

**WAC 173-337-112 Flame retardants. (1) Electric and electronic products with plastic external enclosures, intended for indoor use.**

**(a) Applicability.**

(i) Priority consumer products. This subsection applies to electric and electronic products with plastic external enclosures, intended for indoor use that are powered by either of the following.

(A) Standard 120-volt outlets and designed for up to 20-amp circuit.

(B) Battery.

(ii) This subsection does **not** apply to:

(A) Electric and electronic products with plastic external enclosures, intended for outdoor use.

(B) Consumer products that receive power only when they are hard-wired into and permanently part of the fixed electrical wiring of a building. This includes wiring devices, control devices, electrical distribution equipment, lighting equipment, sensors, dimmers, controllers, and life safety systems and devices.

(C) Consumer products regulated by the FDA as medical devices.

(D) Consumer products designed to use nonelectric heating energy sources, such as natural gas.

(iii) This subsection does **not** apply to the following parts of the priority consumer products described in (a) of this subsection.

(A) Inaccessible electronic component, such as printed circuit boards and internal fans.

(B) Internal parts that are removable and replaceable, but not accessible once the finished product is in its fully assembled and functional form.

(C) Plastic external enclosure parts that weigh less than 0.5 grams.

(D) Screens, but this subsection does apply to the plastic external enclosure surrounding the screen.

(E) Wires, cords, cables, switches, light bulbs, and connectors.

**(b) Compliance schedule.**

(i) Group definitions.

(A) "**Group 1**" means a person or entity whose worldwide gross sales equal or exceed \$1,000,000,000 in 2022.

(B) "**Group 2**" means a person or entity whose worldwide gross sales are less than \$1,000,000,000 in 2022.

(ii) Electronic displays and televisions compliance schedule.

(A) The restriction in (c) of this subsection takes effect on January 1, 2025, for persons or entities in Group 1 or Group 2 who manufacture, sell, or distribute:

- Electronic displays described in (a) of this subsection.

- Televisions described in (a) of this subsection.

(B) The compliance schedule in (b)(ii) of this subsection does **not** apply to the following priority consumer products.

- All-in-one video conference systems.

- Displays that are integrated with appliances and are not available for purchase as separate products by end-users.

- Displays with a screen area smaller than or equal to 100 square centimeters or 15.5 square inches.

- Projectors.

- Virtual reality headsets.

(iii) Group 1 compliance schedule.

(A) The restriction in (c) of this subsection takes effect on January 1, 2027, for persons or entities in Group 1 who manufacture, sell, or distribute a priority consumer product described in (a) of

this subsection. The compliance schedule in (b)(iii) of this subsection applies to:

- All-in-one video conference systems.
- Displays that are integrated with appliances and are not available for purchase as separate products by end-users.
- Displays with a screen area smaller than or equal to 100 square centimeters or 15.5 square inches.
- Projectors.
- Virtual reality headsets.

(B) The compliance schedule in (b)(iii) of this subsection does **not** apply to the following priority consumer products described in (a) of this subsection.

- Electronic displays described in (a) of this subsection.
- Televisions described in (a) of this subsection.

(iv) Group 2 compliance schedule.

(A) The restriction in (c) of this subsection takes effect on January 1, 2028, for persons or entities in Group 2 who manufacture, sell, or distribute a priority consumer product described in (a) of this subsection. The compliance schedule in (b)(iv) of this subsection applies to:

- All-in-one video conference systems.
- Displays that are integrated with appliances and are not available for purchase as separate products by end-users.
- Displays with a screen area smaller than or equal to 100 square centimeters or 15.5 square inches.
- Projectors.
- Virtual reality headsets.

(B) The compliance schedule in (b)(iv) of this subsection does **not** apply to the following priority consumer products described in (a) of this subsection.

- Electronic displays described in (a) of this subsection.
- Televisions described in (a) of this subsection.

(c) **Restriction.**

(i) No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that has a plastic external enclosure that contains intentionally added organohalogen flame retardants.

This does **not** apply to a:

(A) Priority consumer product described in (a) of this subsection manufactured before the applicable compliance schedules in (b) of this subsection, even if the priority consumer product was refurbished after the applicable compliance schedules in (b) of this subsection.

(B) Repair part or replacement part that was made to refurbish a priority consumer product described in (a) of this subsection that was manufactured before the applicable compliance schedules in (b) of this subsection.

(ii) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm with less than 5,000 ppm total phosphorus in the homogeneous material indicate intentionally added organohalogen flame retardants.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant was **not** intentionally added.

(2) **Electric and electronic products with plastic external enclosures, intended for outdoor use.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to electric and electronic products with plastic external enclosures, intended for outdoor use that are powered by either of the following.

(A) Standard 120-volt outlets and designed for up to 20-amp circuit.

(B) Battery.

(ii) This subsection does **not** apply to:

(A) Electric and electronic products with plastic external enclosures, intended for indoor use.

(B) Consumer products that receive power only when they are hard-wired into and permanently part of the fixed electrical wiring of a building. This includes wiring devices, control devices, electrical distribution equipment, lighting equipment, sensors, dimmers, controllers, and life safety systems and devices.

(C) Consumer products regulated by the FDA as medical devices.

(D) Consumer products designed to use nonelectric heating energy sources, such as natural gas.

(iii) This subsection does **not** apply to the following parts of the priority consumer products described in (a) of this subsection.

(A) Inaccessible electronic component, such as printed circuit boards and internal fans.

(B) Internal parts that are removable and replaceable, but **not** accessible once the finished product is in its fully assembled and functional form.

(C) Plastic external enclosure parts that weigh less than 0.5 grams.

(D) Screens, but this subsection does apply to the plastic external enclosure surrounding the screen.

(E) Wires, cords, cables, switches, light bulbs, and connectors.

(b) **Compliance schedule.**

(i) The reporting requirement in (c) of this subsection takes effect on January 1, 2024.

(ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:

(A) By January 31, 2025.

(B) Annually thereafter by January 31st.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains an intentionally added organohalogen flame retardant. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

(i) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm with less than 5,000 ppm total phosphorus in the homogeneous material indicate intentionally added organohalogen flame retardants.

(ii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant was **not** intentionally added.

(3) **Recreational covered wall padding made from polyurethane foam.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to recreational covered wall padding made from polyurethane foam.

(ii) This subsection does **not** apply to the priority consumer products listed in subsection (4)(a)(i) of this section.

(b) **Compliance schedule.**

(i) The reporting requirement in (c) of this subsection takes effect on January 1, 2024.

(ii) The reporting party must submit a notification to ecology in accordance with WAC 173-337-060:

(A) By January 31, 2025.

(B) Annually thereafter by January 31st.

(c) **Reporting.** The manufacturer must provide notice that the priority consumer product described in (a) of this subsection, contains an intentionally added priority chemical listed in (c)(i) of this subsection. The manufacturer must provide notice to ecology in accordance with WAC 173-337-060.

(i) Priority chemicals.

(A) Organohalogen flame retardant.

(B) The following organophosphate flame retardants.

• Ethylhexyl diphenyl phosphate (EHDPP, CAS RN: 1241-94-7).

• Isopropylated triphenyl phosphate (IPTPP, CAS RN: 68937-41-7).

• Tributyl phosphate (TNBP, CAS RN: 126-73-8).

• Triorthocresyl phosphate (TCP, CAS RN: 1330-78-5).

• Triphenyl phosphate (TPP, CAS RN: 115-86-6).

(ii) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(D) Organophosphate flame retardants listed in (c)(i) of this subsection (individual or combined) at concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organophosphate flame retardants.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant or an organophosphate flame retardant listed in (c)(i) of this subsection, was **not** intentionally added. Provide credible evidence supporting that

statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant or an organophosphate flame retardant was **not** intentionally added.

(4) **Other recreational products made from polyurethane foam.**

(a) **Applicability.**

(i) Priority consumer products. This subsection applies to:

(A) Recreational covered flooring made from polyurethane foam.

(B) Recreational covered mats made from polyurethane foam.

(C) Outdoor recreational products made from polyurethane foam.

(D) Uncovered recreational products made from polyurethane foam.

(ii) This subsection does **not** apply to:

(A) Recreational covered wall padding made from polyurethane foam.

(B) Outdoor playground equipment.

(b) **Compliance schedule.** The restriction in (c) of this subsection takes effect on January 1, 2025.

(c) **Restriction.** No person may manufacture, sell, or distribute a priority consumer product described in (a) of this subsection that contains an intentionally added priority chemical listed in (c)(i) of this subsection, individually or combined.

This does **not** apply to a priority consumer product described in (a) of this subsection manufactured before January 1, 2025.

(i) Priority chemicals.

(A) Organohalogen flame retardant.

(B) The following organophosphate flame retardants.

• Ethylhexyl diphenyl phosphate (EHDPP, CAS RN: 1241-94-7).

• Isopropylated triphenyl phosphate (IPTPP, CAS RN: 68937-41-7).

• Tributyl phosphate (TNBP, CAS RN: 126-73-8).

• Triorthocresyl phosphate (TCP, CAS RN: 1330-78-5).

• Triphenyl phosphate (TPP, CAS RN: 115-86-6).

(ii) Ecology presumes the detection of:

(A) Total bromine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(B) Total chlorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(C) Total fluorine concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organohalogen flame retardants.

(D) Organophosphate flame retardants listed in (c)(i) of this subsection (individual or combined) at concentrations above 1,000 ppm in the homogeneous material indicate intentionally added organophosphate flame retardants.

(iii) Manufacturers may rebut this presumption by submitting a statement to ecology that includes the following information.

(A) The name and address of the person submitting the statement.

(B) A statement that an organohalogen flame retardant or an organophosphate flame retardant listed in (c)(i) of this subsection, was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that an organohalogen flame retardant or an organophosphate flame retardant was **not** intentionally added.

[Statutory Authority: Chapter 70A.350 RCW. WSR 23-12-044 (Order 21-01), § 173-337-112, filed 5/31/23, effective 7/1/23.]