

Association of Washington Business

Attached.



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May 31, 2018

Kara Steward
Hazardous Waste & Toxics Reduction Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7775

Re: Public comment on Washington State Department of Ecology's Interim PFAS Chemical Action Plan

Dear Ms. Steward:

Thank you for considering the Association of Washington Business' (AWB) comments on the Department of Ecology's proposed interim chemical action plan (Interim CAP) for poly- and per-fluorinated alkyl substances (PFAS).

AWB is Washington's oldest and largest statewide business association and represents 7,000 business members of over 700,000 employees. AWB serves as both the state's chamber of commerce and the manufacturing and technology association.

AWB members have actively participated in all steps of the PFAS CAP process. AWB members have provided information regarding safe handling practices for PFAS users and solutions toward best management of PFAS materials.

With regard to the Interim CAP, Section 4.1 proposes to, among other actions, identify likely remaining uses of PFOA, PFOS, and precursors in global products, and to conduct product testing and propose restrictions, if necessary, to halt the import of PFOA and PFOS or their precursors in foreign made products. In the event that these actions are implemented, AWB requests that any evaluation of restrictions take into account impacts on Washington businesses. For example, there are products important to Washington businesses that may contain PFAS chemicals, but where there are not any alternatives that do not contain PFAS chemicals. In other cases, use of these products may be mandated by federal law. To the extent that alternatives to products that contain PFAS chemicals are identified, for certain industries, the process for approval of the alternative product may take a number of years. AWB asks that Ecology include these considerations in its assessment so as to avoid undue impacts on Washington businesses.

Further, before taking action on a product, Ecology would need to assess actual risk potential from PFAS chemical(s) because the presence of a PFAS chemical in a product in many cases does not result in harm to human health or the environment.





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AWB also notes that there are technological impediments to performing the review proposed in Section 4.1. Specifically, Ecology is suggesting product testing, but with >3,000 PFAS chemicals, most of which do not have approved laboratory testing protocols, laboratory testing may not be available or may not produce reliable results.

Finally, AWB members do business in several states; a patchwork of chemical regulations that differ from state to state would complicate the assessment of PFAS risks and ultimately impede efforts to address risks from PFAS. AWB therefore requests that Ecology ensure that its efforts are consistent with federal laws concerning PFAS. As one example, the federal Environmental Protection Agency is currently evaluating numerous PFAS chemicals under the Toxic Substances Control Act; Ecology should ensure that its efforts are consistent with EPA's TSCA regulatory activities.

As always, AWB members appreciate the opportunity to partner with Ecology and other PFAS CAP Advisory Committee Members to ensure protection of human health and the environment. We look forward to continued discussion around this important policy issue.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Gary Chandler". The signature is written in a cursive, flowing style.

Gary Chandler
Vice President, Government Affairs
Association of Washington Business