



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# PCBs/Toxic Substances Control Act: Washington Department of Ecology Petitions U.S. Environmental Protection Agency to Promulgate Rules Addressing Consumer Products

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The Washington Department of Ecology (“WDE”) submitted a January 4th Petition to the United States Environmental Protection Agency (“EPA”) requesting rulemaking related to polychlorinated biphenyls (“PCBs”) in consumer products.

The Petition is submitted pursuant to Section 21 of the Toxic Substances Control Act (“TSCA”).

WDE is requesting that EPA promulgate rules to eliminate what it describes as current allowances for PCBs in consumer products.

The state agency states that some PCB allowances are attributable to regulatory exemptions granted by EPA. Its research is stated to have indicated that when PCBs are found in consumer products:

... they are byproducts known to be associated with pigments, paints, or inks used in the manufacturing process.

Such inadvertent PCBs are alleged to directly expose people and contribute to PCB contamination in the environment.

Therefore, the WDE Petition requests that EPA undertake the following actions:

1. Commence rulemaking to reassess limits on allowable inadvertent PCBs found in consumer products. This specifically includes as detailed in the definition of “excluded manufacturing process” and “recycled PCBs” found in 40 CFR 761.3.
2. Adopt a new rule that identifies use of pigments containing PCBs as a “use” of PCBs.
3. In collaboration with state and tribal governments, establish new, lower limits on allowable inadvertent PCBs in consumer products. We suggest an eventual limit of zero, phased in over a ten-year period, along with identification of applicable test methods.
4. In collaboration with state and tribal governments, establish priority consumer products that will be subject to lower allowable limits of inadvertent PCBs at an earlier date. We suggest these lower limits could initially apply to paints and inks, with an effective date for zero PCBs within

five years. We also suggest pigments should be subject to an earlier effective date for zero PCBs within of seven years.

5. In collaboration with state and tribal governments, reassess limits on all allowable PCBs found in commercial products, as detailed in 40 CFR 761, et seq., and establish a rulemaking schedule for the adoption of revised regulations.

A copy of the Petition can be downloaded [here](#).