

BIFMA

Thank you for the opportunity to provide comments on Chapter 173-337 WAC Safer Products Restrictions and Reporting. The Business and Institutional Furniture Manufacturers Association (BIFMA) supports over 200 businesses including ~100 small businesses - all are impacted by the proposed rule.

BIFMA and its members have a rich history proactively supporting sustainable regulations and voluntary programs such as USGBC's LEED and IWBI's WELL. We strive to work with government and NGOs to implement practical, attainable requirements that drive consistency amongst the variety of regulations.

The following comments reflect the views of BIFMA's membership.

WAC 173-337-060 (2)(a)(i) Reporting requirements ♦ The timing indicates a start date of January 31st of the year after the effective date. We request a minimum of 12 months after the effective date to ensure adequate understanding and implementation time to meet the requirements. As written, it's possible an effective date could be September 2023 therefore less than 6 months to meet the requirements.

WAC 173-337-060 (3)(b)(i) Reporting requirements ♦ Our experience indicates in many cases details such as CAS# and/or names of the chemicals are withheld by the supplier to protect proprietary information. We recommend a tiered reporting approach that requests CAS level information but allows chemical class level reporting and/or hazard level reporting (e.g. Greenscreen information).

WAC 173-337-060 (3)(b)(i) Reporting requirements ♦ Please confirm the product category "brick" level can be the highest level given a product such as seating may be marketed in several ways (uses).

WAC 173-337-060 (3)(b)(v) Reporting requirements ♦ As noted above, confidentiality may restrict specific ppm levels to be disclosed. BIFMA recommends broader ranges to protect confidentiality often imposed by the supply chain.

WAC 173-337-065 Confidential business information ♦ Can you explain the process to protect CBI from FOIA or other means to gain access to CBI? BIFMA appreciates the right to protect CBI however it is unlikely to help a manufacturer gain that information from the suppliers who adamantly oppose sharing their CBI for competitive reasons.

WAC 173-337-110 PFAS (3)(c)(i) ♦ Restriction ♦♦ BIFMA recommends an exception and/or other language to address materials including, but not limited to, recycled plastic bottles that contain PFAS. We believe although intentionally added during its first use, the use of recycled content should not be considered intentionally added.

WAC 173-337-110 PFAS (4)(B)(b) ♦ Compliance Schedule ♦ BIFMA request additional

time between enacting the regulations and meeting the deadline. We consider January 1, 2024 or a date less than a year to be difficult to meet given supply chain constraints and due diligence needed to confirm the absence of PFAS in a product. BIFMA recommends January 2026 as the compliance date for reporting.

WAC 173-337-110 PFAS (4)(ii)(B) ♦ Reporting ♦ Please clarify "credible evidence".

Thank you for the opportunity to provide these comments. We welcome the opportunity to discuss further and provide additional information as needed. Please contact Steve Kooy, BIFMA Technical Director Health and Sustainability, at skooy@bifma.org or 1.616.443.5053, for further discussions, questions, etc.

Sincerely,

Steve Kooy
Technical Director Health and Sustainability
BIFMA