



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Ecology AO# 12-02

**Subject of possible rule making:** Ecology is initiating rule making for Chapter 173-334 WAC, Children's Safe Products Reporting Rule to amend the Chemical of High Concern to Children (CHCC) list to include tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8). Ecology may also amend the CHCC list to add or remove other chemicals where new data and information is available to support the criteria in WAC 173-334-070. Manufacturers of children's products must notify the agency about the presence of CHCCs in their products. As part of this rule making, the agency has no intention of doing a reevaluation of the entire reporting list of chemicals. If appropriate Ecology will also amend requirements related to the reporting deadlines for any chemicals that are added to list.

**Statutes authorizing the agency to adopt rules on this subject:** The Children's Safe Products Act ([Chapter 70.240 RCW](#)), the authority established in the law is sufficient to adopt changes (if any) to the current rule.

**Reasons why rules on this subject may be needed and what they might accomplish:**  
Ecology is initiating this rule making in a response to a petition for rule making to add tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8) to the CHCC list. The information in the petition provided evidence that this chemical meets the criteria in the WAC 173-334-070 for inclusion in the CHCC list. Ecology is also going to consider if there are other chemicals that should also be added to the list at this time.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
Ecology will work directly with the state's Department of Health in evaluating if tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8), or any other chemicals, should be added or removed from the CHCC list. Additionally we have reviewed and are in communication with other states having similar legislation, including California, Maine and Connecticut.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The public and interested parties will have the opportunity to comment on the proposed rule amendments. Ecology will hold at least one public hearing and will post updates to the CSPA listserv.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**  
We intend to involve the public and interested parties throughout the process using: the internet, the CSPA listserv (currently this has several hundred followers), direct mailing to trade organizations, the WACTrack email list, as well as all the methods required under the Administrative Procedure Act.

**Rule Coordinator**

John Williams  
Department of Ecology – Headquarters  
PO Box 47600  
Olympia, WA 98504-7600  
(360) 407-6940 email:  
JOWI461@ecy.wa.gov

**DATE**  
7/16/2012

**NAME (TYPE OR PRINT)**  
Laurie Davies

**SIGNATURE**  
*Laurie H. Davies*

**TITLE**  
Waste 2 Resources Program Manager

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 16, 2012**  
**TIME: 11:56 AM**

**WSR 12-15-045**