

## **Guidance: Completing the PFAS in Firefighting PPE Manufacturer Order Safer Products for Washington**

**Washington Department of Ecology (Ecology)’s Safer Products for Washington program is contacting manufacturers for information about their products.** The law we’re implementing requires us to use an “Order” to get this information. We want to stress that this Order, unlike others from Ecology, does not mean you are out of compliance. See more details below.

### **Overview**

In 2019, the Washington State Legislature passed The Pollution Prevention for Healthy People and Puget Sound Act (Chapter [70A.350 RCW](#)<sup>1</sup>). This law aims to reduce toxic chemicals in consumer products. Ecology implements this law through a program called [Safer Products for Washington](#).<sup>2</sup>

The law authorizes us to regulate classes of chemicals in consumer products sold in Washington state. Under the law, we have the authority to require manufacturers to provide data on ingredients in priority consumer products. Manufacturers can apply for Confidential Business Information (CBI) eligibly. See below.

### **Why we need this information**

Chapter 70A.350.090 RCW identifies firefighting personal protective equipment (PPE) as a source or use of PFAS and therefore a priority consumer product. Ecology is obligated to adopt regulatory determinations on per- and polyfluoroalkyl substances (PFAS) in firefighting PPE by June 1, 2024.

- **PFAS** means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- **Firefighting PPE** means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties. Firefighting PPE, including jackets, pants, shoes, gloves, helmets, and respiratory equipment, is designed for use in fire and rescue activities.

In our [2021 PFAS Chemical Action Plan](#),<sup>3</sup> we found that PFAS in textiles contribute to indoor air and dust concentrations. Firefighting PPE, such as turnout gear, is an exposure source of PFAS to firefighters. PFAS serum levels in firefighters were reported by several studies to be higher compared to the general population. Firefighter turnout gear might also shed or emit PFAS during washing, which acts as a source of PFAS discharge into wastewater and can potentially release into the environment.

We are now working on determining regulatory actions. To do this, we need to identify where PFAS is used and where safer alternatives are feasible and available. Understanding the use of PFAS and their alternatives in products on the market today will inform our decision-making as we determine regulatory actions.

### **Where do I submit my information?**

Please email [SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov) or mail documents to:

Camille Bennett  
Washington Department of Ecology  
Hazardous Waste and Toxics Reduction Program  
PO Box 47600  
Olympia, WA 98504-7600

### **Where do I get help?**

For questions or assistance completing the template, please contact Camille Bennett.

- [Camille.Bennett@ecy.wa.gov](mailto:Camille.Bennett@ecy.wa.gov)
- 360-688-4312

<sup>1</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350>

<sup>2</sup> <https://ecology.wa.gov/safer-products-wa>

<sup>3</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2104048.html>

## More details on this Order

We can use the information manufacturers submit to determine whether manufacturers are intentionally adding PFAS to firefighting PPE products and what, if any, alternative chemicals are used. The law requires us to request this information using an Order. **We want to emphasize that this Order to submit information does not mean you are out of compliance.**

Further, this Order focuses on PFAS that manufacturers intentionally add to products. **Intentionally add** means a chemical added that serves an intended function in the final product or in the manufacturing of the product or part of the product. This does not include PFAS that could occur inadvertently in manufacturing (for example from using recycled materials).

## Required information

This order requires information from you. Required information as described in the Order includes:

1. Chemical ingredients providing water resistance, liquid, chemical and viral penetration resistance, wear resistance, high thermal performance, and/or anti-melting properties to apparel firefighting PPE.
2. Intentional use of PFAS in firefighting PPE, including PTFE, PFPE, or other fluoropolymers.
3. Chemical ingredients used in certain components of non-apparel firefighting PPE, including but not limited to machined metal parts, seals, electrical components, or lubricants to enable use in conditions involving water or high heat, or to reduce wear resistance of these components.
4. Firefighting PPE products that contain intentionally added PFAS sold in Washington.

We recommend using our [Excel template](#)<sup>4</sup> to submit the required information. Completing the required portions of the template can help organize your company's response to this Order. We are here to help you complete the template if needed—see contact information on page one for help with your submittal.

## Confidential Business Information (CBI)

Under RCW 70A.350.060(1), "A manufacturer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department." If you believe any of the information you submit might be eligible for confidential handling, please review our [CBI instructions](#)<sup>5</sup>. If you choose to apply for CBI protection, please apply **at least two months** before your order deadline. Do not send us any data from your request for confidentiality until we deliver a decision. Any information that does not meet CBI eligibility requirements must be sent by the order deadline.

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<sup>4</sup>

[https://www.ezview.wa.gov/Portals/\\_1962/Documents/saferproducts/ExcelTemplate\\_PFAS\\_Firefighting\\_PPE\\_Order.xlsx](https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/ExcelTemplate_PFAS_Firefighting_PPE_Order.xlsx)

<sup>5</sup>

[https://www.ezview.wa.gov/Portals/\\_1962/Documents/saferproducts/CBI\\_Process\\_SaferProductsWA\\_Dec2023.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/saferproducts/CBI_Process_SaferProductsWA_Dec2023.pdf)

### ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6700 or email at [saferproductswa@ecy.wa.gov](mailto:saferproductswa@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit [Ecology's website](#)<sup>6</sup> for more information.

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<sup>6</sup> <https://ecology.wa.gov/About-us/Accessibility-equity/Accessibility>