



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# 08-09

Subject of possible rule making: This rule making will implement the Children's Safe Product Act – Laws of 2008, Chapter 288 (CSPA) by adopting a new rule Chapter 173-334 WAC – Children's safe products rule. The rule will adopt without material change, several enacted sections of the CSPA. Additionally, the rule will clarify that electronic components that are internal to children's products and not accessible during the products' intended use are outside the regulatory scope of this legislation and rule.

Statutes authorizing the agency to adopt rules on this subject: Laws of 2008, Chapter 288

Reasons why rules on this subject may be needed and what they might accomplish: The Children's Safe Product Act regulates the content of lead, cadmium, and phthalates in children's products and product components. Consumer electronic products are exempted from regulation under the CSPA. The purpose of the rule is to clarify that electronic components that are internal to children's products and not accessible during the products' intended use, such as chip boards and wiring, are also exempted from regulation under the CSPA. Without this clarification in the rule, important educational electronic toys may no longer be available in Washington.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Congress is considering legislation to limit lead in children's products but this legislation does not address cadmium and phthalates nor has it passed. Washington does have a statute that regulates the use of lead and cadmium in packaging, but not in products. We are coordinating with a variety of agencies that have a stake in lead regulation (LNI, DOH, DSHS, DFW, CTED, DEL, DOT, and DOC). To date, we are not aware of any other Washington state or federal standards that regulate phthalates in products.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The Governor's Office is forming an advisory committee that will advise Ecology during the rule making. Ecology will draft rule language and then seek review from DOH, the advisory committee, and interested parties. Ecology will post information on its web site. Interested parties can sign up for an email list or visit the rule making web site for updates on the rule and CSPA implementation. We will hold at least two public meetings.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Ecology will send information to interested parties and post information on its web site. Interested parties can sign up for an email list serve or visit the rule making web site for updates on the rule and CSPA implementation. An initial list of interested parties is being developed based on those who testified on the bill or who commented to the governor. All advisory committee meetings will be open to the public and the schedule will be posted on the web site.

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