

On January 5 and 6, 2022, the Washington State Departments of Ecology and Health hosted public input sessions to provide an overview of the Safer Products for Washington program's [Draft Report on Regulatory Determinations](#)¹ and take comments from non-governmental organizations, industry representatives, community organizations, public stakeholders, and others.

Note: This document includes summarized comments stakeholders provided verbally during the January 2022 input sessions. We listed comments in the order we received them. Find the clarification questions attendees asked and the responses the Safer Products for Washington team provided in the [January 2022 input sessions question and answer document](#).² If you have questions, contact us at SaferProductsWA@ecy.wa.gov.

Stakeholder comments

Commenter: Heather Trim, Zero Waste Washington

Input provided:

- Recommend more specifics on certain topics. Regarding building vs. architectural paint—building paint is included, but could it be extended to infrastructure paint and the whole suite of paints that affect runoff?
- If paints and inks are a problem, consider painted products and products with ink already on them as well.
- On foam, more specifics would be helpful. For example, with foam cubes—does shape matter?
- Regarding “sold in Washington”—concerned about a loophole if people buy from other states. It should cover all items and products and should be written as “sold for use in WA”—critical phrase.

Commenter: Liz Rice, AkzoNobel

Input and question provided: Regarding the safer alternatives review for bisphenols in can linings—interesting that rather than looking to Food and Drug Administration (FDA) approvals, a private company's certification was selected as the criteria for deeming an alternative beverage can lining to be considered safer. Can you comment on how this method for deeming linings safer was determined?

¹ <https://apps.ecology.wa.gov/publications/summarypages/2104047.html>

²

https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/January_2022_Webinar_Questions_Answers.pdf

Commenter: Tim Shestek, American Chemistry Council

Input provided:

- Regarding the manufacturer perspective and the large product scope that could be included, it may be difficult to meet certain timelines in certain situations. Is there any plan for a petition process to allow manufacturers to petition Ecology for continued use based on some criteria? Recognizing Ecology could be limited here if statute change is needed.
- In the electronic casings category, the potential universe of products is large and some may be more significant sources. Could you consider a prioritized list of products subject to the restriction?

Commenter: Dianne Brickman, Sherwin-Williams

Input and question provided: Were paint bases compared to similar paint bases, like highly pigmented, deep tones compared only to other deep tones and pastel bases that are lightly pigmented to only other pastel bases? If not, the resulting determination that there are available alternatives may be an incorrect determination since highly pigmented paints use the same pigment as lighter colors, but more of it, so the levels will calculate much higher and give a false assumption that alternatives are available (apples to oranges comparison).

Commenter: Ben Gann, American Chemistry Council North American Flame Retardant Alliance

Input provided: Regarding flame retardants, there have been some questions about what is included in that category. A list of specific electric and electronic products in scope would be helpful.

Commenter: Rony Khoury, Panasonic Corporation of North America

Input provided: Regarding organohalogen flame retardants (OFRs), companies will have a difficult time surveying their supply chains without a list of Chemical Abstracts Service Registry Numbers (CAS numbers).

Commenter: Kean Engie, public stakeholder

Input provided:

- I'd like to avoid the same situation as PFAS that these toxic forever chemicals are now in the environment before we try to regulate it. It's now too late.
- Any chemical products should not be allowed to be introduced to the marketplace until they can prove that the chemicals are safe.
- I understand that phthalates are not listed in the ingredients list. The new rules should force them to do so.

Commenter: Laurie Valeriano, Toxic-Free Future

Input provided:

- Expresses support for the proposed restrictions and thanks Ecology for our work on the technical information to back up the proposed restrictions.
- You proposed a reporting requirement for BPA in food can linings, but the industry reported that pretty much all cans tested in Washington were polyester blend or vinyl, which is also concerning. What is your plan to address that? Because it's very concerning that these plastics are being used and recycled.

Commenter: Terri Wilde, public stakeholder

Input provided: Thank you for doing this crucial, overdue work. Too many loved ones have died of cancer, and it's a bigger problem than is seen by the general public.

Commenter: Pauline Osborne, public stakeholder

Input provided:

- A lot of these chemicals aren't needed. Fragrance, which has a lot of toxic chemicals being used under the label, is a good example of this. We need to at least get to where the European Union is for eliminating toxic chemicals.
- Would like to add a chemical for Ecology to look at—Swedish floor finish, which off-gasses formaldehyde. Our family was injured from this product; we now have an illness called Multiple Chemical Sensitivity. I know this product is banned in other areas. Formaldehyde is in lots of other different products. The illness has been eye-opening for us, and we had to move out of the city just because of the pollution, a lot of which is coming from laundry detergent products people use.