



July 14, 2023

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

Re: Safer Products for Washington: Identifying Priority Chemicals Cycle 2 Phase 1

To Whom It May Concern:

The American Chemistry Council's ("ACC") Chlorine Panel ("CP")¹ submits the following comments regarding Washington Department of Ecology's ("Department" or "Ecology") Draft Identification of Priority Chemicals Report ("Draft Report") as part of Safer Products for Washington – Cycle 2.² CP's comments focus specifically on the proposed priority chemical class of brominated and/or chlorinated substances.

CP appreciates the opportunity to comment on the Draft Report and looks forward to additional opportunities during the regulatory process to discuss with Ecology. In addition to the enclosed comments, the CP supports, and incorporates by reference, the comments submitted by The Center for Biocide Chemistries. If you have questions or need clarification, please contact me at [LeaAnne Forest@americanchemistry.com](mailto:LeaAnne.Forest@americanchemistry.com) or 202-249-6706.

Sincerely,

LeaAnne Forest

LeaAnne Forest
American Chemistry Council

¹ The American Chemistry Council's Chlorine Panel (CP) represents the leading producers and uses of chlorine in North America. The Panel works to promote and protect the sustainability of chlorine chemistry processes, products, and applications in accordance with the principles of Responsible Care[®]. For more information on the CP, visit <https://www.americanchemistry.com/industry-groups/chlorine>.

² Washington Department of Ecology, Safer Products for Washington (Draft Identification of Priority Chemicals), June 2023, [Draft Identification of Priority Chemicals: Report to the Legislature \(wa.gov\)](#)



1. Introduction

CP is dedicated to the safe use of chlorine chemistry and appreciates the opportunity to provide feedback on the Draft Identification of Priority Chemicals Report concerning the proposed priority chemical class of brominated and/or chlorinated substances. Below, CP presents several recommendations to enhance the Department's Draft Report. These recommendations highlight concerns regarding the current broad regulatory approach and advocate for a more appropriate classification of brominated and/or chlorinated substances.

2. The Vital Role of Chlorine in Water Disinfection and Industrial Applications

Chlorine plays a vital role in water disinfection, offering numerous benefits that contribute to public health and safety. As a disinfectant, chlorine effectively eliminates a wide range of harmful pathogens, including bacteria, viruses, and parasites, present in water sources. Chlorine disinfection helps prevent the spread of waterborne diseases and makes drinking water safe for consumption. Moreover, chlorine's residual disinfection properties enable it to provide ongoing protection against microbial recontamination throughout the water distribution system, safeguarding communities from potential health risks.

In addition to water disinfection, chlorine and its organic chlorinated compounds have valuable applications in various industrial settings, particularly where flammability is a concern. Incorporating chlorine into organic molecules enhances their stability and reduces their combustibility, making them safer to handle and use. This is particularly relevant in the manufacturing of solvents, cleaning agents, and fire retardants, where the presence of chlorine can significantly mitigate the risk of fire accidents.

3. Concerns Regarding Brominated and/or Chlorinated Substances

The CP has significant concerns regarding the classification of brominated and/or chlorinated substances as defined in the Draft Report. The scope of the priority chemical class alone is misleading and needs to be better defined by Ecology. The definition focuses on the presence of chlorine or bromine bonded to carbon, which could be subject to different interpretations.

The classification of brominated and/or chlorinated substances encompasses a wide range of compounds with diverse properties, uses, and environmental impacts. For example, polyvinyl chloride and chlorinated solvents have distinct uses, behaviors, and toxicity profiles. Treating them as a single category overlooks significant differences between individual substances. It is more accurate and informative to discuss specific compounds or groups of compounds individually.

Also, different brominated and/or chlorinated substances are subject to varying levels of regulation and restriction due to their specific properties and risks. Grouping them together masks the nuanced regulatory frameworks in place for each substance, making it difficult to address their individual challenges effectively.

The persistence of brominated and chlorinated substances can vary significantly. The Draft Report states, "chlorinated and/or brominated substances are not as easily degraded in the environment as chemicals that do not contain halogens." In fact, some of the listed chemistries degrade rapidly in the environment. Treating them as a single group overlooks these variations,

which are critical for understanding their potential impacts and designing appropriate mitigation strategies.

Brominated and/or chlorinated substances are used in various industries and products for different purposes. Examples include flame retardants, solvents, pesticides, and water treatment chemicals. Again, grouping them together can obscure the specific applications and contexts in which they are used, hindering targeted risk assessment and management efforts.

The proposed class is too broad and would pose compliance difficulties for stakeholders without a clear understanding of the included chemistries beyond the examples provided in the Draft Report.

4. Recommendations and Conclusions

The CP strongly opposes the inclusion of brominated and/or chlorinated substances as a single chemical class due to the wide range of chemicals involved, each with varying properties and applications. We are not aware of any other regulatory program that attempts to group these diverse chemistries into a single chemical class.

Finally, the CP requests a collaborative meeting with Ecology to discuss the inclusion of brominated and/or chlorinated substances in the Draft Report. Such a meeting would provide an invaluable opportunity to exchange perspectives, share expertise, and explore alternative approaches, with the shared goal of effective chemical safety and regulation.