



July 20, 2025

Katrina Lassiter
Program Manager
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7696

Dear Ms. Lassiter,

Thank you for the opportunity to provide input on the Cycle 1.5 Proposed Regulation to implement the landmark 2019 Safer Products for Washington law, which is the strongest law in the nation to address harmful chemicals in products.

In 2022, the Washington state legislature and governor passed a law compelling the Department of Ecology to ban PFAS swiftly in more products. **We support the proposed restrictions on PFAS in cleaning products, automotive washes, and apparel and accessories.** Ecology has clearly demonstrated that safer, feasible, available alternatives exist for these applications.

However, while we commend Ecology for the restrictions proposed, **Ecology is failing to fulfill its duty under the 2022 law.** The legislature provided Ecology with ample funding to implement Cycle 1.5. In combination with the authority granted to Ecology in the law creating the Safer Products for Washington program, the proposed reporting requirements for nine product categories falls far short of legislative intent.

We strongly object to the reporting requirements proposed, notably, for cookware and kitchen supplies. We already know the product categories identified use PFAS, as documented in the PFAS Chemical Action Plan. Reporting requirements – on PFAS – in this product category will do nothing to protect the health of Washington's people or environment.

We acknowledge that Ecology, under the Safer Products for Washington program, cannot restrict chemicals in priority products unless safer, feasible, available alternatives are identified. However, for this product category, safer solutions exist.

Safer solutions, including cast iron and stainless steel, are clearly on the market. However, Ecology did not evaluate any alternatives and makes no proposal to restrict PFAS in this product category. This lack of action is in direct contradiction to the fact that Washington State, through the Washington Stormwater Center, issued a request for proposal in the summer of 2023 to fund projects that would “remove and replace key PFAS household items including non-stick cookware.” The RFP states “(t)his investment is intended to implement a suite of high priority actions, for a subset of priority chemicals” identified in the PFAS Chemical Action Plan, among other CAPs.

Data on safety of alternatives, notably cast iron and stainless steel, is available from King County, which has been testing cookware and kitchen supplies for lead at community events for the last several years. With safer, feasible, available alternatives on the market, restrictions on PFAS in cookware and kitchen supplies should be included in the proposed regulation.

The definition for “extended use outerwear” remains problematic. By moving to a performance standard, designating outdoor apparel “designed to retain water-proofness when immersed in water (or other liquids) or snow,” the proposed definition includes many products marketed to the general public for daily use in the Pacific Northwest. We recommend revising the definition to combine both the intended performance and the intended use:

"Extreme and extended use" means outdoor apparel **that is** designed to retain water-proofness when immersed in water (or other liquids) or snow **and used by professionals in extreme weather, such as for offshore fishing, offshore sailing, whitewater kayaking, or mountaineering and not for general consumer use.**

For both extreme use outerwear and other product categories, Ecology must use its authority to identify alternatives to PFAS to identify those that are safer, resulting in the ability to further restrict PFAS use and send market signals regarding safer solutions. **When companies do not respond to mandatory data calls, Ecology should implement its enforcement provisions.**

Strong regulatory actions are urgently needed to protect vulnerable populations and vulnerable species, from pregnant women and children to salmon and orcas. The Safer Products for Washington (SPW) law is our best opportunity to prevent pollution at the source from the unregulated chemicals in millions of products and their packaging that contaminate our homes, drinking water, communities, food, waterways, and wildlife.

Thanks to Ecology’s staff on their work to implement the Safer Products for Washington Law. This regulation, grounded in both sound science and market realities, has the potential to provide critically needed protections for Washington’s residents, especially those most vulnerable, and its environment.

While the proposed restrictions are critically important, we urge the Department to use the authority provided by the Legislature to the fullest extent to protect against further harm from this chemical class.

Sincerely,

Cheri Peele
Director for Government and Market Policy
Toxic-Free Future