



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 20, 2025

TIME: 8:16 AM

WSR 25-24-007

Agency: Department of Ecology AO #23-07

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: The Washington State Department of Ecology is adopting amendments to [Chapter 173-337 WAC](#): Safer Products Restrictions and Reporting. The amended rule restricts the manufacture, sale, and distribution of the following consumer product categories in Washington State that contain intentionally added per- and polyfluoroalkyl substances (PFAS):

- Apparel and accessories
- Automotive washes
- Cleaning products

In addition to these restrictions, the amended rule requires manufacturers to report the intentional use of PFAS for nine other consumer product categories:

- Apparel intended 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 are a class of toxic chemicals that are used for various functions in consumer products, such as adding water resistance in apparel or to aid in soil or stain removal in cleaning products. Although those qualities have made them widely used in a range of products, many of these chemicals have also been shown to build up in people, animals, and the environment over time. They're often called "forever chemicals" because many don't completely break down in the environment.

People can be exposed to PFAS when they use products containing PFAS. Consumer products can also release PFAS into dust or the air. Many PFAS are linked to cancer as well as reproductive and developmental harm in humans. They are also linked to toxicity in fish and wildlife.

The intent of the amended rule is to:

- Protect Washington residents, particularly sensitive populations like children and people with higher toxic exposures.
- Make consumer products safer and reduce consumers' and workers' exposure to PFAS.
- Increase transparency so consumers can make more informed decisions about the products they use every day.

Citation of rules affected by this order:

New:

Repealed:

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

Suspended:

Statutory authority for adoption: [Chapter 70A.350 RCW](#): Toxic Pollution

Other authority: Ecology completed an Environmental Justice Assessment in accordance with [RCW 70A.02.060](#) as a part of this rulemaking.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 25-12-097](#) on June 4, 2025 (date).

Describe any changes other than editing from proposed to adopted version:

- WAC 173-337-025: Acronyms and definitions
 - Revised the definition of “extreme and extended use” to add “apparel intended for” to the definition title and to add specificity on intended performance and use.
 - Revised the definition of “cookware and kitchen supplies” to clarify that the definition applies to durable houseware items that are intended to contact food or beverages. We added lids to the list of example cookware and kitchen supplies. We also excluded major appliances, such as refrigerators and stoves, from this definition.
 - Revised the definition of “gear for recreation and travel” to clarify that it includes nonclothing equipment and accessories used for recreation and travel.
- WAC 173-337-110: PFAS
 - Revised (5)(c)(ii), (6)(c)(i), (7)(c)(i), (8)(c)(i), (9)(c)(ii), (10)(c)(i), (11)(c)(ii), (12)(c)(i), (13)(c)(i), (14)(c)(i), (15)(c)(i), and (16)(c)(i) to include a 50 ppm de minimis threshold for total fluorine to presume the intentional addition of PFAS for the 12 product categories adopted under this rulemaking.
 - Revised applicability for cleaning products in (11)(a) to clarify the:
 - Applicability of this section to formulated cleaning products intended for residential, commercial, and institutional uses (11)(a)(i).
 - Use of “cleaning products” consistently throughout the section (11)(a).
 - List of products in this consumer product category includes, but is not limited to, the items listed (11)(a)(i).
 - Cleaning products with disinfectants are included in this consumer product category (11)(a)(i).
 - Clarify the meaning of industrial (11)(a)(ii)(B).
 - Exclude pesticidal products not marketed as cleaning products (11)(a)(ii)(C).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Alex Colletti

Address:

Department of Ecology

Hazardous Waste and Toxics Reduction Program

PO Box 47600, Olympia, WA 98504-7600

Phone: 360-407-6351

Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: SaferProductsWA@ecy.wa.gov

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

Other: <https://apps.ecology.wa.gov/publications/SummaryPages/2504072.html>

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u> </u>	Repealed	<u> </u>
Federal rules or standards:	New	<u>0</u>	Amended	<u> </u>	Repealed	<u> </u>
Recently enacted state statutes:	New	<u> </u>	Amended	<u>2</u>	Repealed	<u> </u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u> </u>	Repealed	<u> </u>
-----	----------	---------	---------------	----------	---------------

The number of sections adopted on the agency's own initiative:

New 0 Amended Repealed

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New Amended 1 Repealed

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u> </u>	Repealed	<u> </u>
Pilot rule making:	New	<u>0</u>	Amended	<u> </u>	Repealed	<u> </u>
Other alternative rule making:	New	<u>0</u>	Amended	<u> </u>	Repealed	<u> </u>

Date Adopted: November 20, 2025

Name: Heather Bartlett

Title: Deputy Director

Delegated by Casey D. Sixkiller, Director

Signature:

*Heather J. Bartlett
for Casey D. Sixkiller*