

**Comments on Draft Regulatory Determinations Report to the Legislature
Cycle 1.5 Implementation Phase 3 (December 2023, Publication 23-04-062)**

This is excellent work that will go a long way to safeguarding the health of Washington residents and the environment from PFAS chemicals.

My comments are as follows:

1. Add a 'catch-all' requirement to report any other uses of PFAS not mentioned in the report (unless they fall in the exempted product categories). Industry is innovative and will look at other opportunities to use this chemical if some products are restricted.
2. *Appendix D: For an electronic product identified by Ecology as a priority consumer product under this section, the department may not make a regulatory determination under RCW 70A.350.040138 to restrict or require the disclosure of a priority chemical in an inaccessible electronic component of the electronic product.*

What is considered an inaccessible electronic component? For example, many phones are easily openable to add memory or make repairs. Even typically 'sealed' phones, such as iPhones, are now easier to consumers to open and repair (thanks to right-to-repair-regulations). Computers are also frequently opened to add or repair hard drives, memory, video cards, etc. In many cases, electronic products maybe not be opened every day, but they are certainly accessible. Also, in the cases above, workers in repair shops will spend all day opening electronic products as well certain consumers hobbyists and enthusiasts, for certain products.

Therefore, I strongly urge to specifically define inaccessible components as those that are a) sealed by an OEM (Original Equipment Manufacturer), b) do not allow the chemical in question to escape over time, assuming normal wear and tear, and c) will not expose consumer or workers making repairs or normal changes to the electronic product. (This comment applies to other priority chemicals as well).

3. *Appendix D: Motorized vehicles, including on and off-highway vehicles, such as all-terrain vehicles, motorcycles, side-by-side vehicles, farm equipment, and personal assistive mobility devices.*

I strongly urge to not exempt after-market products for motorized vehicles other than parts from OEMs used for repair. (This may not affect PFAS per se, however it is a general comment applicable to other priority chemicals as well)

4. *Appendix D: Plastic shipping pallets manufactured prior to 2012.*

It is foreseeable that plastic shipping pallets manufactured before 2012 will simply be diverted to Washington state. Therefore, there must be a sunset provision to restrict plastic shipping pallets made before 2012 if they contain PFAS, or this loophole will negate any restrictions on plastic shipping pallets made after 2012. (This may not affect PFAS per se, however it is a general comment applicable to other priority chemicals as well)

5. In order to increase consumer transparency, priority products need to be clearly marked.

Something similar to RoHS – I suggest WASP (WA Safer Product). Additional, require some detail on packaging and ads on websites that indicate the specific chemical(s) that is(are) restricted, for example WASP (PFAS free), WASP (contains PFAS, carcinogenic, reproductive & developmental toxicant, and toxic to fish). This would also allow consumers to notify WA Ecology about those products that do not restrict or report a priority chemical as required.

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