



Washington Safer Products Draft Rule

The Washington State Department of Ecology issued a Preliminary Draft Rule for a potential new chapter (Chapter 173-337 Washington Administrative Code [WAC], Safer Products Restrictions and Reporting). This rule includes restrictions and reporting requirements for the programs first implementation cycle. This draft includes changes based on feedback received during their June webinars. Comments will be accepted and used to write the formal draft rule and released in December 2022.

SUMMARY

PFAS

- Aftermarket stain and water-resistance treatments, and both indoor and outdoor carpets and rugs, including mats: Restricted (no intentionally added) effective Jan 1, 2025
- Leather and textile furniture and furnishings (indoor use): Restricted (no intentionally added) effective Jan 1, 2026
- Leather and textile furniture and furnishings (outdoor use): Reporting effective Jan. 1, 2024
- Product manufactured before restriction effective dates is exempt.
- Department of Ecology presumes total fluorine indicates intentional addition of PFAS. Manufacturers may rebut this presumption by submitting a statement to Ecology with required information.

Ortho-phthalates

- Fragrances in beauty products and personal care products, and vinyl flooring: Restricted (no intentionally added for beauty products, 1000 ppm for flooring) effective Jan 1, 2025.
 - Product manufactured before effective date is exempt.

Flame Retardants

- Plastic external enclosures of electric and electronic products (indoor use and outdoor use)
 - Effective Jan. 1, 2025 for large and small businesses who manufacture and sell TVs and electronic displays. For all other applicable consumer goods: effective Jan. 1, 2026 for large businesses and Jan. 1, 2027 for small businesses
 - Restricts: 1000 ppm of any intentionally added individual organohalogen flame retardant (FR) and 1500 ppm for combined FRs
 - Exemptions include product manufactured before effective dates, plastic external parts that weigh < 5 g, inaccessible components (circuit boards and internal fans), wires, cords, cables, switches, light bulbs, connectors, screens, etc.
 - Department of Ecology presumes total bromine, chlorine, or fluorine (without phosphorus) above 1000 ppm indicates the FR is above 1000 ppm. Manufacturers may rebut this presumption by submitting a statement to Ecology with required information.
- Recreation covered wall padding made from polyurethane (PU) foam
 - Reporting Jan. 1, 2024 for product with organohalogen FR and organophosphate FR (EHDPP, TNBP, TCP, TPP)
- Other recreation products made from PU foam
 - As of Jan. 1, 2025 restriction of 1000 ppm, individually or combination of organohalogen FR and organophosphate FR (EHDPP, TNBP, TCP, TPP).
 - Exempts product manufactured before effective date. The same restrictions include Br, Cl, and F as listed above for electronic goods.

Alkylphenol ethoxylates (APEs)

- Laundry detergent: Restricts any APEs 1000 ppm individually or combined by Jan. 1, 2025
 - Exempts product manufactured before effective date.

Bisphenols

- Drink can linings (restricts any amount by Jan. 1, 2025, excluding TMBPF), food can linings (reporting effective Jan. 1, 2024), thermal paper (restricts 200 ppm by Jan. 1, 2025).
 - Restriction exemptions include product manufactured before effective dates.

Link to the document: https://www.ezview.wa.gov/Portals/1962/Documents/saferproducts/PreliminaryDraftRuleLanguage_Cycle1_August2022.pdf

How Does this Impact You? Contact Us to Discuss

Bureau Veritas can help verify that your products will meet your customer's expectations as well as all applicable regulations. We can help you reduce cost and time-to-market, minimize the risk of recalls and returns, increase sales and customer satisfaction, and eliminate previously unidentified threats to your company's reputation. Our services help to protect both your bottom line and your peace of mind. If you have any questions on these final rules, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

Bureau Veritas Consumer Products Services, Inc. ("BVCPS") provides the information in this client bulletin as a resource of general information. It does not replace any applicable legal or regulatory requirements and is provided "as is." BVCPS will not be liable for any indirect, special, punitive, consequential or other damages (including without limitation lost profits) of any kind in connection with this client bulletin. BVCPS DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THIS CLIENT BULLETIN.