



**Washington Association
of Sewer & Water Districts**

EDUCATE ■ ADVOCATE ■ COLLABORATE

October 16, 2024

Stacey Calloway
Rulemaking Lead
Department of Ecology
Lacey, WA

RE: Preliminary Draft Rule on Safer Products Restrictions and Reporting Chapter 173-337 WAC

Dear Ms. Calloway:

Thank you for the opportunity to comment on this draft rule. The Washington Association of Sewer and Water Districts (WASWD) represents more than 180 public sewer and water districts in the state, about half of which are members of WASWD, that serve nearly 25% of our state's population. These districts provide cost-effective sewer and water services—ranging from the state's largest population centers, to the smallest rural communities. Clean water is a major concern to both our membership and the customers they serve.

Our organization is supportive of Ecology's efforts to enforce source control of PFAS compounds on manufacturers and importers. Keeping these compounds out of the environment to protect drinking water sources, and out of sewers to protect our marine resources and to maintain the practice of recycling biosolids, are high priorities for our members. Source control is always a better approach than cleanup after contamination.

We do have questions about the scope of this rule. In the document under each category of priority products, it states that "Ecology presumes the detection of total fluorine indicates the intentional addition of PFAS." Who will be doing this testing, and how will it be done on the millions of products imported into this state each year? How will Ecology provide enough personnel to monitor and respond to these tests, as well as respond to any appeals stating that the PFAS was not intentionally added? Washington State is a huge import hub for the Pacific Rim, and it seems that contacting importers, overseeing or performing monitoring, and dealing with appeals is a huge task.

In the report to the Legislature, Ecology did a thorough job of describing markets, manufacturers, cost differentials and availability of safer alternatives in each of the product categories. However, there was still no analysis of the Ecology workload associated with what is proposed. There needs to be more work on explaining this with regard to the rule, perhaps in a fact sheet.

With regard to equity and environmental justice, there are some policy items that seem insufficient to provide benefit to disadvantaged communities. For instance, it will be illegal to sell items in the categories (unless excepted) after January 2025 that contain added PFAS. This ignores the used market, which is more likely to be utilized by disadvantaged communities. Thrift stores are full of Teflon cookware with compromised surfaces that should not be purchased and reused, and yet under this rule, they would continue to be sold. This potentially impacts human health, wastewater effluents, and biosolids. The sale of these products on the second hand market should be prohibited as well, or at least conduct a robust education program to accompany the implementation of the rule. Hopefully, better methods for recycling will be found.

Our members recognize that this is the opening effort of a five year cyclic program to begin to address the many sources of PFAS in everyday life. We look forward to partnering with Ecology in protecting human health and the environment, while maintaining cost effective drinking water, wastewater disposal, and biosolids recycling programs.

Sincerely,

A handwritten signature in blue ink that reads "Judi Gladstone". The signature is written in a cursive, flowing style.

Judi Gladstone
Executive Director
WASWD