

# Consumer Brands Association

To whom it may concern:

The Consumer Brands Association appreciates the opportunity to provide written feedback on the Safer Products for Washington program's Preliminary Draft Rule Language.

Our comments primarily concern the use of the rebuttal presumption, whereby manufacturers may submit an attestation to Ecology affirming that the priority product in question does not contain the intentional presence of the priority chemical substance. The draft rule language articulates that the manufacturer must submit a statement affirming that the substance is not intentionally added and include supporting information, data, and/or other relevant sources of evidence.

Consumer Brands is concerned that the rebuttal preemption provisions are too vague, and do not provide enough clarity and guidance to industry regarding what specific forms of evidence would be considered a complete submission. It would just be beneficial for Ecology to explain in the rule (or via separate guidance) what consistent evidentiary threshold will be utilized so that all parties have a clear understanding regarding what types of data and information should be proactively retrieved, and to ensure all companies will be held to the same standard and that the acceptance of a rebuttal presumption does not change depending on the size, revenue, product volume, or complexity of the responsible party.

The proposed regulation will present a particular challenge for non-producers that import or distribute product into the state of Washington. Such companies must conduct verification through their supply chains and leverage the producer/manufacturer or ingredient supplier to provide relevant information that will inform any reporting or rebuttal submission to the state. Many brand owners rely upon attestations of compliance from their product suppliers in circumstances such as this, and so it would be helpful for the agency to articulate when such forms are considered acceptable evidence and what specific supporting information would be considered adequate. Furthermore, knowing early what an acceptable rebuttal presumption should look like will greatly assist industry with being able to proactively meet their regulatory obligations. Ecology should consider developing a consistent rebuttal template that would guide companies through providing consistent and relevant information for their specific submissions.

Thank you again for the opportunity for comment, Consumer Brands looks forward to continued engagement throughout this regulatory process. Please do not hesitate to reach out with any questions or for additional feedback.

Respectfully submitted,

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Consumer Brands Association