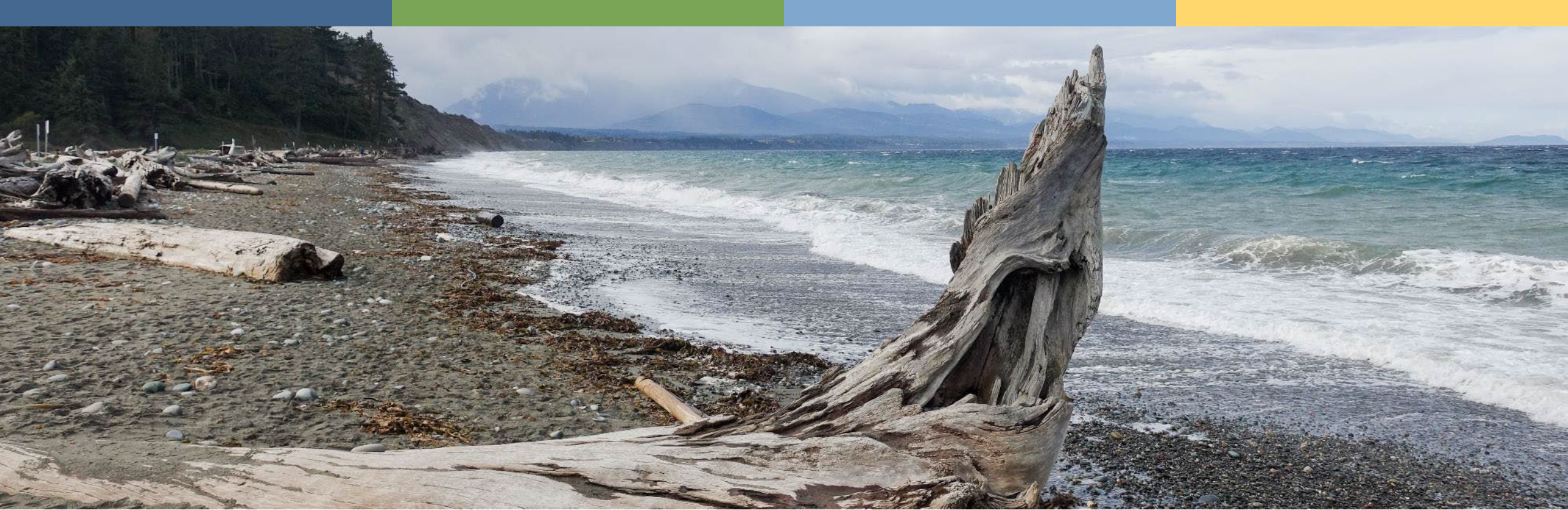




Phthalates Action Plan Advisory Committee Meeting

The meeting will begin shortly.





Phthalates Action Plan

Advisory Committee Meeting – Draft Action Plan

May 9, 2023





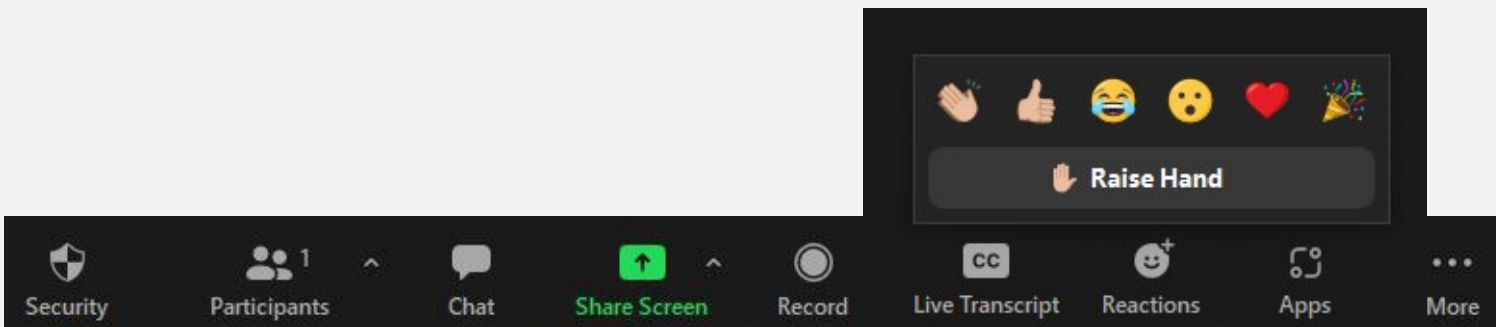
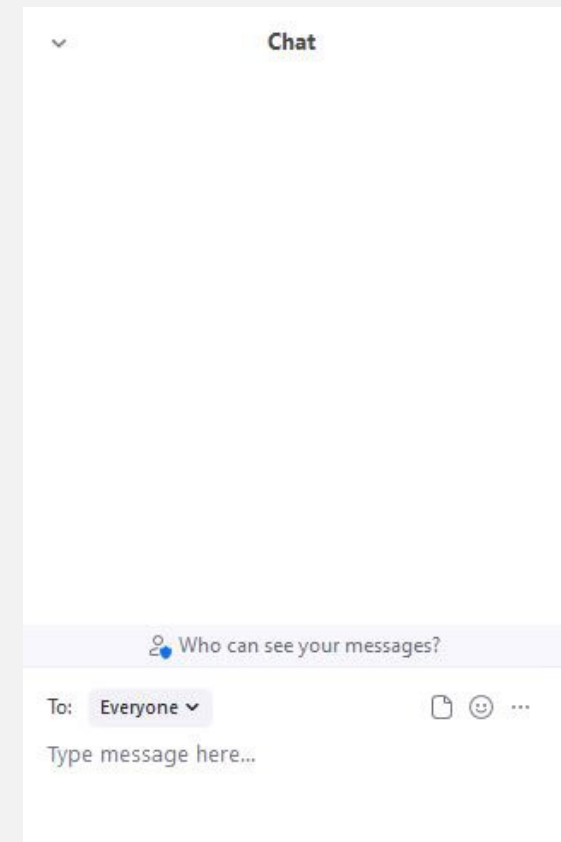
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To request an ADA accommodation, contact Ecology by phone at 360-407-6700 or email at ChemActionPlans@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit [Ecology's website](#) for more information.

Zoom controls

- Send technical issues to the **host** in chat.
- Send questions, comments, and discussion to **everyone** in chat.
- Participants muted until we get to discussion.



Today's Goals and Agenda

- 1 Reminders about the action plan
- 2 Where we are now
- 3 Next steps
- 4 Your feedback
- 5 Overview of the AP and recommendations
- 6 Public comments
- 7 Question and answer



Part One: Where we've been and what was our plan?

CAP vs AP

Chemical Action Plans



Regulated by WAC 173-333

Persistent Bioaccumulative
Toxins Rule (PBT Rule)



Specific criteria for
chemicals and list of
chemicals



Specific criteria for
content and process



Legislative funding

Goals



Reduce exposures
to harmful
chemicals



Reduce
environmental
contamination



Reduce sources
of harmful
chemicals

Action Plans



New concept

Not regulated by
WAC 173-333



Chemicals don't
have to be on PBT
list

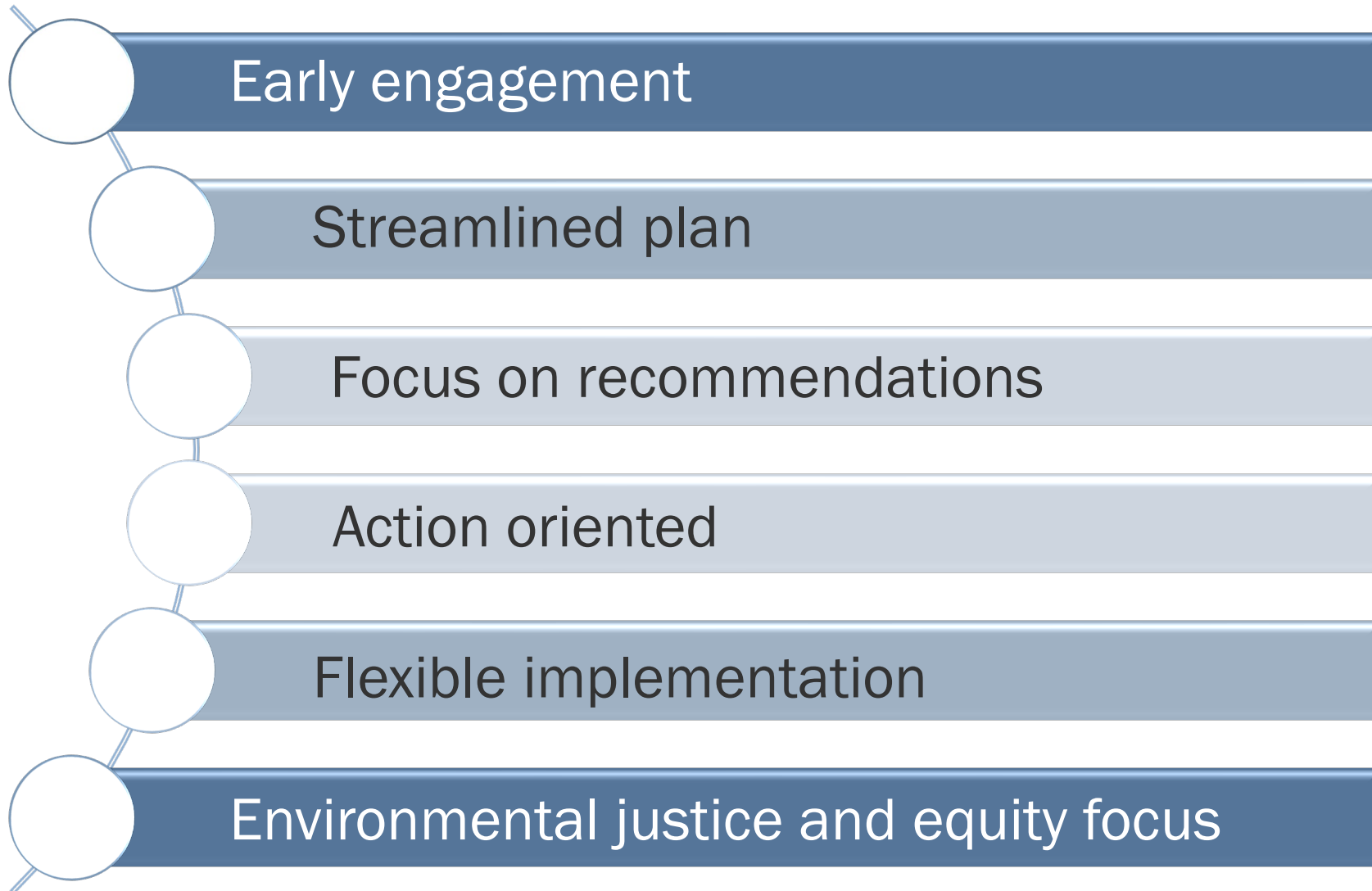


More flexible and
action-oriented



Other funding
sources

Goals for this AP



We've been busy...

Outline

- Scoping document
- Draft recs
- Your feedback

Draft Action Plan

- Economic analysis
- EJ and equity review
- Internal reviews

Draft for public comment

Next steps — near term

- Advisory committee meeting – May 9, 2023
- Public Workshops– May 17 and 18, 2023
- 45-day public comment, ending June 14, 2023
- Review and respond to comments
- Update final AP
- Final AP published December 2023





Part Two: The draft Action Plan

Incorporating Feedback



Lack of background



We expanded the background section to include additional information.



Lack of EJ language in draft recommendations



We drafted recommendations with EJ considerations and worked with the Office of Environmental Justice and Equity to conduct a review.



Lack of economic analysis



We worked with the economics team to perform a full preliminary regulatory analysis.

Outline of the AP



Background

Short background upfront and within recommendations. Thorough background in appendices.



Recommendations

Recommendations are grouped by topic. This is not a prioritized list.



EJ and Equity

Incorporated specific EJ and equity considerations within the recommendations.



Economic Analysis

Full preliminary regulatory analysis included in the appendices.

Recommendation Topics

Products and Materials



Consumer Products



Health Care Products



Daycare and Early Childcare Facilities



Food Contact Articles



Health Products




Building Materials



Preferred Purchasing



 = 1 recommendation

Recommendation Topics part 2

Solid Waste



Biosolids



Compost



Recycled Products and Packaging



Landfills



Environmental Media



Drinking Water




Outdoor Air



Aquatics



 = 1 recommendation

Daycare and early childcare facilities, part 1

Problem statement

Relevant background information

Child health considerations, reducing exposures to children

Regulations and policy

Early care and education laws in Washington, children's products laws

Recommendation #1

Ecology's Product Replacement Program should develop a swap-out program for durable products in childcare facilities that contain phthalates, such as vinyl flooring, and other products prevalent in childcare facilities.



Daycare and early childcare facilities, part 2

Recommendation #1

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health; Department of Children, Youth and Families (DCYF)

Justification

Project description and implementation (level of detail varies, some recs build off each other or combine efforts)

Environmental justice and equity considerations

(Sometimes this is in the background section if it applied to all recs in a section)

Regulatory considerations

Recommendation #2 – and so on.



Daycare and early childcare facilities, part 3



Recommendation #2

Develop educational and outreach materials that can be used to reduce the use of phthalate-containing materials in daycares.

- Work with childcare facilities and providers to identify ways to reduce the use of phthalate containing materials in daycares.
- Work with the licensing agency DCYF and local health jurisdictions to educate childcare providers, parents, and licensors about phthalate hazards.
- Educate licensors of childcare facilities and providers to raise awareness of phthalates.
- Disseminate information through the early achiever's quality rating & improvement system.

- Collaborate with Ecology's Children's Safe Product Act staff to incorporate CSPA information into educational materials.
- Work in partnership with local health and childcare providers to implement education in childcare facilities.
- Build on existing programs to help the childcare industry reduce phthalate uses and releases.

Lead agency: Department of Health

Proposed partners for implementation:

Department of Children, Youth and Families (DCYF), Department of Ecology



Consumer products

Recommendation #1

SPWA should consider identifying additional consumer products as sources or uses of phthalates.

Lead agency: Department of Ecology

Proposed Partners for Implementation: Department of Health

Recommendation #2

Ecology should support increased transparency and certifications for consumer products.

Lead agency: Department of Ecology

Proposed partners for implementation: None

Food contact articles

Recommendation #1

Health will establish a workgroup charged with reducing the sources of phthalates in food and beverages through technical assistance, education, and voluntary actions in food production and food service in Washington.

Lead agency: Department of Health

Proposed partners for implementation: Department of Ecology

Recommendation #2

SPWA should consider evaluating phthalate-containing food contact articles for identification as priority products in a future cycle.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health



Phthalates in health care

Recommendation #1

SPWA should consider evaluating some medical products for identification as priority products containing phthalates. Recommended products for consideration include breast pumps and accessories and medical exam gloves. Phthalate-free alternatives for these items are currently available on the market.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health

Recommendation #2

Health and Ecology should work with health care system partners to increase awareness about phthalates. Health and Ecology can encourage action to reduce the use of phthalates when alternative products or processes meet standards for patient care.

Lead agency: Department of Health

Proposed partners for implementation: Department of Ecology



Phthalates in health care, continued

Recommendation #3

Health should conduct education and outreach to raise awareness of phthalate reduction opportunities among clinicians and other health care staff to reduce occupational and patient exposure.

Lead agency: Department of Health

Proposed partners for implementation: None

Recommendation #4

Health should investigate phthalate exposure from menstrual and incontinence products, and share results with Department of Ecology to confer on next steps.

Lead agency: Department of Health

Proposed partners for implementation: Department of Ecology





Building materials

Recommendation #1

Ecology should leverage existing resources and contribute to standards for state-supported building projects.

Lead agency: Department of Ecology

Proposed partners for implementation: To be determined during implementation.

Recommendation #2

Ecology should engage building design, construction, and maintenance project teams on material health in Washington and develop outreach materials for the building industry that leverage existing resources.

Lead agency: Department of Ecology

Proposed partners for implementation: To be determined during implementation.

Preferred purchasing

Recommendation #1

Ecology should continue to provide DES with technical input focused on material health for preferred purchasing guidance. Ecology should also share relevant resources that DES can incorporate into related training for purchasers and contract specialists.

Lead agency: Department of Enterprise Services (DES)

Proposed partners for implementation: Department of Ecology

Recommendation #2

DES should incorporate guidance and technical input from Ecology into new statewide contracts. DES should also amend existing contracts when feasible.

Lead agency: Department of Enterprise Services (DES)

Proposed partners for implementation: None



Preferred purchasing, continued

Recommendation #3

DES should work with state agencies and the State Efficiency and Environmental Performance Office to track purchasing metrics and reduce purchasing phthalates containing products.

Lead agency: Department of Enterprise Services (DES)

Proposed partners for implementation: None



Biosolids

Recommendation #1

Ecology should evaluate the transport and breakdown of upstream-sourced phthalates in Washington's WWTP influent, effluent, sludge, and biosolids. This will provide insights about the pathways phthalates take after they are added to WWTP systems, including how phthalates end up in the wastewater solids that are used to produce biosolids.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health

Recommendation #2

Ecology should evaluate the transfer potential of phthalates from biosolids to soil and groundwater.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health



Biosolids, continued

Recommendation #3

Ecology should evaluate plant uptake of phthalates in crops and fodder grown in or on biosolids amended soils and fields in Washington state.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health

Recommendation #4

Ecology should evaluate the fate of phthalates in composted biosolids in Washington state.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Health





Compost

Recommendation #1

Ecology should develop and implement a plan to test compostable containers and service ware for phthalates. This will help us determine if these materials pose a risk of introducing phthalates to compost. We recommend this work be done in conjunction with the other product testing recommended earlier in the plan.

Lead agency: Department of Ecology

Proposed partners for implementation: None

Recommendation #2

Ecology should develop and implement a plan to test the levels of phthalates in finished compost that comes from facilities that process municipal feedstocks.

Lead agency: Department of Ecology

Proposed partners for implementation: None

Recycling products and packaging

Recommendation #1

Ecology should gather information to understand the presence of phthalates in the recycling stream.

Lead agency: Department of Ecology

Proposed partners for implementation: Third party contractor

Recommendation #2

Ecology should work with consumer product and packaging industry groups to convene a workgroup. This workgroup would establish voluntary reporting and labeling protocols to identify packaging that contains phthalates.

Lead agency: Department of Ecology

Proposed partners for implementation: Consumer packaging industry groups, such as the Sustainable Packaging Coalition or other groups.



Landfills

Recommendation #1

Ecology should perform a study to investigate phthalate occurrence in landfill leachate.

Lead agency: Department of Ecology

Proposed partners for implementation: Ecology would likely hire an independent third-party contractor to conduct this study.

Recommendation #2

Ecology should design a study to investigate phthalate presence in landfill gas.

Lead agency: Department of Ecology

Proposed partners for implementation: Ecology would likely hire an independent third-party contractor to conduct this study.



Drinking water

Recommendation #1

Review data on public water systems and state health advisories and continue to work with partners to address data gaps on potential phthalate impacts to drinking water. Steps include:

- Continue collaboration with Phthalate AP partners to evaluate scientific literature to assess other phthalates that may have the potential to impact drinking water.
- Evaluate other state's health advisory guidelines for phthalates in drinking water.
- Assess national public water system phthalate occurrence data.

Lead agency: Department of Health

Proposed partners for implementation: None

Recommendation #2

Educate partners on the use of phthalate-free sample collection and operational equipment products that could potentially contribute to sample contamination.

Lead agency: Department of Health

Proposed partners for implementation: U.S. Environmental Protection Agency, Washington State Public Water Systems, and Certified Drinking Water Laboratories

Aquatics: surface water, sediment, and biota

Recommendation #1

We have limited information about the toxicity and presence of phthalates in aquatic organisms in Washington state. To determine whether aquatic organisms, and the people that consume them, are impacted by this class of chemicals, we recommend allocating resources to existing monitoring programs in the state so those programs can perform the following tasks:

- a) Synthesize the existing literature for aquatic species to establish, where possible, environmental concentrations of phthalates expected to cause adverse impacts.
- b) Identify or develop suitable analytical methods for phthalates as needed, depending on the outcome of the literature review.
- c) Evaluate the extent and magnitude of phthalate/metabolite exposure in aquatic species.
- d) Examine biomarkers of endocrine disruption in wild fish, as needed.
- e) Evaluate fish tissue data for human health risk, when available.

Lead agency: Department of Ecology

Proposed partners for implementation: Department of Fish and Wildlife, Department of Health

Outdoor air

Recommendation #1a

Ecology should contact air regulatory partners to verify and improve accuracy of emissions reporting.

Lead agency: Department of Ecology

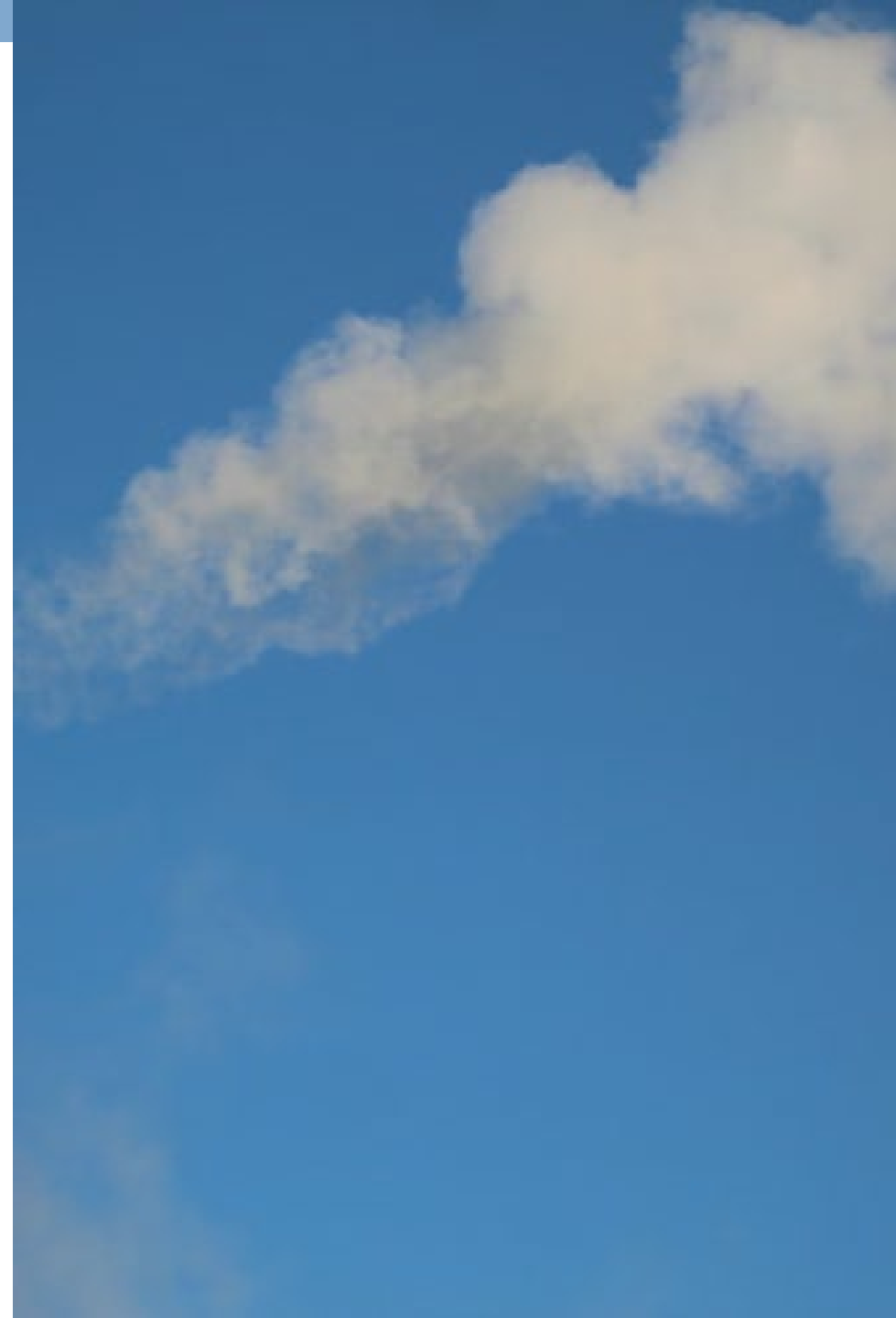
Proposed partners for implementation: Local air agencies and Ecology regional offices (where no clean air agency exists)

Recommendation #1b

Pending the outcome of Recommendation #1a, Ecology pollution prevention staff and facilities may be necessary to identify and address possible phthalate emissions reductions.

Lead agency: Department of Ecology

Proposed partners for implementation: Local air agencies



3-year review

Review will help us understand:

- Have we requested and obtained funds to implement the recommendations?
- Have lead agencies and proposed partners implemented recommendations?
- What barriers to implementation did we discover?
- Have we directly or indirectly addressed environmental justice and equity concerns during implementation?
- What are the results of implementation?
- Have new laws or regulations replaced the need for any of the recommended actions?
- Are additional recommendations needed? Are there recommendations that we did not make in the original plan that we now have enough information to act on (for example, work on microplastics)?

3-year review, continued



Focus on:

- Whether the intent of the action plan – to develop actionable recommendations – has been successful in the short term; and
- Where future work should be focused in order to best reduce phthalates exposures and sources. Ecology will share the results of this review with the public.

Public Comment

45 days (May 1 to June 14, 2023).

Using online public comment platform.

To ensure your comments are considered and get a formal response, please have all comments to us by June 14, 2023.

This is the last chance to comment on the plan.

We will issue a response to comments at the same time the Action Plan is published.

General questions on content

Should we add a short section on costs to each recommendation?

Is the information you need available in this plan?

Are there additional partners that we could work with to implement the recommendation?

As a reader, can you find a topic you're interested in and get the main information you need without searching through the document?

Questions about environmental justice and equity

How might a recommendation impact communities or populations from an environmental justice and equity standpoint?

Are there perspectives that we missed that you think we should include?

Do you find the recommendation useful for gathering data to inform EJ/equity considerations for future projects?

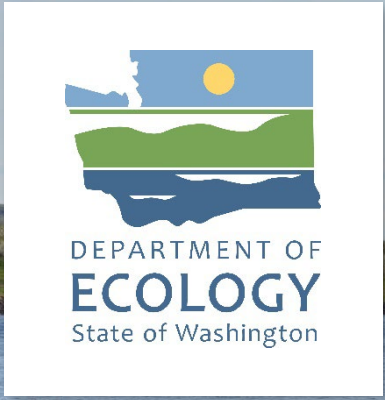
Do you have suggestions for other ways to strengthen the integration of environmental justice and equity in the recommendations?

Helpful tips

Cite specific section and page number the comment applies to.

Provide any relevant reference that supports the comment.

Identify a specific text change or edit.



Action Plan question and answer

Thank you for joining us today.

Contact:

Kimberly Grieves

ChemActionPlans@Ecy.WA.GOV

Public comment form:

<https://hwtr.ecology.commentinput.com/?id=haD3V>

Project webpage:

<https://bit.ly/phthalates-AP>

