NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** UNITED STATES OF AMERICA**If applicable, name of local government involved (Article 3.2 and 7.2):** State of Washington |
| **2.** | **Agency responsible:** Department of Ecology, State of Washington [1989]**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| **3.** | **Notified under Article 2.9.2 [****],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****X], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Toxic chemicals in consumer products; Environmental protection (ICS code(s): 13.020); Domestic safety (ICS code(s): 13.120); Products of the textile industry (ICS code(s): 59.080); Leather products (ICS code(s): 59.140.35); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100); Furniture (ICS code(s): 97.140); Non-textile floor coverings (ICS code(s): 97.150) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Safer Products Restrictions and Reporting; (17 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The Washington Department of Ecology proposes a new rule, Chapter 173-337 WAC – Safer Products Restrictions and Reporting; Washington Administrative Code (WAC). This new chapter aims to reduce toxic chemicals in consumer products and implements [Chapter 70A.350 RCW](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350); Revised Code of Washington (RCW). Ecology started the second phase of this rulemaking which opens the formal public comment period.This rulemaking proposes to:* Implement regulatory actions reported to the Washington State Legislature in June 2022. [Review the Final Regulatory Determinations Report](https://apps.ecology.wa.gov/publications/summarypages/2204018.html).
* Create reporting requirements or restrictions that apply to priority consumer products that contain priority chemicals. These include:
	+ PFAS in aftermarket stain- and water-resistance treatments, carpets and rugs, and leather and textile furnishings.
	+ Ortho-phthalates in personal care products (fragrances) and vinyl flooring.
	+ Organohalogen flame retardants in electric and electronic products.
	+ Flame retardants (as defined in RCW 70A.350.010) in recreational polyurethane foam.
	+ Phenolic compounds in laundry detergent, food and drink can linings, and thermal paper.
* Include provisions for repair and replacement parts, refurbished products, and previously owned products.
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| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Prevention of deceptive practices and consumer protection; Protection of human health or safety; Protection of the environment |
| **8.** | **Relevant documents:** Chapter 173-337 WAC – Safer Products Restrictions and Reporting<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-337>**Rule proposal documents:*** [Proposal Notice – CR-102 form](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/HWTR/WAC173-337_-21-01/Rulemaking-Proposal-WAC-173-337-12-07-22)
* [Proposed rule language](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/HWTR/WAC173-337_-21-01/Rulemaking-proposed-language-WAC-173-337-12-07-22) (attached as WA\_Safer\_Products\_Restrictions\_and\_Reporting.pdf)
* [Preliminary Regulatory Analyses](https://apps.ecology.wa.gov/publications/SummaryPages/2204042.html)
* [SEPA Determination of Nonsignificance (DNS) and Environmental Checklist (draft)](https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202206037)

Washington Administrative Code Department of Ecology, Title 173: <https://app.leg.wa.gov/wac/default.aspx?dispo=true&cite=173>WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 5 February 2023 will be shared with the regulator. |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 5 February 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://members.wto.org/crnattachments/2023/TBT/USA/23_0249_00_e.pdf> |