

January 27, 2022  
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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



RE: Comments on Draft Regulatory Determination Report to the Legislature (Safer Products for Washington Implementation Phase 3) and Upcoming Rulemaking (Safer Products for Washington Implementation Phase 4)

Dear Ms. Niemi:

The Boeing Company (Boeing) appreciates the opportunity to respond to the Department of Ecology's (Ecology's) request for comments on its Draft Regulatory Determination Report to the Legislature under the Safer Products for Washington Implementation Phase 3 (Draft Report). We also take this opportunity to offer comments on Ecology's upcoming rulemaking with respect to its regulatory determinations.

As you know, the Pollution Prevention for Healthy People and Puget Sound Act, Revised Code of Washington (RCW) Chapter 70A.350 focuses on reducing the use of "priority" chemicals in "priority consumer products." In the third phase (as described in Table 1 of the Draft Report), Ecology proposed regulatory determinations for priority consumer products, which will be followed by rulemaking in phase 4.

The purpose of this letter is to note that the statute specifically excludes the following from priority consumer products: "finished products certified or regulated by the federal aviation administration or the department of defense, or both, when used in a manner that was certified or regulated by such agencies, including parts, materials, and processes when used to manufacture or maintain such regulated or certified finished products." RCW 70A.350.030(5)(a)(v).

All of Boeing's products, including parts, materials, and manufacturing processes relating to those products, are highly regulated by the FAA and DOD; those agencies have pervasive involvement with and oversight of Boeing's products through certifications, contract specifications, inspections, and other activities and requirements. Accordingly, we expect that most if not all of the products manufactured or used in Boeing's Washington facilities will be covered by the statutory exemption from "priority consumer products." In order to avoid any regulatory confusion or doubt, Boeing requests that Ecology explicitly refer to this exemption in the final version of its Draft Report and incorporate it in its phase 4 rulemaking.



Notwithstanding the exemption's application to Boeing products, Boeing continues to look for solutions to keep our employees and passengers safe, source responsibly, and serve our communities. Addressing Boeing's environmental footprint from the beginning to the end of service is important for environmentally responsible manufacturing solutions, including energy efficiencies, while also working toward eliminating hazardous chemicals in production.

Thank you for your consideration of Boeing's comments on Ecology's rulemaking and implementation process with respect to the Pollution Prevention for Healthy People and Puget Sound Act. Please do not hesitate to contact us should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Steve Shestak". The signature is written in a cursive style and is followed by a horizontal line.

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