



October 10, 2024

Katrina Lassiter
Program Manager
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7696

Dear Ms. Lassiter,

Thank you for the opportunity to provide preliminary input on the proposed rules for banning PFAS in products under Safer Products for Washington (SPW), Cycle 1.5.

We support the priority products identified by the agency, and we commend the restrictions proposed. However, the proposed restrictions are not sufficient to prevent PFAS from contaminating breast milk, drinking water, waterways and wildlife. We are concerned that the agency has not dedicated adequate resources to find safer alternatives resulting in proposed reporting requirements, rather than restrictions, for many of the categories. This problem and costs of cleaning up PFAS continues to grow in our state and lack of action and resources dedicated to PFAS prevention is extremely concerning.

More specifically we:

1. **Support the proposed restrictions on PFAS in cleaning products, automotive washes and certain apparel.** The restrictions should take effect no later than 2026, one year after adoption of the rule, as allowed in the law. In addition, the enforcement should be consistent with the existing rule, that the detection of total fluorine indicates the intentional addition of PFAS.

Other states, including New York and California, have put in place bans on PFAS in apparel with an effective date of 2025. Washington should follow suit and set the effective date as soon as the law allows, which is 2026.

2. **Support the proposed restrictions on automotive washes but oppose the applicability exemption for all-in-one products intended to clean and wax automotives and**

products intended to clean an engine. This exemption is too broad and creates unnecessary loopholes where these products could be easily relabeled.

3. **Oppose the exemption of PFAS used as a propellant from the restrictions on automotive washes and cleaning products.** Hydrofluoroolefins (HFOs) are used as propellants, which is concerning because HFOs are considered part of the PFAS class due to sharing concerning characteristics of other PFAS. HFOs can also transform into trifluoroacetic acid (TFA), an ultra-short-chain PFAS. This exemption will result in greater PFAS exposure, as it will be difficult to determine whether PFAS is used as a propellant, or if it is intentionally added. Maine and Colorado have banned all PFAS in automotive washes and cleaners without providing this exemption.
4. **Disagree with separating out apparel “intended for extended use by experts or professionals designed to protect the health and safety of experts or professionals who are exposed to extreme weather conditions including hurricanes, immersion in water or wet conditions, and snow for extended periods of time.”** This category continues to be vague and confusing. A distinction for what is sold to experts or professionals and the general public does not make sense, because professional gear for expert mountain climbers is sold to the general public that can wear it while lounging on a couch. This lack of clarity guarantees that implementation of this provision will be fraught with confusion. As safer alternatives are already on the market, we strongly urge Ecology to and restrict PFAS in all apparel as one category.
5. **Urge Ecology to move faster on cookware and evaluate stainless steel and cast iron as safer alternatives.** Safer solutions, including cast iron and stainless steel, are clearly feasible and available. This is why states like Minnesota have banned PFAS in cookware.

However, Ecology did not evaluate any alternatives and did not make a proposal to restrict PFAS in this product category. This lack of action is in direct contradiction to the fact that Washington State, through the Washington Stormwater Center, issued a request for proposal in the summer of 2023 to fund projects that would “remove and replace key PFAS household items including non-stick cookware.” The RFP states “(t)his investment is intended to implement a suite of high priority actions, for a subset of priority chemicals” identified in the PFAS Chemical Action Plan, among other CAPs. Data on safety of alternatives, notably cast iron and stainless steel, is available from King County, which has been testing cookware and kitchen supplies for lead at community events for the last several years.

We strongly urge the department to restrict PFAS in this product category in Cycle 1.5, given the availability of safer alternatives.

- 6. Oppose the provision regarding confidential business information.** While this was included in the first round of regulations, we believe it is absolutely wrong for Ecology to encourage in any way businesses to seek confidential business information exemptions. This regulation is about the highest hazard chemicals used in products. Individuals have a right to know when harmful chemicals are used in products and this should be upheld by the agency. It is critical that manufacturers are held accountable for the ingredients they are using in their products. This will only help drive the market towards safer solutions and protect people from potential harms in their products.

Finally, we strongly urge the agency to change reporting requirements to restrictions as quickly as possible. The intent of the 2022 law was to move quickly toward restrictions of PFAS across product categories to prevent further harm from that already caused by this chemical class. We already know the product categories identified use PFAS, as documented in the PFAS Chemical Action Plan. Reporting requirements – on PFAS – in these product categories will do very little to protect the health of Washington’s people or environment.

We acknowledge that Ecology, under the Safer Products for Washington program, cannot restrict chemicals in priority products unless safer, feasible, available alternatives are identified. However, for the product categories where reporting requirements are proposed, Ecology failed to use either its resources or its authority to identify safer solutions.

Sincerely,

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