

July 1, 2023

**Via Electronic Submission**

Department of Ecology  
Solid Waste Management Program  
PO Box 47600  
Olympia, WA 98504-7600  
Attn: Shannon Jones, Regulatory Lead and Plastics Reduction Coordinator

Shannon Jones, Rulemaking Lead

**Re: WSR 23-10-062, Comments on Washington State Department of Ecology's Proposed Rule**

The Personal Care Products Council (“PCPC”)<sup>1</sup> is pleased to submit the following comments on the Washington State Department of Ecology’s (“Ecology”) WSR 23-10-062 Proposed Rule, released on May 2, 2023 (the “Proposed Rule”).<sup>2</sup> Our member companies are involved in the distribution and sale of over-the-counter nonprescription drug products, cosmetics, toiletries, fragrances, and ingredients in Washington, and therefore have a strong interest in the scope and applicability of this Proposed Rule.

The Proposed Rule addresses in detail the importance of implementing Chapter 70A.245 RCW (“Plastics Law”) so that Washington consumers are able to access products made with plastic packaging and other packaging materials that are reduced, recycled, and reused. While PCPC supports Ecology’s role to establish a postconsumer recycled content (“PCRC”) program for producers of covered products, we do believe that the program could include more flexibility in the timeline for annual fee payments.

**Our Position**

PCPC supports Washington’s goals to establish a domestic market for recycled materials and reduce the economic dependence on virgin plastics. We are also very appreciative of Ecology’s inclusion in the Proposed Rule of the language that allows confidentiality rights granted to producers

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<sup>1</sup> Based in Washington, D.C., PCPC is the leading national trade association representing the cosmetic and personal care products industry. Founded in 1894, PCPC’s more than 600-member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. As the makers of a diverse range of products that millions of consumers rely on every day, from sunscreens, toothpaste, and shampoo to moisturizer, lipstick, and fragrance, member companies are global leaders committed to product safety, quality, and innovation.

<sup>2</sup> See Washington State Department of Ecology, WSR 23-10-062 Proposed Rule (May 2, 2023), available at <https://ecology.wa.gov/DOE/files/3d/3d94f81b-cb65-4efa-8566-11c79514fdd2.pdf>.

to be carried over year to year. We kindly request for Ecology to consider our feedback on the Proposed Rule concerning annual fee payments.

#### Annual Fee Payments

While we appreciate Ecology's willingness to provide a 30-day timeline to submit annual fees after the billing statement is sent, our member companies require more time. It is important to note that companies have varying internal policies and procedures regarding the processing of invoices. Specifically, some of our member companies have internal policies and agreements that require at least 180 days to process invoices, but few would be able to meet the 30-day deadline.

We request that Ecology consider a 180-day timeline to submit annual fees. In addition, we kindly request Ecology to consider including additional language that allows individual companies to make requests to Ecology for a timeline extension. Such requests will provide flexibility to those companies who have reasonable circumstances that prevent the company from meeting the finalized timeline for submitting annual fees. With the inclusion of the additional language, we request Ecology to also consider the inclusion of the italicized language below or similar language to the Proposed Rule.

Producer annual fees are due 30 days after the department sends a billing statement<sup>3</sup>,  
*unless the department has approved an alternative timeline for such individual Producer.*

Thank you for the opportunity to submit comments on this Proposed Rule, and we look forward to continued engagement on this important issue.

Best regards,  
Kenisha Cromity  
Staff Counsel  
Personal Care Products Council

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<sup>3</sup> WAC 173-925-050 § 5(a).