

# Rule Proposal Notice

**Waste 2 Resources**

**April 2011**

## Children's Safe Products - Reporting Rule

The Department of Ecology is proposing to adopt the Children's Safe Products - Reporting Rule. The proposal notice will be published in the Washington State Register on May 18<sup>th</sup>, 2011. This is a supplemental filing. Ecology made a number of changes in response to comments received during the first comment period, which closed January 7<sup>th</sup>, 2011. The public now has an additional opportunity to comment on these changes.

The purpose of the proposed rule is to implement the reporting requirements of the Children's Safe Product Act (RCW 70.240). Ecology has issued a supplemental Small Business Economic Impact Statement (SBEIS) and a preliminary cost-benefit analysis, which are also available for review and comment until June 15<sup>th</sup>, 2011.

### Public hearing schedule

A public hearing will be held at 7:00 PM on June 8<sup>th</sup>, 2011 at Department of Ecology Headquarters in Lacey.

### How to submit your comments

Comment period ends June 15<sup>th</sup>, 2011.

You can give us your official comments in the following ways:

1. Testify at the public hearing.
2. Email your comments to: [john.williams@ecy.wa.gov](mailto:john.williams@ecy.wa.gov).
3. Mail comments to:

Department of Ecology  
John R. Williams, Jr.  
PO Box 47600  
Olympia, WA 98504-7600

### Ecology's response to your comments

Comments received so far were considered and used to change the rule language for this supplemental filing. A summary of these comments can be found on Ecology's web site. If you already submitted a comment, you do not need to submit the same comment again.

#### MORE INFORMATION

**Formal comment period:**  
ends June 15<sup>th</sup>, 2011

**Public hearing:**  
Wednesday, June 8<sup>th</sup>, 2011,  
7:00 PM  
Department of Ecology  
Headquarters  
300 Desmond Drive SE  
Lacey, WA 98503

**Contact information:**  
John R. Williams, Jr.  
Waste 2 Resources  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
[john.williams@ecy.wa.gov](mailto:john.williams@ecy.wa.gov)  
phone: (360) 407-6940  
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**On the web:**  
[http://www.ecy.wa.gov/  
programs/swfa/rules/  
ruleChildSafe.html](http://www.ecy.wa.gov/programs/swfa/rules/ruleChildSafe.html)

**Special accommodations:**  
If you need this document in a version for the visually impaired, call the Waste 2 Resources at (360) 407-6900.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

All of the comments we received on the original rule proposal and receive on the supplemental rule proposal will become part of the official record and responded to in a document called a Concise Explanatory Statement (CES). The Concise Explanatory Statement is required by the Administrative Procedure Act (RCW 34.05) and is published after the rule is adopted. You will be able to find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

### **Expected adoption date**

Ecology expects to adopt this rule no earlier than July 8<sup>th</sup>, 2011.

### **More information**

The proposed rule is designed to collect information that will help government and the public better understand the presence of chemicals in children's products. It requires manufacturers of children's products to report if their products contain certain chemicals.

#### **Who does this rule apply to?**

The rule applies to companies that make children's products like toys, cosmetics, jewelry, and baby products. The largest manufacturers who make products that are likely to be placed in a child's mouth or on their skin, or products for children 3 and under, must report first. Other manufacturers will report according to the phased-in schedule in the rule. Retailers who only sell (but don't make or import) children's products are not subject to the rule.

#### **What chemicals will be reported on?**

In consultation with the Department of Health, Ecology developed a revised list of 66 chemicals that manufacturers must report on. The list can be found in the rule. The list of chemicals is dynamic – Ecology may change the rule to update the list in the future as new information becomes available.

#### **How harmful are these chemicals?**

As required by the law, all the chemicals on the list are toxic and have either been found in children's products or have been documented to be present in human tissue (blood, breast milk, etc.) But just because a chemical is present in a product does not mean that children are being exposed to it or harmed by it.

Manufacturers study their products carefully to make sure that using them does not cause harm. But each product is just one way that children might be exposed to a harmful chemical.

#### **Why are these chemicals in children's products?**

These chemicals have many different uses in children's products. Sometimes they are present to protect children against other dangers. Some are preservatives, used to kill bacteria or fungus that might contaminate the product. Or a toxic chemical might be used to make plastics hard in



eyeglasses. Even a “natural” material might have toxic chemicals present in it. Ideally, less toxic chemicals will be developed that work just as well.

**How will collecting this information help?**

Rather than looking at just one chemical at a time in an individual product, under this rule Ecology will collect information that will make it easier to understand how chemicals are being used in a wide range of product categories. The information will also help us understand what components of those products contain these chemicals. Consumers in Washington will be able to use the information to understand if chemicals they are concerned about are present in the types of products their children use.

The first reports will be submitted to Ecology in 2012. Manufacturers can choose to test products to meet the reporting requirements, but they are not required to.

Reporting on the use of toxic chemicals is the first step toward getting safer products for children. Reports under this law will help policy makers decide if further actions are needed.

**What has changed since the rule was originally proposed?**

Ecology made a number of changes in response to comments received during the first public comment period, which closed January 7<sup>th</sup>, 2011. The public now has an additional opportunity to comment on these changes.

A number of definitions have been added to clarify concepts requested by commenters. Reporting triggers have been adjusted and a distinction has been made for the purposes of reporting between intentionally added chemicals and chemical contaminants. The supplemental proposal also clarifies how Ecology will approach enforcement of the reporting requirement. For more information on specific changes, see Ecology’s web site.

**On the web****Ecology’s web site on the Children’s Safe Product Act**

<http://www.ecy.wa.gov/programs/swfa/cspa/>

**The proposed rule, including the reporting list of chemicals**

[http://www.ecy.wa.gov/laws-rules/wac173334/p0904a\\_supp.pdf](http://www.ecy.wa.gov/laws-rules/wac173334/p0904a_supp.pdf)

**The Children’s Safe Product Act (RCW 70.240)**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.240>

