

To: Stacey Callaway  
Rulemaking Lead  
[SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov)

Transmitted Via Public Comment Form: <https://hwtr.ecology.commentinput.com/?id=EPWsm>

3 Feb 2023

**RE: Chapter 173-337 WAC - Safer Products Restrictions and Reporting Rule**

Dear Ms. Callaway,

Thank you for taking the time to consider our comments and suggestions on the Safer Products Restrictions and Reporting Rule. We support all of the proposed regulations that are in this rule. We also appreciate Ecology's work on gaining control and creating regulations for the reckless manufacturing and overuse of toxic chemicals that is commonplace in the United States today and is undoubtedly wreaking havoc on people's health and wellbeing.

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We mobilize people in Northwest Washington to build just and thriving communities and to protect the land, water and climate on which we all depend. Our priority programs include Protecting the Salish Sea, Freshwater Restoration, Climate Action, and Fighting Pollution—all critical issues affecting our region. Our North Sound Baykeeper is also a member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has thousands of supporters in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf.

We would like Ecology to take a precautionary approach when determining which manufactures are required to report the use of priority chemicals. Washingtonians have the right to know what products may or may not contain toxic materials in everything they purchase. Biosolids created in Washington State, for example, are known to contain PFAS compounds.<sup>1</sup> Consumers need to be made aware of this before purchasing or using biosolids on their property or ingesting food grown in biosolids because even very small amounts of some PFAS molecules are dangerous to human health.<sup>2</sup>

If Ecology can not restrict and regulate all sources of priority chemicals in consumer products then, at minimum, they should provide a mechanism for people to learn what products do or do not contain toxic chemicals. Creating a searchable database could be an effective tool. Likewise, it would also be helpful for Ecology to provide guidance to people who have toxic products in their households who do not have the means to replace them

immediately such as treated outdoor furniture, waterproof clothing, electronics, and cookware. Are there mechanisms that could help minimize exposure to these products such as covering outdoor furniture when it is raining? Washing waterproof clothing in a specific manner? Etc...

We also have concerns that this rule, in regards to PFAS, “does not apply to premarket topical chemical treatments applied during the manufacturing process”. We feel that this could be missing important sources of PFAS discharges and would like to know how Ecology plans to address this.

Our organization focuses on local environmental issues and we have become aware that Bellingham Bay has elevated levels of PFAS in the water.<sup>3</sup> While source control, in theory, *should* work to reduce these PFAS levels we feel that source identification should also be carried out. Persistent chemicals can linger in the environment for a very long time, as exemplified by studies done on PCB levels in Puget Sound.<sup>4</sup> By understanding where these chemicals are coming from will help us know where to focus our energy and limited budget. For example, if the PFAS is mainly coming from our effluent we could look into additional filtration at our waste water treatment plants. If, however, the PFAS is coming from stormwater pipes then we need to investigate up-the-pipe for point sources.

This rule focuses on consumer products and we are wondering if non-consumer products will be addressed soon? While these products may not come into contact with people as readily they do have the potential to contaminate the environment through sewer or stormwater. We would also like to see more manufacturer responsibility. Industries and companies who have been using toxic chemicals for years should be held accountable for removing them from our environment. Currently, it is the consumer who has unfairly faced this burden.

Thank you for moving forward on this important work and we support all of the restrictions and reporting requirements in this proposed rule. We look forward to seeing additional work that will continue to protect humans, wildlife, and the environment from toxic chemicals.

Sincerely,

Kirsten McDade  
Pollution Prevention Specialist

<sup>1</sup>Sierra Club and Ecology Center. 2021. Sludge in the Garden: Tox PFAS in home fertilizers made from sewage sludge. Retrieved from:  
<https://www.sierraclub.org/sludge-garden-toxic-pfas-home-fertilizers-made-sewage-sludge>

<sup>2</sup>EPA. 2022. Drinking Water Health Advisories for PFOA and PFOS. Retrieved from:  
<https://www.epa.gov/sdwa/drinking-water-health-advisories-pfoa-and-pfos>

<sup>3</sup>Langness, M. 2022. Occurrence and distribution of contaminants of emerging concern in the Puget Sound nearshore using a marine mussel monitoring program. Salish Sea Ecosystem Conference (virtual).

<sup>4</sup>West, J., O'Neill, S., Ylitalo, G. 2017. Time Trends of Persistent Organic Pollutants in Benthic and Pelagic Indicator Fishes from Puget Sound, Washington, USA. Arch Environ Contam Toxicol 73, 207-229 (2017). <https://doi.org/10.1007/s00244-017-0383-z>