

Daniel Parkhurst

Please refer to the attached comments submitted by ten organizations.



December 14, 2024

Governor Jay Inslee
Office of the Governor
P.O. Box 40002 300
Olympia, WA 98504-0002

Director Laura Watson
WA State Dept. of Ecology
Desmond Drive SE
Lacey, WA 98503

Dear Governor Inslee and Director Watson:

We, the undersigned, strongly support the Department of Ecology's proposed priority products for Cycle 2 of Safer Products for Washington, including: artificial turf (6PPD and PFAS); nail products (BTEX substances); jewelry and accessories (cadmium and cadmium compounds and lead and lead compounds); cosmetics (cyclic volatile methylsiloxanes); cleaning and household care products (formaldehyde releasers); plastic packaging and toilet and bathroom deodorizers (organobromine or organochlorine substances); insulation (organohalogen flame retardants); cleaning and household care products and sealants, caulks and adhesives (ortho-phthalates); and architectural paints (PFAS). This proposal represents a strong and important step towards ensuring products are safe for our communities and our environment.

Focusing on the proposed priority products for regulatory action ensures that Washington is on a strong, science-based path toward protecting people and the environment from chemicals known to cause cancer, harm to brain development, and other health effects. Taking swift action on these products will help protect vulnerable populations and sensitive species like salmon and orcas. We cannot act too quickly to remove dangerous chemicals like lead and formaldehyde from products when companies can replace them with safer solutions.

Additional products we believe should be included as a priority in Cycle 2 include the following:

- **PVC building products, specifically flooring.** PVC is used extensively in building materials, requiring toxic chemicals that can leach out of products and breaking down into microplastics. Safer, feasible alternatives are available and in use.
- **Styrene-based insulation made from BTEX substances.** Both extruded polystyrene and expanded polystyrene are commonly used for insulation, due to their high thermal resistance and ability to retain heat. The presence of polystyrene insulation in our built environment is concerning given that it is a hazardous plastic made from ethylbenzene and benzene. Ecology is already considering naming insulation as a priority product for organohalogen flame retardants. Simultaneously addressing styrene-based insulation will further improve public and environmental health by helping avoid regrettable substitutes.
- **Styrene-based plastic packaging.** Over 2 billion pounds of polystyrene packaging were consumed in the U.S. in 2023, according to industry estimates. Polystyrene is used in products like coffee lids, sushi trays, and packing materials and could become a regrettable substitute for PVC if not properly addressed. Washington has already banned certain types of polystyrene food packaging, but other forms of rigid styrene-based plastics remain prevalent.

Ethylbenzene has also been found to leach from polystyrene packaging into food, generating further concern around the use of this toxic chemical almost solely made for styrene. Ethylbenzene has been detected in human bodies, underscoring the urgent need to reduce its use in food packaging.

- **Food packaging and food contact materials containing flame retardants.** A peer-reviewed study published in October by Toxic-Free Future found flame retardants in black plastic used for food packaging and kitchen utensils like spatulas. The presence of these toxic flame retardants is likely due to the use of recycled plastic from electronic products. As the flame retardants serve no function in food contact material, the clear safer, feasible, and available alternative is food contact material without flame retardants.

The law that created the Safer Products for Washington program includes a framework that is rational and results in decision-making that will prevent pollution and disease. It asks the right questions about whether dangerous chemicals are needed or can be replaced with safer solutions—avoiding expensive, error-prone assessments of how much risk from toxic exposures is acceptable.

Putting in place strong regulations in Washington is essential to protect the health of people and wildlife. These actions will end the use of key classes of toxic chemicals in important product categories and drive the market to deliver safer solutions.

We urge you to swiftly move forward to finalize the proposed priority products. If you have

any questions, please contact Cheri Peele at cpeele@toxicfreefuture.org.

Sincerely,

Jeff Gearhart
Research Director
Ecology Center

Melanie Benesh
Vice President for Government Affairs
Environmental Working Group

Avinash Kar
Senior Attorney & Senior Director, Toxics
**Natural Resources Defense Council
(NRDC)**

Howard Garrett
President
Orca Network

Sean Dixon
Executive Director & Soundkeeper
Puget Soundkeeper

Brandi Hyatt
Community Advocate
PURSUE PFAS FREE

Kirsten McDade
North Sound Waterkeeper
RE Sources

Ben Avery
Director, Sierra Club Washington State
Sierra Club

Cheri Peele
Senior Project Manager
Toxic-Free Future

Katie Byrnes
Toxics & Stormwater Senior Policy Manager
**Washington Conservation Action
Education Fund**