



October 10, 2024

Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments on Draft Chapter 173-337 WAC Safer Products Restrictions and Reporting

To Whom It May Concern,

Lac-Mac Limited (Lac-Mac) appreciates the opportunity to provide these comments¹ in response to the Washington State Department of Ecology's ("Ecology") Draft Chapter 173-337 WAC Safer Products Restrictions and Reporting" as part of its Safer Products for Washington program.²

Located in Canada, Lac-Mac is North America's leading manufacturer of reusable protective clothing for blood borne pathogen protection (surgical protection), liquid chemical splash protection, flame resistant/ARC protection for utilities, and high-visibility liquid-proof protection. We specialize in quality, high-performance, liquid-proof, breathable personal protective equipment (PPE) products. We sell our products in the United States, including in the state of Washington.

The draft rule proposes bans and reporting requirements for several categories of products containing per-and-polyfluoroalkyl substances (PFAS) known as "priority products," including apparel. For apparel, Ecology proposes a prohibition on the manufacture, sale and distribution of apparel containing intentionally added PFAS starting January 1, 2027. The law would apply to apparel manufactured after January 1, 2027. If Ecology wants to restrict a priority product, it must confirm that safer alternatives are available and feasible, and that the restriction will either reduce a "significant source" or use of PFAS, or it is necessary to protect the health of sensitive populations or species.³

As Ecology develops its rules to address PFAS in apparel, the agency should consider clearly **exempting in its regulations PPE products like the products we sell**. PPE is unlike typical "apparel"⁴ because it is equipment worn specifically to minimize exposure to potential hazards in the workplace. PPE is essential for the health, safety and functioning of society and for which PFAS-free alternatives are not reasonably available. PPE products provide critical protection for workers who are exposed to various physical and chemical hazards in the workplace. Particularly in chemical facilities, utilities, and in healthcare settings, it is vital for safety and public health to ensure the workforce in Washington has continued access to necessary PPE.

¹ Comments have been submitted electronically to: SaferProductsWA@ecy.wa.gov.

² RCW 70A.350.090(1).

³ RCW 70A.350.040(3).

⁴ Ecology describes apparel as "apparel and accessories (such as hats, gloves, and scarves) made from natural textiles, synthetic textiles, technical textiles, and leather. While there is an exemption for "apparel with specific performance standards or criteria to protect the user from biological hazards," this does not clearly exempt medical PPE, chemical PPE or PPE for utilities.

Our concern is that without a clear exclusion for PPE from the scope of the “apparel” priority product category, PPE manufacturers like Lac-Mac or other companies will be forced to no longer sell its products in Washington and leave thousands of workplaces with far more limited options for available protective clothing, creating a public health emergency or exposing workers to more risks in the workplace. This is contrary to the intent of Washington’s Safer Products program.

Further, two other states that have enacted restrictions on the sale of PFAS in apparel or textiles, California and New York, have provided specific exclusions for PPE in their statutes:

California Health & Safety Code 108970⁵: The law prohibits the manufacture, sale or distribution of textile articles containing regulated PFAS starting January 1, 2025. The law excludes from the definition of apparel “personal protective equipment.”

New York Env. Chapter 43-B, 37-0121⁶: The law prohibits the sale of apparel containing intentionally-added PFAS starting January 1, 2025. The law excludes from the definition of apparel “professional uniforms that are worn to protect the wearer from health or environmental hazards, including personal protective equipment.”

Therefore, Washington should align with other states and explicitly exclude PPE from the “apparel” category so that essential medical supplies and worker safety garments will continue to be available for employers and workers.

Thank you for the opportunity to comment. Please contact Shelley Petrovskis at Shelley.Petrovskis@lac-mac.com if you have any questions or if we can provide any additional information that may be helpful.

Sincerely,



Lac-Mac Limited

⁵ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=3.&chapter=13.5.&article=

⁶ <https://www.nysenate.gov/legislation/laws/ENV/37-0121>.