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Cheryl Niemi
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7696

March 6, 2020

Dear Ms Niemi,

Public Health – Seattle & King County (PHSKC) would like to thank Ecology for the opportunity to comment on the Department of Ecology's (Ecology) Draft Report on Priority Consumer Products (Draft Report).

PHSKC supports the work of the Department of Ecology and Department of Health in establishing the first round of products and actions for the new law, Safer Products for Washington (Chapter 70.365 RCW). PHSKC is following this work with the goal of helping to reduce exposures to toxic chemicals in products for King County residents. We work closely with communities in King County to better understand the types of products communities are using, potential exposures to chemicals through those products, and the possible impacts of changing to alternative products or actions.

PHSKC reviewed the draft report and generally supports the selection of products based on the priority chemical classes identified for the first round of the law. Our limited comments are listed below as well as a brief overview of comments we heard from community based organizations at a meeting held in partnership with our partners at the Department of Ecology and the King county Hazardous Waste Management Program. PHSKC's comments are listed below followed by the summary of community comments.

PHSKC comments

Clearer justification needed for the products selected

In general a clearer justification should be provided to explain why the products in the report were selected. For many of the products Ecology described the work done to identify products through other activities performed by the state such as Ecology's Chemical Action Plans (PFAS, PCBs). However, some products chosen in the report lacked clear justification relative to other products known to be heavily utilized in the state. These are listed here:

- While it is clear that can linings and thermal papers are very large sources of exposure to the public and the environment for bisphenols, a description of other uses of these chemicals should be provided to justify the selection of these two products.
- Fragrances are also a clear choice in terms of exposures to phthalates by volume and releases to the environment, but it is not clear why this product type was limited to only perfumes, toilet waters, colognes, body mists and body sprays and did not include other personal care products. There are many other wide exposure fragrances that could be examined (e.g., soaps, lotions, air fresheners, car fresheners, room/upholstery spray fresheners, drier sheets, cleaning products, linen sprays, etc). Ecology should examine these for inclusion in this category or justify the focus on only personal care products.
- For the alkylphenol ethoxylates, Ecology should explain why laundry detergents were chosen over industrial solvents and chemical formulations like pesticides and how the different formulations that utilize alkylphenols differ in usage and environmental release in the state.

- Finally, on page 68 Ecology mentions that “Of the 30 existing laws, 20 ban phthalates in a variety of food containers, paper products, and children’s products.” Ecology should further justify why vinyl flooring was chosen for the focus here rather than one of the products of focus chosen by other jurisdictions.

Ecology should clearly articulate a prioritization process for products within a chemical class and how additional products could be addressed at a later date but within the cycles of this law, allowing Ecology the capacity to address additional products within the current chemical classes.

Bisphenols

The text on pages 46 and 59 of the report (can lining and thermal paper sections) describe the effects of bisphenols on wildlife and humans. These sections also describe a paper by Gerona, vom Saal, and Hunt (2019) that shows that the historical testing methods for bisphenols have been done in a way that severely under-reported the amount of bisphenol measured in humans. It would be good to also include that BPA has also been linked to low dose endocrine effects (e.g., Vandenberg et al., 2012 <https://www.tandfonline.com/doi/full/10.4161/endo.26490>) - emphasizing the potential of wide-spread impacts on humans and other species based on its presence in our environment and potential for exposure, even when present at low concentrations.

Alkyphenol Ethoxylates

In table 9 of this section, Ecology shows the estimated volumes of laundry generated by hotels, hospitals and nursing facilities in WA State each year where laundry detergents containing these chemicals would be utilized. Are there additional uses that are not included in this table, thus underestimating the amount of this chemical released in WA each year (e.g., prisons, cargo ships, and cruise ships)? Please include if these are also significant sources.

Summary of community comments

On February 27, 2020 the Department of Ecology, the King County Hazardous Waste Management Program, and Public Health – Seattle & King County hosted a community event focused on the new Safer Products for Washington Law. The goal of the event was to engage community based organizations on this new law, raise awareness of ongoing efforts, and to gain feedback on the products selected for further investigation and potential regulation to reduce toxic chemical exposures in products in Washington State.

Though there were many themes of concern and interest to community groups at the event, three major areas of focus related to chemicals in products stood out as community priorities – public education and awareness, addressing equity and social justice with respect to products and toxics exposures, and engaging communities in the actions taken by government agencies around products in Washington. Communities would like to receive more information about products and the toxic chemicals in them that will assist them when making product selections at the market, and would like to know what actions they can take to reduce their exposures to the toxics highlighted in Ecology’s draft report while they wait for Ecology to evaluate the proposed products. The group also highlighted that choosing safer products is a privilege of those who can afford them, and this paradigm needs to change so that all communities have access to safer products. Participants at the event strongly requested that their organizations be engaged to inform the actions taken by government agencies in their efforts to reduce toxics in products.

We encourage Ecology to consider the comments below and move forward with community input as they enact this new law. PHSKC is thankful the opportunity to collaborate on this event with our State (Ecology and DOH) and Haz Waste partners. PHSKC remains supportive of this process, and will continue to work to engage King County communities on this topic. We look forward to further collaboration on this work.

Attached please find a list of the participating organizations and the input collected at the event categorized by themes and product categories.

PHSKC would like to thank you again for the opportunity to provide comment and to collaborate on the Feb 27th event. We look forward to future work on this important topic. If you have questions regarding the comments above, please do not hesitate to contact our toxicologist, Dr. Shirlee Tan (shirlee.tan@kingcounty.gov).

Respectfully,

A handwritten signature in black ink that reads "Darrell A. Rodgers". The signature is written in a cursive style with a horizontal line underneath the name.

Darrell A. Rodgers, PhD, MPH, EMBA
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Themed list of Community Comments

Safer Products for WA Event on 02/27/2020

Participating organizations

Attending Organizations

Names as provide on signed-in sheet:

- Refugee Federation Service Center
- Earth Ministry
- Toxics Free Future
- ECOSS
- Lao Khuc
- Vietnamese Friendship Association
- SCIDPDA
- Horn of Africa Services (HOAS)
- Indigenous Sister Resistance
- Childrens Alliance
- Cham Refugees Community
- Latino Community Fund
- Na'ah Illahee Fund
- Capitol Hill Housing Association
- Unkitawa
- Seattle Infant Development Center
- Environmental Professionals of Color
- Living Well Kent
- Washington Environmental Council
- Indigenous Sister Resistance

Organizations present but not on sign-in sheet:

- King County Housing Association (KCHA)
- White Center Community Development Association (WCCDA)
- Chinese Information Center
- United Indians
- Seattle Indian Health Board
- Rainier Valley Core (RVC)

Comments Captured by Theme

Existing products

- Provide more information on products (health effects/alternatives)
- Existing products should be taken out of homes and businesses. If it's bad enough to ban, then it should be removed from the market.
- Please give community some safe actions to protect ourselves now while we wait for action on these products

- Products should be required to list known harms on the label or else remove the harmful chemicals from the product

Product Regulations

- Any regulations should apply to international food coming in (e.g., food can linings for imported canned foods and future chemicals where this could be an issue)
 - There are some foods that we use a lot in our culture – for example, coconut milk and certain fruits and vegetables.
- Alternatives must be provided when you regulate products.
- If we pull the chemicals what do we put in its place (if we pull a plant from land, what do we put on its place?)
- Manufactures are like children that pretends they don't know anything. No one ever calls them out or holds them accountable.
- We have to fund the research and help companies. Don't see them as the enemies.
- Would like to see government help companies make safer products, manufacturer create jobs, incentives to do safer products. People worried about job impacts or industries shutting down.
- "incentivize those who manufacture safer alternatives"

Stakeholder Engagement

- This law is critical to clean up the supply chain. Must be implemented in the most powerful way. Washington can set the example and others can follow. Can we bring consumers to the table?

Education/Engagement

- Please give community some safe actions to protect ourselves now while we wait for action on these products
- Community groups want to educate their community leaders about these issues.
- Consumers shouldn't have to pick up a package and read it. In the meantime, educate.
 - I don't want to go to the store and spend 20 minutes looking at ingredients. It should be easy to identify. Those chemicals just shouldn't be in the product. They should be banned.
- When products are banned or regulated, Ecology should include in this process support for small businesses and consumers to make the change.
- We would like funding for CBOs to work with the communities to get information about these products. We don't want to wait for the regulations, we want the info now so we can make better decisions.
- People need to speak out. Get diligent about educating. We want to be healthy. Don't want to spend 20 minutes looking at the label. Protocol to penalize manufacturers that sell toxic stuff. Teach people how to responsible for the products they are producing.
- How do we use community to lift up and embrace? One community as a consumer. The power of education.
- We need to education, opportunities to build a collective voice.
- Community wants to know the names of products they should avoid (I explained that this law aims to avoid having to avoid specific products and instead remove harmful chemicals from them so you can feel safe buying them)

Environmental Justice and Equity

- It has become a luxury to buy healthy food, have the education, and not be exposed to toxic chemicals. It is a privilege. Our community eats whatever food you can get from the foodbank, puts in the cheapest

carpets and replaces them every time you move into a new unit, and use bargain laundry detergent. We don't have the luxury to avoid these chemicals.

- We want to be healthy too.
- Power shift, luxury of time, money and education. Outside of chemical replacement, it is a structural shift. Ecology working with the folks who regulate housing. It is systematic.
- Is there a plan for 2nd hand materials? That is what low income communities are buying... they should not have to be the repository for items that are more toxic and disposed of when others replace their items for safer ones.

Accessibility and Affordability

- Vouchers to help people switch
- Fresh bucks / clean bucks?
- Lower income, can't replace with better items. We need to do this top down – through laws and regulations. Low income people are too busy trying to figure out how to survive. We really need to address at a bigger higher level.
- Mislabeling
 - Fruit on packaging is misleading to non-English speaking community
 - Packaging can make it look like the products are healthy and safe

Environmental Effects

- We are concerned about any toxics that hit our waters, especially effecting salmon.
- We must think about the Orcas, salmon, waterways. Our Orca population is endangered. We can't have salmon people without salmon.
- Our rivers and wildlife do not have a voice. We need to be their voice.

Policy Actions

- Policy angle – clear desire of folks to testify.
- Would like to see government help companies make safer products, manufacturer create jobs, incentives to do safer products. People worried about job impacts or industries shutting down.

Product comments: (use/interaction with)

Electric and electronic equipment (device casings) (flame retardants)

- What are some basic precautions to take in order not to be exposed?
- What can people do now?
- What about cars? This law exempts them.
- What about spray insulation I buy at Home Depot? – There is already a safer alternative for insulation.
- TVs have greatest use in our house
- Bedding and clothing
- House insulation
- These need to be banned completely.
- What about products banned here, but then are bought from online sites such as AliBaba?
- What other products have flame retardants that aren't listed?
- Information on alternatives needs to be shared
- sofas and couches
- Computers

Printing inks (PCBs)

- Office staff who change toner

- Print shops
- We all use printed materials! The problem is we need to get this information to the community
- Contractors who remodel homes.
- Which inks contain PCBs?

Carpet (PFAS)

- PFAS – can we expand beyond carpet and also consider upholstery and other home products?
- Carpets are expensive so we don't change them much
- Buddhism – we sit on the carpets during prayer
- Kids in childcare
- "I don't like cold hard floors so I like having carpet"
- Sofas, rugs, and carpet mats
- My carpet is 30 years old and im not going to replace it as ive kept it clean.
- Nap mats for kids
- Crawling children
- Changing –
 - People who remodel houses and other buildings

Aftermarket carpet treatments (PFAS)

- PFAS – can we expand beyond carpet and also consider upholstery and other home products?
- House cleaning
- Scotchguard products to avoid stains
- Upholstery apparel, floor waxes and finishes are used
- Janitors
- My family cleans houses

Food cans (bisphenols)

- We should ban phenols in food cans and switch back to glass.
- Educate people to buy fresh products and fruit.
- Imported food cans should also have these chemicals banned from them (There are some foods that we use a lot in our culture – for example, coconut milk and certain fruits and vegetables.)

Laundry detergent (alkylphenol ethoxylates)

- Recommend a ban on detergents that contain these chemicals
- It is ironic that hospitals use phenol laundry detergent since they are promoting better health

Thermal paper (bisphenols)

- Receipt exposure: support small businesses to go paperless.
- Everyone who goes shopping gets a receipt
- Small business owners with restaurants or other retail would not want to wear gloves all day to avoid exposure. Going completely digital is not an option for some businesses.
- Digital receipts are not always an option for people who save receipts for tax purposes.

Vinyl flooring (phthalates)

- Public places w/ youth
- Low income apts

Fragrances in personal care and beauty products (phthalates)

- Include dryer sheets in fragrances
- Please go broader on fragrances (not just personal care products)
- Occupational exposures
- Makeup, nail salons, hair etc etc
- Feminine products
- Scented diapers
- Scented garbage bags

Other chemicals to consider for future rounds:

- Put parabens in for the next round of chemicals
- Expand scope of existing products (e.g., fragrances) and do more on them in future rounds

Next Steps:

- How do we interface with the government and manufacturers? Manufacturers need to be at meetings, need to think about alternatives
- Educate the public, communicate with communities. That requires \$. Ask the state the county like to teach the community.
- Train the trainer model. Different ethnic groups and associations. Trade products. How to get to be affordable.
- Community health worker talks about safer cleaning products.
- People talk amongst themselves – if one family learns info, they relate it to other families (talking between families).
- They would like to support, would like to form a team to go to legislatures and go Olympia. (Horn of Africa gentleman said this and took Laurie Valeriano's business card.)
- What is next? What can we do now? We want to know safer alternatives now! We need concrete information now.
- Important to get to community. Powerpoint in different language
- Fund CBOs to get message out! Trickle the funds down. Don't want CBOs to get burnt out
- Only banning 2 products from each class, need to do education on other products.