



10 June 2025

(25-3772)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

Revision

The following notification is being circulated in accordance with Article 10.6.

1. Notifying Member: <u>UNITED STATES OF AMERICA</u> If applicable, name of local government involved (Articles 3.2 and 7.2): State of Washington
2. Agency responsible: Department of Ecology, State of Washington 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; (27 page(s), in English)
6. Description of content: Proposed rule - Washington Department of Ecology proposes to revise Chapter 173-337 WAC : Safer Products Restrictions and Reporting to adopt restrictions and reporting requirements related to the intentional use of per- and polyfluoroalkyl substances (PFAS) in the following product categories: <ul style="list-style-type: none">• The proposed rule restricts the intentional use of PFAS in:<ul style="list-style-type: none">○ Apparel and accessories.○ Automotive washes.○ Cleaning products.• The proposed rule requires manufacturers to report the intentional use of PFAS in:<ul style="list-style-type: none">○ Apparel for extreme and extended use.○ Footwear.

- Gear for recreation and travel.
- Automotive waxes.
- Cookware and kitchen supplies.
- Firefighting personal protective equipment.
- Floor waxes and polishes.
- Hard surface sealers.
- Ski waxes.

PFAS, known as "forever chemicals," don't break down in the environment. Some build up in species higher up in the food chain, such as humans and orcas. Many PFAS are linked to cancer, harm reproduction and development, and are toxic to fish. Nearly everyone in the United States has PFAS in their blood. Regulating PFAS in consumer products will reduce exposure to these toxic forever chemicals.

The restrictions and reporting requirements in the proposed rule:

- Affect manufacturers, distributors, and retailers of the 12 product categories that operate in Washington State.
- Apply to covered consumer products sold online and in brick-and-mortar stores.

Washington Department of Ecology will host 2 public hearings to share information about the proposed rule, answer attendees' questions, and record testimony. The hearing will conclude once attendees who want to provide testimony have the opportunity to do so. Written comments receive the same consideration as verbal testimony.

Information is available in other languages at <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023#languages>.

Public Hearings:

- Wednesday 9 July 2025 at [5:30 p.m. Pacific Time](#)
[Register for the online hearing](#)
To join via phone only, call +1-253-215-8782. Meeting ID: 835 4388 9123
- Thursday 10 July 2025 at [10:00 a.m. Pacific Time](#)
[Register for the online hearing](#)
To join via phone only, call +1-253-215-8782. Meeting ID: 875 0074 5177

- 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

8. Relevant documents:

Chapter 173-337 WAC – Safer Products Restrictions and Reporting:

<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023>

Rule proposal documents:

- [Proposal Notice CR-102 form](#)
- [Proposed rule language](#)
- [Preliminary Regulatory Analyses](#)
- [Draft SEPA Determination of Non-Significance and Environmental Checklist](#)

For more information about this rulemaking, review the [Overview: Safer Products Cycle 1.5 PFAS Rulemaking](#)

<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 20 July 2025 will be shared with the regulator.</p>	
9. Proposed date of adoption:	To be determined
Proposed date of entry into force:	To be determined
10. Final date for comments:	20 July 2025
11. Texts available from: National enquiry point [] or address, telephone or fax numbers and email and website addresses, if available, of other body:	https://members.wto.org/crnattachments/2025/TBT/USA/25_03790_00_e.pdf https://members.wto.org/crnattachments/2025/TBT/USA/25_03790_01_e.pdf