



May 16, 2022

TO: Governor Jay Inslee

CC: Washington State Department of Ecology  
Senate Environment, Energy & Technology Committee  
House Environment & Energy Committee

Dear Governor Inslee:

We are writing to express our significant concern regarding the Department of Ecology's new *Safer Products for Washington* regulatory program, authorized by legislation enacted in 2019. While Ecology's report, which will likely contain recommendations to prohibit specific chemistries will be finalized in June, key elements contained in the draft report issued last November, are raising serious concerns for our respective industries and will have unintended consequences for the long-term safety and availability of products in Washington State.

Product safety is a top priority, and our industries strongly support efforts to ensure that the products we manufacture are safe for their intended use while providing important societal benefits. However, we are concerned that the current approach being taken by Ecology could undermine overall product safety, performance, innovation, and sustainability. A key example of this is the extremely broad proposal to restrict all electronic casings in all electronic and electrical equipment. Without having certainty as to the scope of products that could be impacted, any proposed regulation could pose significant compliance challenges for the regulated community.

Perhaps even more important for some of our industries is the overall approach that is being applied under this program to assessing alternatives. This is critical, as it is establishing the foundation for how future products used by our industries will be regulated under this program. Ecology has taken a very narrow approach to alternatives assessment that could ultimately impact product safety, performance, sustainability, and innovation. An effective alternatives assessment process considers multiple factors that are important for overall product design and performance including critical attributes related to efficacy, safety, and sustainability. Absent a more robust and holistic alternatives assessment process, this new program will likely foster regrettable substitution and detract from the underlying objectives of the program.

Our industries rely on access to a broad range of materials, which are necessary to design and manufacture innovative products. The selection of chemistries and technologies for products should be based on the right choice for a specific application that ensures chemical safety while also taking into account overall product design, performance, safety, and sustainability. This is particularly true for more complex products with complex supply chains.

As it is currently being implemented, this program will have significant impacts on Washington's economy, including impacts on the availability and cost of products that Washington consumers rely on every day. It will also impact Washington tax revenue and jobs in key industries. Given the already challenging state of inflation and broken supply chains, this is the wrong time to be undermining the Washington economy.

It is clear that the current program would benefit from additional time and stakeholder input so as to strengthen its evaluation and avoid potential unintended consequences. We urge you to direct Ecology to more thoroughly evaluate its current approach and ensure that it has fully considered the factors that we have highlighted. If the Safer Products Program is going to be successful, it is critical that Washington get this right. We stand ready to help implement this program and urge Washington to address these critical issues now in the formative stages of this program.

Product safety is a shared objective for us all. We look forward to working with Washington State to enhance its implementation of this new program and to ensure that chemicals and the products that they enable are safe and available.

Sincerely,

Advanced Medical Technology Association  
Alkylphenols & Ethoxylates Research Council  
American Chemistry Council  
American Coatings Association  
American Forest & Paper Association  
American Fuel & Petrochemical Manufacturers  
Association of Home Appliance Manufacturers  
Association of Washington Business  
Can Manufacturers Institute  
Chemical Users Coalition  
Color Pigments Manufacturers Association  
Consumer Technology Association  
National Association of Chemical Distributors  
National Association of Printing Ink Manufacturers  
National Electrical Manufacturers Association  
Outdoor Power Equipment Institute  
Plastics Industry Association  
Polyisocyanurate Insulation Manufacturers Association  
PRINTING United Alliance  
Styrene Information & Research Center  
Tag & Label Manufacturers Institute  
The Toy Association  
Washington Food Industry Association  
Washington Retail Association