



Hazardous Waste and Toxics Reduction Program  
Washington Department of Ecology  
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July 18, 2025

Re: Safer Products for Washington Cycle 1.5 Phase 4 Proposed Draft Rule – Request for Clarification on Enforcement and Disclosure Exemptions

Dear Hazardous Waste and Toxics Reduction Program:

Public Health – Seattle & King County (PHSKC) and the Hazardous Waste Management Program (Haz Waste Program) thank the Washington State Department of Ecology (Ecology) for the opportunity to comment on the Proposed Rule in the Washington Administrative Code (WAC): Chapter 173-337 WAC: Safer Products Restrictions and Reporting, Safer Products for Washington Cycle 1.5. This phase, focused solely on products containing PFAS, is important for our efforts in King County to eliminate harmful PFAS exposures to our residents and reduce sources of PFAS that enter our waste systems and, ultimately, the environment.

PHSKC is the local public health department for the City of Seattle and King County, the 13th largest county in the US. The Haz Waste Program is a coalition of local governments serving King County, the City of Seattle, 38 other cities, and two tribes, all located in King County, Washington. The Haz Waste Program works to protect and enhance public health and environmental quality by reducing the threat posed by the production, use, storage, and disposal of hazardous materials, many of which are found in common household products and small businesses. PHSKC and the Haz Waste Program serve more than 2.3 million Washington State residents. PHSKC and the Haz Waste Program appreciate the work described in this report by The Washington State Department of Ecology (Ecology) and the Washington State Department of Health (Health) to evaluate products and processes for safer alternatives, restrict the use of, and require reporting on PFAS in products known to significantly contribute to human and environmental exposure.

PHSKC and the Haz Waste Program thank Ecology for addressing some of the concerns we mentioned in our previous comment letter. However, to further enhance the effectiveness of the rule, improve source control, promote health equity, and elevate individual's capacity to identify PFAS-free products, which will ultimately prevent unnecessary PFAS exposure, we request that you refer to our previous letter (attached) and the recommendations we included at that time.

Specifically, our previous comments on cookware, where we detailed the availability of safer PFAS-free alternatives. This category exemplifies a product line that can be regulated now to immediately reduce public exposure and should be treated as a priority for Cycle 1.5. By prioritizing this category for restriction rather than reporting, Ecology can immediately eliminate a significant source of daily PFAS exposure—protecting consumer health, spurring wider industry adoption of safer materials, and creating a roadmap for future restrictions on other product lines.

In the interests of brevity and focus on key priority issues, we respectfully request two clarifications in the final rule text in addition to what we originally requested in our previous letter:

**1. Expand and clarify enforcement mechanisms and penalties**

- **Monitoring & Verification:** Specify how Ecology will oversee manufacturer and distributor compliance with PFAS restrictions, including roles for trade associations or third-party auditors.
- **Penalty Framework:** Clarify the civil penalty structure under WAC 173-337-030, including how penalty amounts will be assessed and adjusted for inflation. Clear, detailed enforcement provisions will help regulated entities understand their obligations and provide meaningful deterrence against non-compliance. Consider adjusting penalties to reflect and help cover the costs of addressing PFAS exposures on human health and the environment in WA State

**2. Add language that ensures transparency for the rebuttable presumption process**

Ecology currently presumes that “detection of total fluorine indicates the intentional addition of PFAS,” and allows manufacturers to rebut this presumption with credible evidence. To ensure consistency, predictability, and public trust, the final rule should require that Ecology:

- **Post All Exemption Petitions Online** —Include product name, manufacturer, date of submission, and a summary of supporting data. Including but not limited to the exemption duration and a clear reason for exemption with credible evidence.
- **Define and share Clear Evaluation Criteria** —List acceptable analytical methods for total fluorine testing, acceptable background-contamination levels, and types of supply-chain documentation (e.g., affidavits, material disclosures).

- **Publish Decision Summaries** —For each exemption granted or denied, provide the fluorine concentrations or PFAS species at issue, the rationale for the decision, and any time-limited conditions imposed.
- **Provide a 14-Day Public Review Period** —Afford stakeholders a minimum 14-day comment window on each pending petition before finalizing decisions.

Full transparency on exemption approvals and underlying data will allow the public to understand which products remain on the market and why, thereby ensuring accountability and protecting sensitive communities from unintended exposures.

PHSKC and the Haz Waste Program thank Ecology for the opportunity to comment on the draft rule for Cycle 1.5, Phase 4 of Safer Products for Washington, and for the substantial amount of work that staff conducted to address concerns from previous comments and to include these 16 large categories of products. Please do not hesitate to reach out to our toxicology team through Dr. Shirlee Tan ([shirlee.tan@kingcounty.gov](mailto:shirlee.tan@kingcounty.gov)) or Dr. Bai Li ([bali@kingcounty.gov](mailto:bali@kingcounty.gov)) at PHSKC or to Tristen Gardner at the Haz Waste Program ([tgardner@kingcounty.gov](mailto:tgardner@kingcounty.gov)), with any questions.

Respectfully,



Dr. Faisal Khan, Director  
Public Health – Seattle & King County



Maythia Airhart, Director  
Hazardous Waste Management Program

attachments: [100124 Comment letter to SPWA cycle 1.5 phase 4\\_final](#)