

(1) The department shall establish purchasing and procurement policies that provide a preference for products and products in packaging that does not contain polychlorinated biphenyls.

(2) No agency may knowingly purchase products or products in packaging containing polychlorinated biphenyls above the practical quantification limit except when it is not cost-effective or technically feasible to do so.

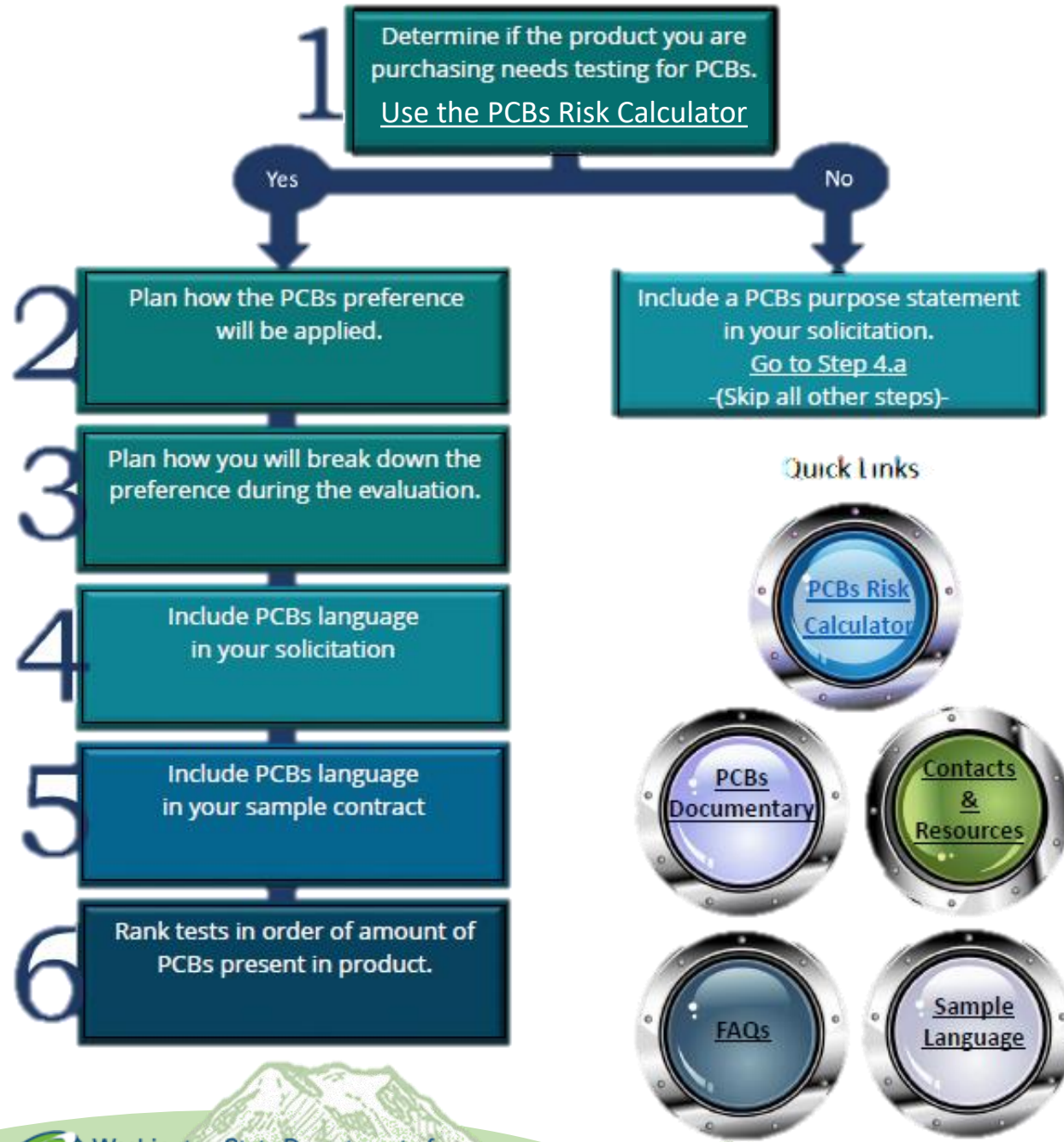
“Almost every product could potentially contain PCBs, so it is impossible to tell Washington State purchasers to never purchase products containing any PCBs.”

“Wait... The goal of this law is to reduce PCBs. Right? So if all of the products I need to purchase contain PCBs, shouldn't I give a preference to the bidder who has the lowest amount of PCBs?”

“What if for a specific purchase we are also instructed to give a priority to small and diverse businesses, but their product has higher PCBs? How do I specify and decide the preferences?”

“What if it is really important to purchase products that are low in PCBs, and the 5% percentage isn't moving the needle for awarding the bid to the lowest PCBs, can I make the preference percentage higher?”

“Wait...What is the practical quantification limit?”



Quick Links



WA-State PCBs & Procurement Links

[PCBs Risk Calculator](#)

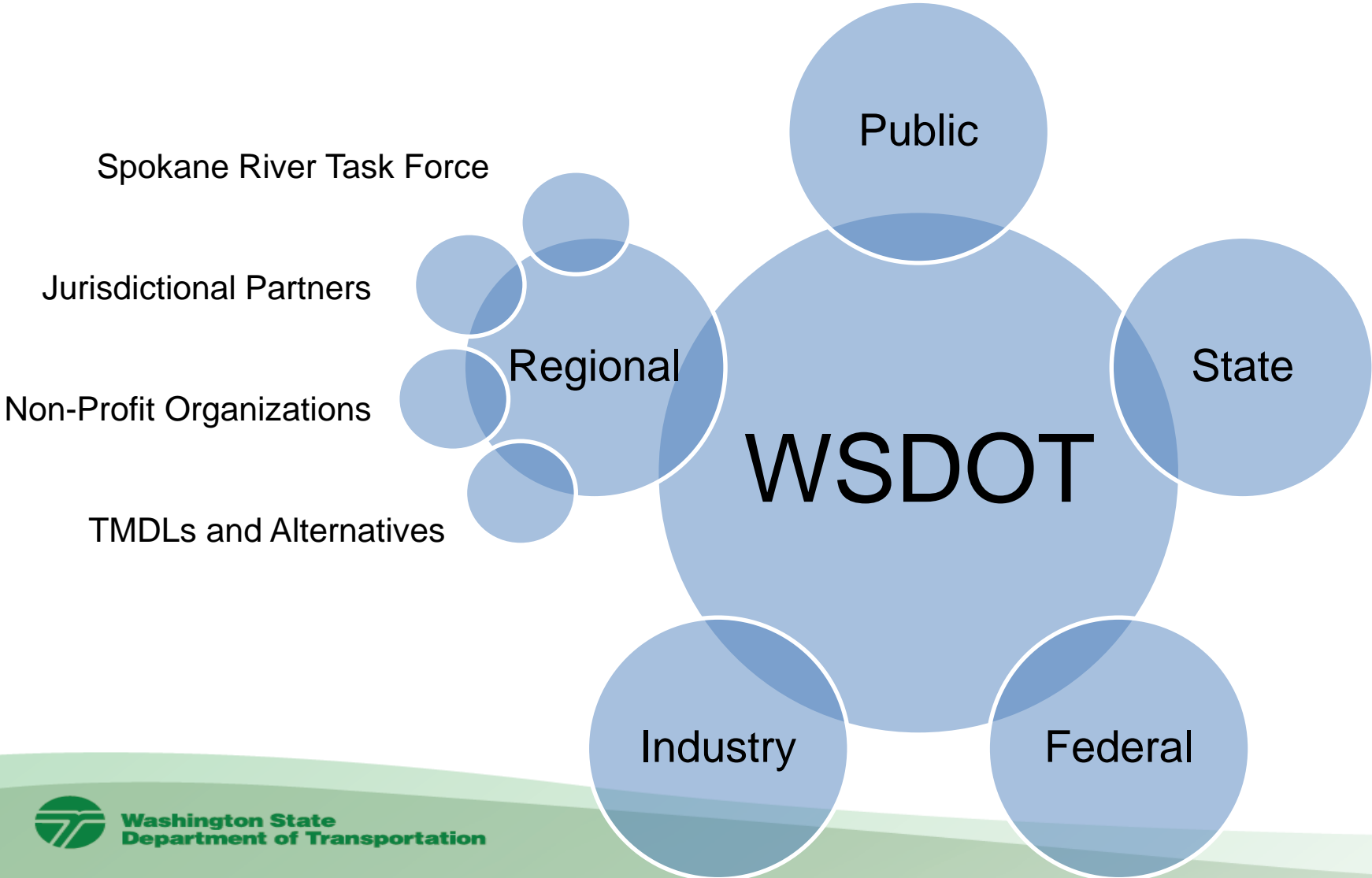
[PCBs Documini](#)

[PCBs Desk Aid](#)

[PCBs & Procurement Web eLearning](#)

Contact me: Sundae Delgado
Sundae.Delgado@des.wa.gov
 360.471.8003

Implementation of WSDOT's Mission is Influenced by many Laws, Rules, Partners and Stakeholders



Interdisciplinary Solutions Challenge

Government Administrative Structure

WSDOT Offices Engaged:

- Eastern Region
- Traffic
- Maintenance
- Materials Laboratory
- Procurement and Materials Management
- Design Policy and Standards
- Environmental Services



Department of Enterprise Services

Department of Ecology

Spokane River Regional Toxic Task Force

Industry

Final Implementation

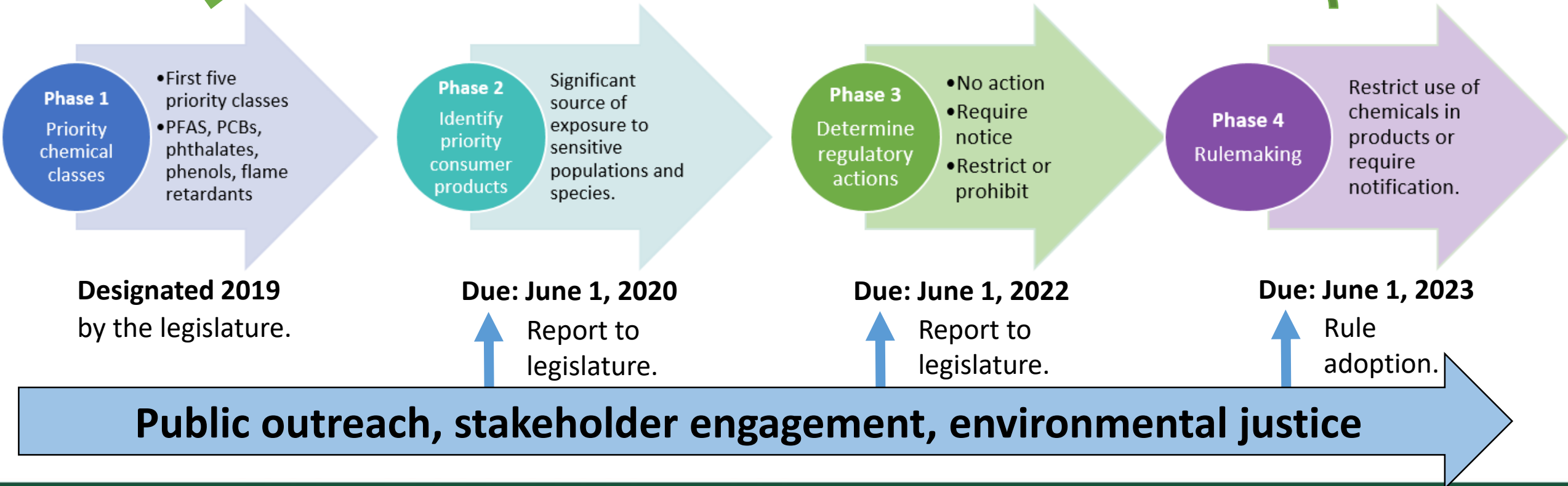
- WSDOT's road paint master contract used by DES as implementation pilot for RCW 39.26.280-290:
 - 5% preference for paint manufacturers that provide testing in accordance with master contract.
 - Prohibition for diarylide pigments and pigment 83.
- WSDOT's Standard Specifications (road paint purchased for construction outside of master contract) were also amended to include the pigment prohibitions.

Key Takeaways

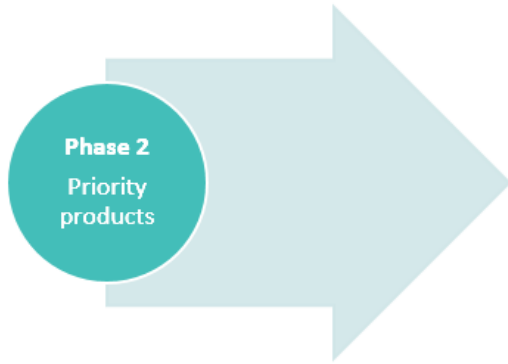
- **Paint performance** measures must be met
- **Industry participation** is vital but feedback can be mixed
- **Supply chain** issues can be a challenge
- As a NPDES Permittee, **source control** efforts are a priority for WSDOT
- While the environmental benefit is unknown – seen as **low hanging fruit**
- The procurement RCW raised **technical and implementation questions**
- **Terminology is important** – e.g., “PCB-Free” is confusing
- **Communication and transfer of knowledge was a challenge:**
 - As this approach becomes more of a norm - how can we be more intentional in future efforts?

Safer Products for Washington

Five Year Cycle



Phase 2 – Identify Priority Consumer Products



Identify products that are significant sources or uses of priority chemicals.

Criteria we will use to evaluate products:

- The estimated volume of the priority chemical in the product.
- The volume of the product sold in Washington State.
- Potential exposure to sensitive populations or species.
- Presence in the environment.
- Another state or nation has taken regulatory action on the priority product-chemical combination.
- Whether safer alternatives are available and feasible.
- Existing consumer product in Washington laws.

Request manufacturers submit information to Ecology about their product.

Phase 2 – Identify Priority Consumer Products

Timeline for stakeholder involvement:

- September 2019 – Products we are researching:
 - PFAS in carpet and aftermarket carpet treatments
 - Phthalates in vinyl flooring and cosmetic fragrances
 - Phenolic compounds in laundry detergent, thermal paper, and food can linings
 - PCBs in printing inks
 - Flame retardants in electronics, foam in furniture and juvenile products, and building insulation.
- Fall 2019 – conversations with interested parties.
- Winter 2020 – we will post our draft priority product rationale for review and public comment.
- Spring 2020 – we will host meetings or webinars to review and discuss the product rationales with interested parties.
- June 2020 – submit our priority product report to the legislature.



Phase 2
Priority
products

**Report to the
legislature
June 2020.**