



February 5, 2023

Safer Products for Washington Team  
Hazardous Waste and Toxics Reduction Program  
Department of Ecology  
Olympia, Washington

Submitted via: Safer Products for Washington Rulemaking Proposal Public Comment Form

**Subject:** Comments on Safer Products for Washington Rulemaking Proposal

The Alkylphenols & Ethoxylates Research Council (APERC) appreciates this opportunity to comment on the proposed regulation, Chapter 173-337 – Safer Products Restrictions and Reporting, particularly as the proposed regulation relates to the restriction of alkylphenol ethoxylate (APE) surfactants in laundry detergent.

APERC is a North American research-based trade association representing manufacturers of nonylphenol (NP), 4-tert-octylphenol (OP) and their APE derivatives. For more than twenty years, APERC and its member companies have been actively engaged in the conduct and review of the toxicity, ecotoxicity, environmental fate, occurrence and risk assessment of nonylphenol ethoxylates (NPEs), octylphenol ethoxylates (OPEs) and their degradation intermediates.<sup>1</sup>

The proposed regulation relates to priority consumer products that are in the view of the Department of Ecology (DoE) and the Department of Health (DoH) a “significant source or use” of priority chemicals that were specifically identified in the Safer Products for Washington Act.<sup>2</sup> At this time there is no guidance provided to inform the determination of “significant source or use” under the new Safer Products for Washington regulatory process. DoE reasoning to support “significant sources” appears to have been developed on a case-by-case basis.

The proposed regulation includes a restriction on the use of APEs in laundry detergent with a limit of 0.1% APEs by weight (1,000 ppm). The limit of 0.1% by weight limit in the preliminary regulation is based on the limit specified in the European Union for NPEs in laundry detergent under REACH Annex XVII.<sup>3</sup>

APERC has previously submitted extensive comments that indicate that screening level consumer, occupational and environmental risk evaluations do not suggest any source or use of

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<sup>1</sup> Members of APERC are The Dow Chemical Company, SI Group, Inc., and Dover Chemical Corporation.

<sup>2</sup> Washington State Pollution Prevention for Healthy People and Puget Sound Act, May 2019.

<sup>3</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:164:0007:0031:EN:PDF>

NPEs or OPEs poses significant exposure or risk in Washington State.<sup>4</sup> Available data on the environmental occurrence and concentrations of NPE, OPE and their environmental degradants, NP and OP, in the State of Washington over a twenty-one-year period between 1997 and 2018 indicate that these compounds are predominantly undetected, and when they were detected, their concentrations are well below US EPA Water Quality Criteria (WQC) for NP in fresh and marine water and relevant PNECs for NP in sediment. Overall, monitoring data do not suggest any uses of NPE or OPE over the twenty-one-year sample period resulted in environmental exposures sufficient to result in risk to the environment in the State of Washington.<sup>5</sup> In addition, data were provided that showed that US EPA and other screening assessments found high Margins of Exposure (MoE) and low potential for risk to laundry workers and consumers from the use of NPE in laundry detergent and assessments of source- and use- specific human exposure and aggregate human exposure, as measured by human biomonitoring studies indicate reasonable certainty of no harm.<sup>6</sup>

For the above reasons, APERC does not support the restriction of APEs in laundry detergent as proposed in this proposed regulation and views a reporting requirement as a more proportional regulatory tool to accomplish the goals of the underlying legislation. Safer Products for Washington regulations should reflect the least burdensome regulatory alternatives in order to achieve the general goals of the law.

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<sup>4</sup> Alkylphenols & Ethoxylates Research Council (2020, March 2) Comments on Draft Report on Priority Products.

<sup>5</sup> APERC. (2020, March 2).

<sup>6</sup> APERC. (2020, March 2).