King County
Department of
Natural Resources and Parks
Director's Office
King Street Center
201 S. Jackson St, Suite 5700
Seattle, WA 98104-3855

January 22, 2024

Meredith Marshburn
Department of Ecology – HWTR
300 Desmond Dr. SE
Lacey, WA 98503

RE: Support for Safer Products for Washington Cycle 1.5 PFAS Regulatory Determinations Report

Dear Ms. Marshburn:

Thank you for the opportunity to support Washington State Department of Ecology's (Ecology) draft regulatory determinations for the Safer Products for Washington (SPWA) program, Cycle 1.5, specific to per- and polyfluoroalkyl substances (PFAS). We appreciate the work that Ecology is undertaking to address PFAS found in common products, in support of human and environmental health.

In addition to our Parks Division's regional parks and trail system, the King County Department of Natural Resources and Parks (DNRP) oversees King County's Wastewater Treatment Division (WTD), Solid Waste Division (SWD), and Water and Land Resources Division (WLRD). WTD operates three regional wastewater treatment plants and two smaller treatment plants, serving over 1.8 million people within a 424 square mile service area. SWD aims to serve healthy, safe, and thriving communities in a waste-free King County and operates eight transfer stations, two rural drop boxes, hazardous waste collection services, and the Cedar Hills Regional Landfill, the only operational landfill in the county. SWD also has custodial responsibility for nine closed landfills. WLRD works to steward healthy watersheds through integrated land and water management designed to restore and protect habitat, minimize flood hazards, protect public safety, and water quality, preserve open space, and sustain working farms and forests. WLRD also is responsible for meeting permit requirements for stormwater in unincorporated King County.

As stewards of King County's watersheds and open spaces, we are concerned that PFAS have been detected in numerous locations within Washington state, including surface waters, groundwater, wastewater treatment plant effluent, landfill leachate, freshwater and marine sediments, and fish tissue. Some PFAS can bioaccumulate in plants and animals, causing human and environmental health risks. We need increased transparency of PFAS use in industrial, commercial, and consumer products and continued development of safer alternatives.

We support eliminating PFAS at its source. Source reduction is the most efficient and effective mechanism to reduce exposure and hazards for humans and the environment. As receivers of waste from the most densely populated area in the state, we support regulations and programs reducing PFAS and other chemicals in the waste stream as a positive step. Wastewater and solid waste do not produce PFAS chemicals, instead these waste streams receive the chemicals that are produced or used in the homes and businesses of our customers. Our current treatment technologies do not remove PFAS chemicals. Therefore, source control is the best mechanism to control exposure for humans and the environment. The regulatory determinations for Safer Products for Washington Cycle 1.5 address upstream sources of PFAS, helping to address PFAS exposures from everyday products used in homes and businesses, as well as limiting the amount of these chemicals that make it to wastewater treatment plants and solid waste facilities.

We support all recommendations in the draft regulatory determinations supporting source control of PFAS in consumer products. We urge Ecology to aggressively use its authority to pursue restrictions when safer alternatives are available, and when restrictions are not possible, to require reporting so that consumers can make informed choices to limit their exposure.

Ecology should consider carving out additional sub-categories within this cycle where safer alternatives clearly exist. For example, we understand that Ecology has decided to not review cookware. However, stainless steel and cast-iron pots and pans are a known safer alternative to non-stick pots and pans, and Ecology should consider creating a sub-category for pots and pans within cookware, and restricting PFAS in this sub-category.

As Ecology moves into future SPWA cycles, we ask that Ecology continue to use SPWA authority to restrict PFAS in consumer products. For products that Ecology is recommending reporting requirements, but not restrictions, we encourage Ecology to continue to investigate the availability of safer alternatives and pursue restrictions in those product categories as soon as possible.

We also urge Ecology to fully utilize its administrative order powers. Ecology should submit more administrative orders to manufacturers (including manufacturers of products that are potentially safer alternatives) for product ingredient information. Such information is critical to effectively identifying safer alternatives and the success of SPWA.

Thank you for the opportunity to express support and ideas for ways to strengthen this report. We look forward to working with Ecology to implement source control and reduce the impacts of PFAS chemicals on the environment and public health. This includes developing new tools to identify products containing PFAS.

Sincerely,

DocuSigned by:
Mo McBroom
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Christie True
Director
Department of Natural Resources and Parks