treatments
PFAS	Leather and textile furnishings
Phenolic compounds (alkylphenol ethoxylates)	Laundry detergent
Phenolic compounds (bisphenols)	Thermal paper
Phenolic compounds (bisphenols)	Food and drink cans
Phthalates	Flooring
Phthalates	Personal care products

Priority products report: https://fortress.wa.gov/ecy/publications/summarypages/2004019.html

Phase 3

Regulatory actions

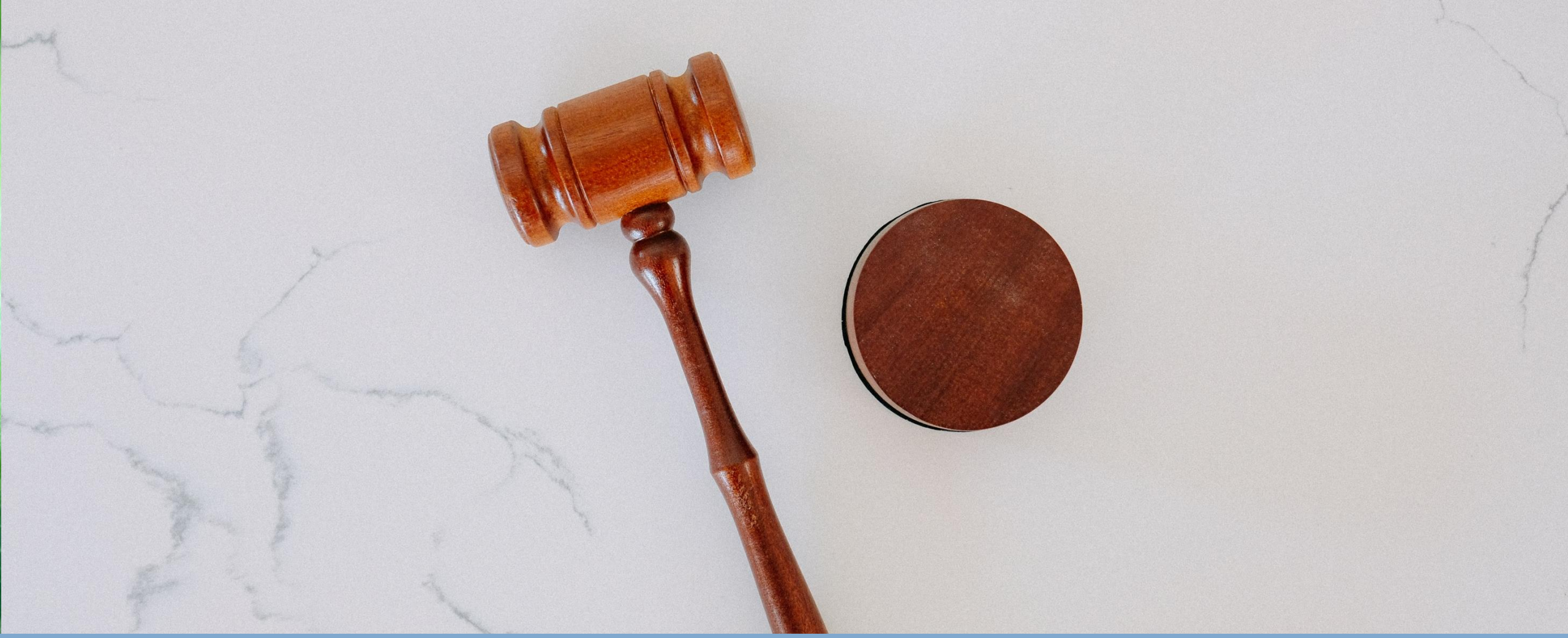
Determine whether to require notice, restrict/prohibit, or take no action.

June 1, 2022

DO WE NEED TO REGULATE WHEN THESE CHEMICALS ARE USED?

Where we are now

- The priority products report is with the Legislature.
- RCW 70.365.050(3)(b): The designation of priority consumer products by the department **does not take effect until the adjournment of the regular legislative session immediately following the identification of priority consumer products**.
  - **The 2021 legislative session ends April 2021**.
- This provides the Legislature an opportunity to add to, limit, or otherwise amend the list of priority consumer products we are considering.



Section 3. Ecology’s required action in Phase 3

Phase 3

Regulatory actions

Determine whether to require notice, restrict/prohibit, or take no action.

June 1, 2022

DO WE NEED TO REGULATE WHEN THESE CHEMICALS ARE USED?

Phase 3: Make regulatory determinations

- RCW 70.365.040(1)
  - (a) Determine that **no regulatory action is currently required**;
  - (b) Require a manufacturer to **provide notice of the use** of a priority chemical or class of priority chemicals consistent with RCW 70.240.040; or
  - (c) **Restrict or prohibit** the manufacture, wholesale, distribution, sale, retail sale, or use, or any combination thereof, of a priority chemical or class of priority chemicals in a consumer product.

Phase 3

Regulatory actions

Determine whether to require notice, restrict/prohibit, or take no action.

June 1, 2022

DO WE NEED TO REGULATE WHEN THESE CHEMICALS ARE USED?

Phase 3: Scope of regulatory determinations

- Scope of regulatory determinations:
  - Applies only to products manufactured and/or sold in WA.
- After we submit the report on needed regulatory actions, these determinations do not take effect until end of the next legislative session (April 2023).

Phase 3

Regulatory actions

Determine whether to require notice, restrict/prohibit, or take no action.

June 1, 2022

DO WE NEED TO REGULATE WHEN THESE CHEMICALS ARE USED?

Phase 3: Refining the focus of the product categories

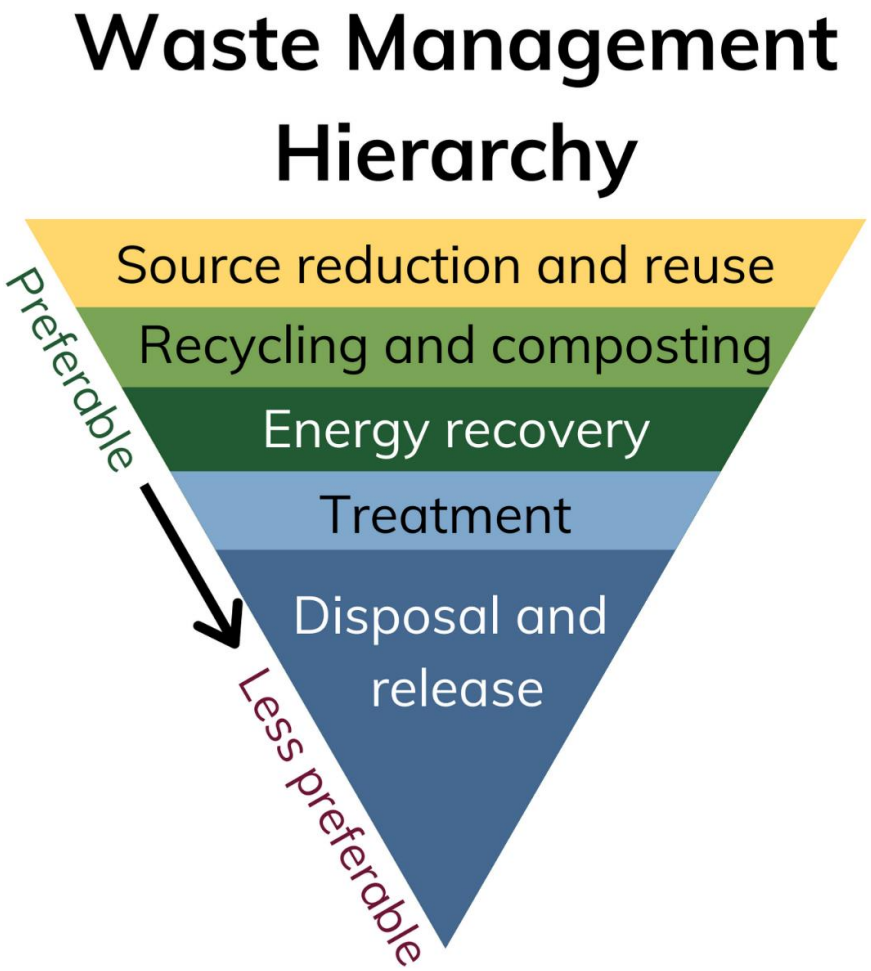
- Some categories are very broad, and have many different subcategories of products.
  - Example: Leather and textile furnishings product category.
    - Subcategories include: Table linens, bedding, drapes, awnings, towels, etc.
- We will use available data, alternatives analyses, and stakeholder input to make regulatory determinations.
- The determinations could be made for the entire priority product, or for separate product subcategories.
- **Refining the focus of product categories will be an important area for public and stakeholder input.**

Phase 3 timeline

Task	Tentative timeline
Alternatives analyses, technical work.	Summer 2020 – Spring 2021
Webinars on “safer, available, and feasible.”	September 2020 – Winter 2020/21
Product-specific webinars to discuss alternatives analyses and possible regulatory actions.	Spring 2021 – Fall 2021
Public comment period on draft report to the Legislature.	Fall 2021 – Winter 2022
Submit draft report to Legislature.	Due June 1, 2022
Stakeholder outreach and input.	Ongoing throughout our process (more details later in this presentation)

Ecology's approach: How do safer, feasible, and available alternatives protect people and the environment?

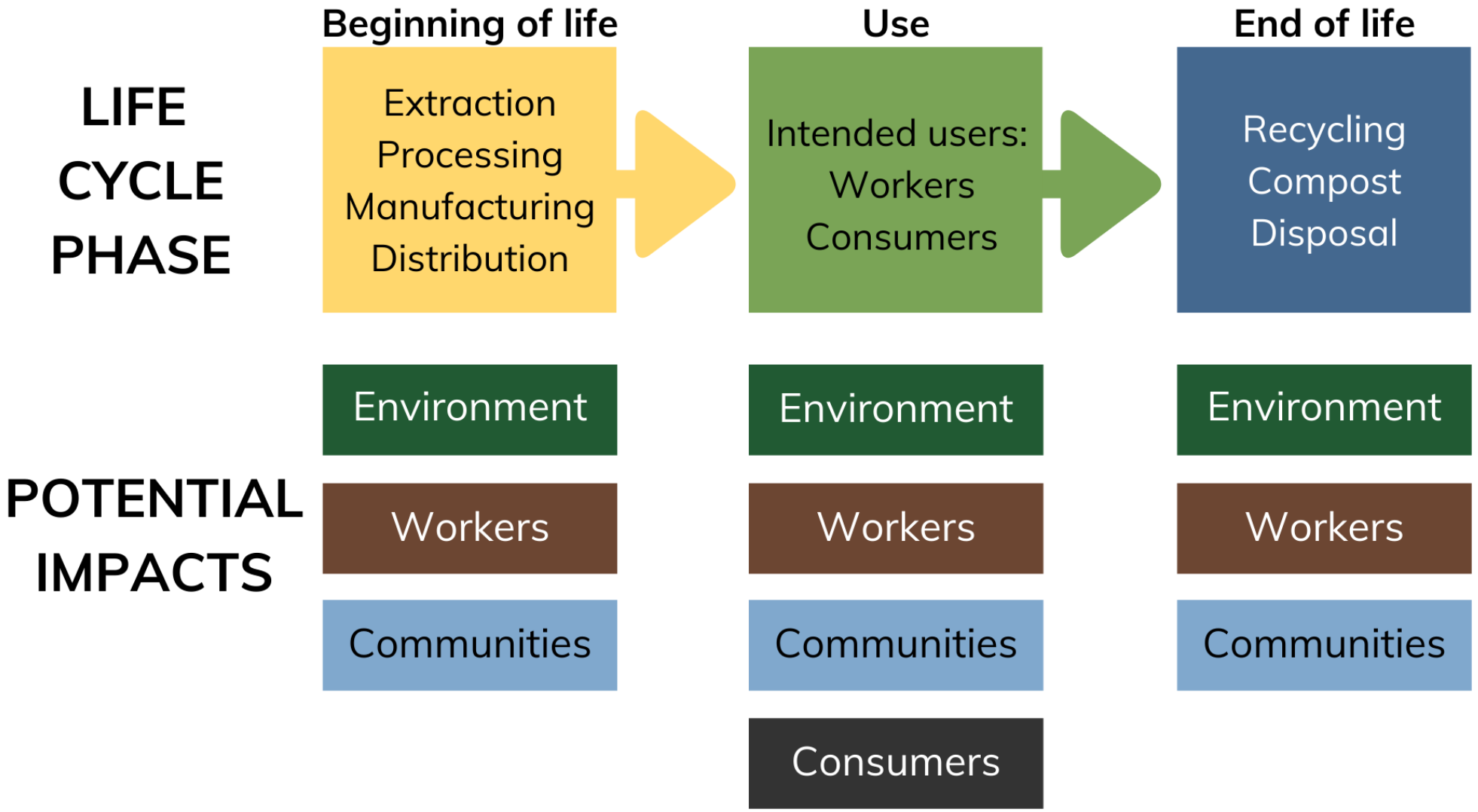
Reducing risks from priority chemicals



- Safer Products for Washington relies on principles of an alternatives assessment.
- The alternatives assessment framework focuses on reducing risk by avoiding exposure to hazardous chemicals
- Healthier for people and the environment.
- Avoids monetary and environmental costs associated with hazardous chemical cleanups.

~~Hazard~~ X Exposure = ↓ Risk

Lifecycle assessment consideration



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Section 4. Phase 3 process

Phase 3 implementation

- Phase 3 of Safer Products for WA includes:
  - Technical work and research.
  - Stakeholder outreach and consultation.
  - Report development.
  - Possible rulemaking.

How are we thinking about identifying alternatives?

- The law requires us to determine that safer alternatives are feasible and available.
- Safer is defined in the law as "less hazardous to humans or the environment than the existing chemical or process."
- A safer alternative to a particular chemical may include a chemical substitute or a change in materials or design that eliminates the need for a chemical alternative.
- Our goal is to set criteria that allow us to identify existing safer alternatives.

How can we leverage existing work on safer?

- Develop a standard criteria for safer that all safer alternatives will meet or exceed.
- The standard criteria can be made more stringent.
  - Based on attributes of the existing product-chemical combination.
  - Based on attributes of the potential alternative.
- Existing certification and labeling programs may meet our criteria for safer.
  - If they do, chemicals and products with those certifications could be identified as safer.
- We will share our draft criteria for safer next month.

Examples of existing labeling and certification programs with set criteria for safer

- U.S. EPA Safer Choice Standard and Criteria for Safer Chemical Ingredients.
- GreenScreen ® method and GreenScreen™ certified.
- Cradle to Cradle Certified™ and Material Health Certificate.

Section 5. Next steps: Opportunities for input

Opportunities for input on the Phase 3 process

- We want to invite stakeholders to participate in our process for developing safer criteria.
- Your feedback is important to us as we create the technical basis for possible regulatory actions over the next few months.
  - Join our next webinar discussion on safer criteria.
- Reach out to us if you have input or concerns to share.
  - Additional certification programs.
  - Resources from work on safer alternatives.
  - Other ideas.

Stakeholder involvement next steps

- As planned:
  - Webinar discussions on safer, feasible, and available (Sept. 2020 – Winter 2020/21).
  - Product-specific webinars (Spring – Fall 2021).
  - Formal public comment period on draft regulatory actions report (Fall 2021 – Winter 2022).
- In addition:
  - Our team's door is open for meetings.

Section 6. Questions

Questions?

Type them in the Q & A box.

- Use the drop-down arrow to select who to ask your question to.
- Choose **all panelists**, not host or presenter.
- This ensures we can keep track of and address all questions.
- If you need more than 256 characters, send us an email at SaferProductsWA@ecy.wa.gov.

Thank you for joining us!

SaferProductsWA@ecy.wa.gov

ecology.wa.gov/Safer-Products-WA

bit.ly/SaferProductsWA (Find links to everything here!)

Chapter 70.365 RCW

DEPARTMENT OF ECOLOGY State of Washington

Washington State Department of Health

End of presentation.

Safer Products for WA Implementation Process

The implementation process for Safer Products for Washington involves **four major phases**.

1. **Phase 1**. May 8, 2019: What chemicals are we most concerned about?
    - The first five priority chemical classes are PFAS, PCBs, phthalates, phenols, and flame retardants.
2. **Phase 2**. June 1, 2020: What consumer products contain these chemicals?
    - This phase identifies priority consumer products that are significant sources of exposure to people and the environment.
3. **Phase 3**. June 1, 2022: Do we need to regulate when these chemicals are used?
    - This phase determines regulatory actions—whether to require notice, restrict/prohibit, or take no action.
4. **Phase 4**. June 1, 2023: What rules do we need to keep people and the environment safe?
    - This phase includes restrictions on the use of chemicals in products or reporting requirements. Rules are effective after at least one year.

After these four phases are completed, the **5-year cycle repeats**, and we return to Phase 1 to identify a new set of priority chemical classes.

Lifecycle assessment consideration

The Safer Products for Washington program considers the full lifecycle of products and the potential impacts at each stage in the lifecycle.

1. The beginning of life phase involves extraction, processing, manufacturing, and distribution. During this stage, there are potential impacts to the environment, workers, and communities.
2. The use phase involves workers, consumers, and intended users of the products. During this stage, there are potential impacts to the environment, workers, communities, and consumers.
3. The end of life phase involves recycling, compost, and disposal of products. During this stage, there are potential impacts to the environment, workers, and communities.