



association
for contract
textiles

January 27, 2023

Stacey Callaway, Rulemaking Lead
Safer Products for WA
Hazardous Waste and Toxics Reduction Program
WA Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Stacey,

On behalf of the Association for Contract Textiles (ACT), I am writing to express our association's comments regarding Chapter 173-337 WAC – Safer Products Restrictions and Reporting.

ACT is a professional not-for-profit trade association comprised of companies involved in the design, development, production, application, and promotion of textiles for commercial interiors. Our membership includes all major contract textile distributors in North America, as well as furniture manufacturers, weaving mills, fiber/yarn manufacturers, fabric finishers, testing labs, textile designers and others throughout the industry supply chain. We represent a diverse industry that sources textiles both domestically and internationally. For more information about ACT and our membership, see www.contracttextiles.org.

1. WAC 173-337-060 Reporting requirements. (1) Applicability. (c) Reporting party.

We appreciate the fact that only one reporting entity is required to submit a notification. The following complexity needs to be taken into consideration: a fabric is reported by its manufacturer (primary responsible party) but sold by a distributor into the State of Washington under a different fabric sku/name. It is crucial for the state's reporting system to 1) connect the dots and 2) protect confidential business information.

2. WAC 173-337-060 Reporting requirements. (3) Notification Contents. (b) (ii)

Our members sell fabrics that are marketed for outdoor use, but they do not know where and how the fabrics will be used; therefore, they are unable to determine which "brick(s)" is(are) appropriate. Their fabrics can be used in diverse locations (e.g., offices, hotels, hospitals, homes) and for diverse applications (e.g., upholstered seating, awnings, window treatments). We request further guidance from the State of Washington to help our members select the accurate brick(s).

3. WAC 173-337-060 Reporting requirements. (3) Notification Contents. (b) (v)

Do these reporting ranges relate to individual PFAS chemicals by CAS number or to total fluorine content? We recommend reporting total fluorine content because testing and reporting for individual PFAS is prohibitively expensive and time consuming, doesn't provide meaningful information, and may not even be possible.

In general, the concentration ranges are acceptable as long as they apply only to *intentionally* added PFAS; however, we suggest removing Category A (less than 100 ppm) to be consistent with the State of Washington Children's Safe Products Act.

P.O. Box 101981
Fort Worth, TX 76185
tel 817.924.8048
fax 817.924.8050
www.contracttextiles.org



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4. WAC 173-337-110 PFAS. (3) (iii) (B)

We request clarification on what will be accepted as credible evidence. Chemical analysis testing for unintentionally added PFAS is time and cost prohibitive.

When a company recycles plastic bottles and/or existing products that were previously treated with PFAS, the recycled fabric that is produced will have residual PFAS from the original material. Will the State of Washington consider this residual PFAS “intentionally added”?

5. WAC 173-337-110 PFAS. (4) (b)

We recommend changing the compliance date for reporting to January 2026, which will enable our members to focus their resources on removing PFAS from their products instead of expending their efforts on reporting.

The Association for Contract Textiles and our member companies are committed to working with you toward the shared goal of safe, continued, uninterrupted manufacturing to provide products in a manner that protects human health and the environment in accordance with the State of Washington. We thank you for considering the perspectives of all stakeholders, including North American textile producers, furniture manufacturers, and distributors.

Sincerely,

Janan Rabiah
Executive Director
Association for Contract Textiles, Inc.