

WAC 173-337-060 Reporting requirements. (1) Applicability.

(a) This section applies to a manufacturer of a priority consumer product required to submit a notification to ecology, as listed in WAC 173-337-110, 173-337-112, and 173-337-114. This chapter refers to the person submitting the notification as the "reporting party."

(b) The manufacturer of the priority consumer product or a trade organization representing the manufacturer may serve as the reporting party.

(c) **Reporting party.** The following hierarchy determines which person or entity ecology will hold primarily responsible for ensuring that ecology receives a complete, accurate, and timely notification.

(i) The person or entity that had the priority consumer product manufactured unless it has **no** presence in the United States.

(ii) The person or entity that marketed the priority consumer product under their name or trademark unless it has **no** presence in the United States.

(iii) The first person or entity, whether an importer or a distributor, who owned the priority consumer product in the United States.

(d) This chapter requires only one reporting party to submit notification with respect to a particular priority consumer product.

(2) Timing.

(a) The reporting party must submit a notification to ecology:

(i) By January 31st of the year after the effective date of the reporting requirement, as listed in WAC 173-337-110, 173-337-112, and 173-337-114.

(ii) Annually thereafter by January 31st.

(b) The reporting party may submit a revised notification to ecology when a priority consumer product **no** longer contains an intentionally added priority chemical.

(3) Notification contents.

(a) The notification must include information about a priority consumer product containing an intentionally added priority chemical, that is sold or offered for sale in Washington state during the prior calendar year.

(b) The notification must include the following information.

(i) The name and CAS RN of the priority chemical that is intentionally added. If the priority chemical has a CAS RN, the notification must include it. If the priority chemical does **not** have a CAS RN, then include the generic name of the chemical.

(ii) The product category or product categories that contain the priority chemical. The product category means the "brick" level of the GS1 Global Product Classification (GPC) standard, which identifies products that serve a common purpose, are of a similar form and material, and share the same set of category attributes.

(iii) The product component within the product category that contains the priority chemical. The product component means a uniquely identifiable material or coating (including ink or dye) that is intended to be included as a part of a finished priority consumer product.

(iv) A description of the function of the priority chemical.

(v) The concentration range of each intentionally added priority chemical in each product component in each product category. The reporting party may report the concentration in ranges rather than the exact concentration. If there are multiple concentrations for a given product component in a particular product category, the reporting party must report the highest concentration.

The reporting ranges are:

- (A) Less than 100 ppm (0.01%).
- (B) Equal to or more than 100 ppm (0.01%), but less than 500 ppm (0.05%).
- (C) Equal to or more than 500 ppm (0.05%), but less than 1,000 ppm (0.1%).
- (D) Equal to or more than 1,000 ppm (0.1%), but less than 5,000 ppm (0.5%).
- (E) Equal to or more than 5,000 ppm (0.5%), but less than 10,000 ppm (1.0%).
- (F) Equal to or more than 10,000 ppm (1.0%).

(vi) **Contact information.**

- (A) The name and address of the reporting party.
- (B) The name, address, phone number, and electronic mail address of the contact person for the reporting party.
- (C) When a trade organization serves as the reporting party, the notification must include a list of the manufacturers they report for and all the required information.
- (D) Which option in the hierarchy in subsection (1)(c) of this section best represents the reporting party.
- (vii) Any other information the reporting party deems relevant to the appropriate use of the product.

(4) If the reporting party determines the information in the prior annual notification did **not** change in the current reporting year, they must resubmit the data from the previous year's notification.

(5) This chapter does **not** require the reporting party to include:

- (a) Specific formulations.
- (b) The specific name and address of the facility responsible for the use or addition of a priority chemical in the priority consumer product or product component.

(6) **Notification database.** The reporting party must use an ecology-designated notification database to submit the required notification to ecology.

[Statutory Authority: Chapter 70A.350 RCW. WSR 23-12-044 (Order 21-01), § 173-337-060, filed 5/31/23, effective 7/1/23.]