

美國華盛頓州行政法典(WAC)第 173-337 章安全產品限制及報告

背景說明

美國華盛頓州生態部於 2023 年 5 月 31 日通過新規則，於華盛頓州行政法典(WAC)新增第 173-337 章「更安全的產品限制及通報」(Safer Products Restrictions and Reporting)，以減少消費產品所含毒性化學物質，並執行華盛頓法典修訂版(The Revised Code of Washington, RCW)第 70A.350 章。該規則對含有重要化學物質之消費產品設立通報或限制要求，包含如下：

1. 防汙與防水處理地毯及墊子以及皮革紡織品家具中的全氟/多氟烷基化合物 (Per-and polyfluoroalkyl substances, PFAS)
2. 個人護理產品 (香水) 與乙烯基地板中的鄰苯二甲酸酯 (Phthalates, PAEs)
3. 電器和電子產品中的有機鹵素阻燃劑 (Organohalogen flame retardants, OFR) (針對室內使用且有塑膠外殼之產品)
4. 娛樂用聚氨酯 (PU) 中的阻燃劑 (定義如 RCW 70A.350.010) (針對以聚氨酯泡沫為原料的娛樂用品，如瑜珈墊、地墊或飛盤等戶外休閒用品)
5. 洗衣粉、食物與飲料罐內層及感熱紙中的酚類 (Phenols) 化合物。

本規則將於 2023 年 7 月 1 日生效，依據該規定及法規實施日期，相關製造商、經銷商及零售商須自 2025 年 1 月 1 日起遵守對部分消費產品之限制或提交通知。

特定貿易關切(STC)

日本、中國大陸及韓國分別於 112 年間之第 89 次及第 90 次 WTO/TBT 委員會例會就前述法規中有關電器和電子產品中的有機鹵素阻燃劑 (WAC 173-337-112) 之規定提出 STC，關切重點摘述如下：

1. 建議縮小管制 OFR 範圍和電機電子產品類型，並設定適當和可行的 OFR 含量限制：
 - 根據 WAC 173-337-112 規定，有機鹵素阻燃劑 (OFR) 之限制適用於室內使用、由標準 120 伏插座或電池供電的電機電子產品(EEE)，將管制幾乎所有的室內 EEE 產品。OFR 種類數量龐大，並作為防火材料普遍使用於 EEE 產品之塑膠外殼，該規則將對產業造成嚴重衝擊，有違反 TBT 協定第 2.2 條必要性要求之虞。
 - OFR 共有 100 多種類型，目前受限制者不超過 10 種，為避免造成不必要貿易限制，不應在缺少充分科學評估的情況下對 OFR 進行全面管制，而應僅對特定 OFR 子群進行管制。

2. 對 EEE 塑膠外殼中含有的 OFR 進行更全面的風險評估，及考量與其他國家評估結果的一致性，並根據風險評估結果，確定管制 OFR 名稱和化學文摘社登記號碼（Chemical Abstracts Service Registry Number, CAS No.）：

不論是美國其他州或他國法規，以及國際公約均無針對所有消費性電機電子產品塑膠外殼之 OFR 設有統一限制。華盛頓州生態部僅對 22 種 OFR 進行研究，且尚未證明所有 OFR 都具有潛在危害，故盼生態部能提供證據以證明所有 OFR 具有危害性。

3. 對替代方案進行切實可行的研究，並考慮為 OFR 限制設定更合適的寬限期：
若製造商被迫使用未經充分驗證的替代產品，恐會破壞產品防火性能，危及消費者的生命和財產。此外，由於含有 OFR 的塑料具有較高的熱穩定性（thermal stability），在回收和碳足跡方面具有優勢。又阻燃劑從配方研發、用戶確認到市場穩定回饋，通常需要兩三年的時間才能完成替代。如果產品製造商被迫使用未經充分驗證的替代品，將損害產品的防火性能，危及消費者的生命財產安全。



6 January 2023

(23-0226)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| 1. Notifying Member: <u>UNITED STATES OF AMERICA</u> If applicable, name of local government involved (Article 3.2 and 7.2): State of Washington |
| 2. Agency responsible: Department of Ecology, State of Washington [1989] Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| 3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [X], 7.2 [], other: |
| 4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Toxic chemicals in consumer products; Environmental protection (ICS code(s): 13.020); Domestic safety (ICS code(s): 13.120); Products of the textile industry (ICS code(s): 59.080); Leather products (ICS code(s): 59.140.35); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100); Furniture (ICS code(s): 97.140); Non-textile floor coverings (ICS code(s): 97.150) |
| 5. Title, number of pages and language(s) of the notified document: Safer Products Restrictions and Reporting; (17 page(s), in English) |
| 6. Description of content: Proposed rule - The Washington Department of Ecology proposes a new rule, Chapter 173-337 WAC – Safer Products Restrictions and Reporting; Washington Administrative Code (WAC). This new chapter aims to reduce toxic chemicals in consumer products and implements Chapter 70A.350 RCW ; Revised Code of Washington (RCW). Ecology started the second phase of this rulemaking which opens the formal public comment period. This rulemaking proposes to: <ul style="list-style-type: none">• Implement regulatory actions reported to the Washington State Legislature in June 2022. Review the Final Regulatory Determinations Report.• Create reporting requirements or restrictions that apply to priority consumer products that contain priority chemicals. These include:<ul style="list-style-type: none">○ PFAS in aftermarket stain- and water-resistance treatments, carpets and rugs, and leather and textile furnishings.○ Ortho-phthalates in personal care products (fragrances) and vinyl flooring.○ Organohalogen flame retardants in electric and electronic products. |

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| <ul style="list-style-type: none"> ○ Flame retardants (as defined in RCW 70A.350.010) in recreational polyurethane foam. ○ Phenolic compounds in laundry detergent, food and drink can linings, and thermal paper. • Include provisions for repair and replacement parts, refurbished products, and previously owned products. |
| <p>7. Objective and rationale, including the nature of urgent problems where applicable: Prevention of deceptive practices and consumer protection; Protection of human health or safety; Protection of the environment</p> |
| <p>8. Relevant documents:</p> <p>Chapter 173-337 WAC – Safer Products Restrictions and Reporting</p> <p>https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-337</p> <p>Rule proposal documents:</p> <ul style="list-style-type: none"> • Proposal Notice – CR-102 form • Proposed rule language (attached as WA_Safer_Products_Restrictions_and_Reporting.pdf) • Preliminary Regulatory Analyses • SEPA Determination of Nonsignificance (DNS) and Environmental Checklist (draft) <p>Washington Administrative Code Department of Ecology, Title 173: https://app.leg.wa.gov/wac/default.aspx?dispo=true&cite=173</p> <p>WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by 4pm Eastern Time on 5 February 2023 will be shared with the regulator.</p> |
| <p>9. Proposed date of adoption: To be determined</p> <p>Proposed date of entry into force: To be determined</p> |
| <p>10. Final date for comments: 5 February 2023</p> |
| <p>11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>https://members.wto.org/crnattachments/2023/TBT/USA/23_0249_00_e.pdf</p> |



6 June 2023

(23-3836)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

Addendum

The following communication, dated 5 June 2023, is being circulated at the request of the delegation of the United States of America.

Title: Safer Products Restrictions and Reporting

| Reason for Addendum: | |
|-------------------------------------|---|
| <input type="checkbox"/> | Comment period changed - date: |
| <input type="checkbox"/> | Notified measure adopted - date: |
| <input checked="" type="checkbox"/> | Notified measure published - date: 31 May 2023 |
| <input checked="" type="checkbox"/> | Notified measure enters into force - date: 1 July 2023; Some manufacturers, distributors, and retailers must comply with restrictions on some consumer products starting on 1 January 2025. Reporting parties must submit the first notification by 31 January 2025. |
| <input checked="" type="checkbox"/> | Text of final measure available from ¹ : https://ecology.wa.gov/DOE/files/8f/8f0d08ca-b529-4453-a797-13c6c635d282.pdf https://members.wto.org/crnattachments/2023/TBT/USA/final_measure/23_10060_00_e.pdf |
| <input type="checkbox"/> | Notified measure withdrawn or revoked - date: Relevant symbol if measure re-notified: |
| <input type="checkbox"/> | Content or scope of notified measure changed and text available from ¹ : New deadline for comments (if applicable): |
| <input type="checkbox"/> | Interpretive guidance issued and text available from ¹ : |
| <input type="checkbox"/> | Other: |

Description: TITLE: Safer Products Restrictions and Reporting

AGENCY: Department of Ecology, State of Washington

ACTION: Adopted rule

SUMMARY: On 31 May 2023, the Washington State Department of Ecology adopted a new rule, [Chapter 173-337 WAC](#)—Safer Products Restrictions and Reporting. This new chapter establishes a regulatory program to reduce toxic chemicals in consumer products and increase product ingredient transparency, as directed by Washington State law.

¹ This information can be provided by including a website address, a pdf attachment, or other information on where the text of the final/modified measure and/or interpretive guidance can be obtained.

The adopted rule implements the regulatory actions reported to the Washington State Legislature in June 2022; [Regulatory Determinations Report to the Legislature: Safer Products for Washington Cycle 1 Implementation Phase 3](#). It creates reporting requirements and restrictions that apply to priority consumer products that contain priority chemicals, which include:

- PFAS in aftermarket stain- and water-resistance treatments, carpets and rugs, and leather and textile furnishings.
- Ortho-phthalates in vinyl flooring and in personal care product fragrances.
- Organohalogen flame retardants in electric and electronic products.
- Flame retardants (as defined in [RCW 70A.350.010](#)) in recreational polyurethane foam.
- Phenolic compounds in laundry detergent, food and drink can linings, and thermal paper.

The rule also addresses existing stock, repair and replacement parts, refurbished products, and previously owned products.

It becomes effective on 1 July 2023. Some manufacturers, distributors, and retailers must comply with restrictions on some consumer products starting on 1 January 2025. Reporting parties must submit the first notification by 31 January 2025.

Rule adoption documents:

- [Rulemaking Order \(CR-103 form\)](#)
- [Adopted rule language](#)
- [Final Regulatory Analyses](#)
- [Concise Explanatory Statement](#)
- [Rule Implementation Plan](#)
- [SEPA Determination of Nonsignificance \(DNS\) and Environmental Checklist](#)

Further information about the adopted rule:

[Safer Products for Washington](#) provides an overview of Washington State's implementation of The Toxic Pollution law ([Chapter 70A.350 RCW](#)).

[Safer Products for Washington rulemaking webpage](#) provides information about the rulemaking, including the supporting documents, which include the Final Regulatory Analyses, the Concise Explanatory Statement, the Rule Implementation Plan, and the (State Environmental Policy Act) [SEPA](#) Determination of Nonsignificance.

[Safer Products for Washington stakeholder webpage](#) provides information about the Safer Products for Washington program.

[Safer Products for Washington email list](#) links to a webpage to subscribe to receive updates for this rulemaking and all efforts related to the State of Washington Safer Products program.

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to:

(A) Fragrances sold separately, such as perfumes and colognes.

(B) Fragrances used in beauty products, regardless of whether the item contains drug ingredients regulated by the FDA.

(C) Fragrances used in personal care products, regardless of whether the item contains drug ingredients regulated by the FDA.

(ii) This subsection does **not** apply to:

(A) Ortho-phthalates used in beauty products or personal care products for purposes other than as a solvent or fixative for fragrances.

(B) Active ingredients in products regulated by the FDA as drugs.

(C) Consumer products regulated by the FDA as medical devices.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2025.

(c) **Restriction.**

(i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains an intentionally added ortho-phthalate used as a solvent or fixative for fragrance ingredients.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2025.

(ii) Ecology presumes the detection of ortho-phthalates **not** listed in the ingredients, indicates the intentional addition of ortho-phthalates as solvents or fixatives for fragrance ingredients.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an ortho-phthalate was **not** intentionally added as a solvent or fixative. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an ortho-phthalate was **not** intentionally added.

(2) **Vinyl flooring.**

(a) **Applicability.** Priority consumer products. This subsection applies to vinyl flooring.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2025.

(c) **Restriction.** No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains more than 1,000 ppm of any ortho-phthalate, individually or combined.

This does **not** apply to a:

(i) Priority consumer product described in (a) of this subsection manufactured before January 1, 2025, even if the priority consumer product was refurbished after January 1, 2025.

(ii) Repair part or replacement part that was made to refurbish a priority consumer product described in (a) of this subsection that was manufactured before January 1, 2025.

NEW SECTION

WAC 173-337-112 Flame retardants. (1) Electric and electronic products with plastic external enclosures, intended for indoor use.

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to electric and electronic products with plastic external enclosures, intended for indoor use that are powered by either of the following.

(A) Standard 120-volt outlets and designed for up to 20-amp circuit.

(B) Battery.

(ii) This subsection does **not** apply to:

(A) Electric and electronic products with plastic external enclosures, intended for outdoor use.

(B) Consumer products that receive power only when they are hard-wired into and permanently part of the fixed electrical wiring of a building. This includes wiring devices, control devices, electrical distribution equipment, lighting equipment, sensors, dimmers, controllers, and life safety systems and devices.

(C) Consumer products regulated by the FDA as medical devices.

(D) Consumer products designed to use nonelectric heating energy sources, such as natural gas.

(iii) This subsection does **not** apply to the following parts of the priority consumer products described in (a) of this subsection.

(A) Inaccessible electronic component, such as printed circuit boards and internal fans.

(B) Internal parts that are removable and replaceable, but not accessible once the finished product is in its fully assembled and functional form.

(C) Plastic external enclosure parts that weigh less than 0.5 grams.

(D) Screens, but this subsection does apply to the plastic external enclosure surrounding the screen.

(E) Wires, cords, cables, switches, light bulbs, and connectors.

(b) **Compliance schedule.**

(i) Group definitions.

(A) "**Group 1**" means a person or entity whose worldwide gross sales equal or exceed \$1,000,000,000 in 2022.

(B) "**Group 2**" means a person or entity whose worldwide gross sales are less than \$1,000,000,000 in 2022.

(ii) Electronic displays and televisions compliance schedule.

(A) The restriction in (c) of this subsection takes effect on January 1, 2025, for persons or entities in Group 1 or Group 2 who manufacture, sell, or distribute:

- Electronic displays described in (a) of this subsection.

- Televisions described in (a) of this subsection.

(B) The compliance schedule in (b)(ii) of this subsection does **not** apply to the following priority consumer products.

- All-in-one video conference systems.

- Displays that are integrated with appliances and are not available for purchase as separate products by end-users.

- Displays with a screen area smaller than or equal to 100 square centimeters or 15.5 square inches.

- Projectors.

- Virtual reality headsets.

(iii) Group 1 compliance schedule.

(A) The restriction in (c) of this subsection takes effect on January 1, 2027, for persons or entities in Group 1 who manufacture, sell, or distribute a priority consumer product described in (a) of this subsection. The compliance schedule in (b)(iii) of this subsection applies to:

- All-in-one video conference systems.

- Displays that are integrated with appliances and are not available for purchase as separate products by end-users.
- Displays with a screen area smaller than or equal to 100 square centimeters or 15.5 square inches.

- Projectors.
- Virtual reality headsets.

(B) The compliance schedule in (b)(iii) of this subsection does **not** apply to the following priority consumer products described in (a) of this subsection.

- Electronic displays described in (a) of this subsection.
- Televisions described in (a) of this subsection.

(iv) Group 2 compliance schedule.

(A) The restriction in (c) of this subsection takes effect on January 1, 2028, for persons or entities in Group 2 who manufacture, sell, or distribute a priority consumer product described in (a) of this subsection. The compliance schedule in (b)(iv) of this subsection applies to:

- All-in-one video conference systems.
- Displays that are integrated with appliances and are not available for purchase as separate products by end-users.
- Displays with a screen area smaller than or equal to 100 square centimeters or 15.5 square inches.
- Projectors.
- Virtual reality headsets.

(B) The compliance schedule in (b)(iv) of this subsection does **not** apply to the following priority consumer products described in (a) of this subsection.

- Electronic displays described in (a) of this subsection.
- Televisions described in (a) of this subsection.

(c) **Restriction.**

(i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that has a plastic external enclosure that contains intentionally added organohalogen flame retardants.

This does **not** apply to a:

(A) Priority consumer product described in (a) of this subsection manufactured before the applicable compliance schedules in (b) of this subsection, even if the priority consumer product was refurbished after the applicable compliance schedules in (b) of this subsection.

(B) Repair part or replacement part that was made to refurbish a priority consumer product described in (a) of this subsection that was manufactured before the applicable compliance schedules in (b) of this subsection.

(ii) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm with less than 5,000 ppm total phosphorus in the homogeneous material indicate intentionally added organohalogen flame retardants.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant was **not** intentionally added.

(2) **Electric and electronic products with plastic external enclosures, intended for outdoor use.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to electric and electronic products with plastic external enclosures, intended for outdoor use that are powered by either of the following.

(A) Standard 120-volt outlets and designed for up to 20-amp circuit.

(B) Battery.

(ii) This subsection does **not** apply to:

(A) Electric and electronic products with plastic external enclosures, intended for indoor use.

(B) Consumer products that receive power only when they are hard-wired into and permanently part of the fixed electrical wiring of a building. This includes wiring devices, control devices, electrical distribution equipment, lighting equipment, sensors, dimmers, controllers, and life safety systems and devices.

(C) Consumer products regulated by the FDA as medical devices.

(D) Consumer products designed to use nonelectric heating energy sources, such as natural gas.

(iii) This subsection does **not** apply to the following parts of the priority consumer products described in (a) of this subsection.

(A) Inaccessible electronic component, such as printed circuit boards and internal fans.

(B) Internal parts that are removable and replaceable, but **not** accessible once the finished product is in its fully assembled and functional form.

(C) Plastic external enclosure parts that weigh less than 0.5 grams.

(D) Screens, but this subsection does apply to the plastic external enclosure surrounding the screen.

(E) Wires, cords, cables, switches, light bulbs, and connectors.

(b) **Compliance schedule.**

(i) The reporting requirement in (c) of this subsection takes effect on January 1, 2024.

(ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:

(A) By January 31, 2025.

(B) Annually thereafter by January 31st.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains an intentionally added organohalogen flame retardant. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

(i) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm with less than 5,000 ppm total phosphorus in the homogeneous material indicate intentionally added organohalogen flame retardants.

(ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant was **not** intentionally added.

(3) **Recreational covered wall padding made from polyurethane foam.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to recreational covered wall padding made from polyurethane foam.

(ii) This subsection does **not** apply to the priority consumer products listed in subsection (4)(a)(i) of this section.

(b) **Compliance schedule.**

(i) The reporting requirement in (c) of this subsection takes effect on January 1, 2024.

(ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:

(A) By January 31, 2025.

(B) Annually thereafter by January 31st.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains an intentionally added priority chemical listed in (c)(i) of this subsection. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

(i) Priority chemicals.

(A) Organohalogen flame retardant.

(B) The following organophosphate flame retardants.

- Ethylhexyl diphenyl phosphate (EHDPP, CAS RN: 1241-94-7).

- Isopropylated triphenyl phosphate (IPTPP, CAS RN: 68937-41-7).

- Tributyl phosphate (TNBP, CAS RN: 126-73-8).

- Triorthocresyl phosphate (TCP, CAS RN: 1330-78-5).

- Triphenyl phosphate (TPP, CAS RN: 115-86-6).

(ii) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(D) Organophosphate flame retardants listed in (c)(i) of this subsection (individual or combined) at concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organophosphate flame retardants.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant or an organophosphate flame retardant listed in (c)(i) of this subsection, was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant or an organophosphate flame retardant was **not** intentionally added.

(4) **Other recreational products made from polyurethane foam.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to:

(A) Recreational covered flooring made from polyurethane foam.

(B) Recreational covered mats made from polyurethane foam.

(C) Outdoor recreational products made from polyurethane foam.

(D) Uncovered recreational products made from polyurethane foam.

(ii) This subsection does **not** apply to:

(A) Recreational covered wall padding made from polyurethane foam.

(B) Outdoor playground equipment.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2025.

(c) **Restriction.** No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains an intentionally added priority chemical listed in (c)(i) of this subsection, individually or combined.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2025.

(i) Priority chemicals.

(A) Organohalogen flame retardant.

(B) The following organophosphate flame retardants.

- Ethylhexyl diphenyl phosphate (EHDPP, CAS RN: 1241-94-7).

- Isopropylated triphenyl phosphate (IPTPP, CAS RN: 68937-41-7).

- Tributyl phosphate (TNBP, CAS RN: 126-73-8).

- Triorthocresyl phosphate (TCP, CAS RN: 1330-78-5).

- Triphenyl phosphate (TPP, CAS RN: 115-86-6).

(ii) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(D) Organophosphate flame retardants listed in (c)(i) of this subsection (individual or combined) at concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organophosphate flame retardants.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant or an organophosphate flame retardant listed in (c)(i) of this subsection, was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant or an organophosphate flame retardant was **not** intentionally added.

NEW SECTION

WAC 173-337-113 Alkylphenol ethoxylates. Laundry detergent.