

COMMENTS ON WASHINGTON DEPARTMENT OF ECOLOGY'S DRAFT REPORT TO THE LEGISLATURE

PRODUCT DESIGN

"Proposing a regulation on all electronic products is far too broad and goes beyond regulations in any other jurisdiction."

- **Consumer Technology Association**

"Ecology's draft report fails to consider the vastly different product design and performance factors for this wide range of products."

- **North American Flame Retardant Alliance**

"The current scope will include products with performance requirements that cannot be met by currently available alternatives. As an example, our product development team found that the resin replacements offered by our resin supplier failed to meet tensile elongation properties necessary for proper product performance. Use of the alternative, non-halogenated resin would result in product failure."

- **Lutron Electronics**

"In all cases, we have seen less toxic smoke from fire where the halogenated FR protected items were directly compared to their non-FR counterparts."

- **Matt Blais, Ph.D., Fire Science Expert**

"The use of flame retardants in the manufacture of electronics is essential to society, as one of the most important benefits of flame retardants in product design is that they can stop small ignition incidents from becoming larger fire events."

- **Chemical Users Coalition**

TRANSPARENCY

"We would need to rely on the product manufacturers to identify if the chemicals mentioned in the legislation are present as we don't have the time nor expertise to go through every material looking for the prohibited chemicals."

- **Washington Department of Transportation**

"The methodology employed in the report runs counter to accepted science and uses a vastly oversimplified approach to evaluating feasibility and availability of alternatives."

- **Chemical Users Coalition**

"No other regulatory authority has proposed regulations as broad or as out of step with the current state of the science as some of those being considered in Washington."

- **North American Flame Retardant Alliance**

"We do not believe a class-based approach, particularly one with incomplete assessment data, is a good foundation for regulating materials in products."

- **Consumer Technology Association**

"We have deep concerns about DoE's underlying conclusions that OFRs can be grouped as a single class for regulatory purposes."

- **ICL**

NEED FOR CHOICE

The analysis so far performed by DOE (as openly stated by staff) has conflated availability with feasibility. Because something is available does not indicate that it is feasible. Skim milk is available but is in no way a feasible substitute for heavy whipping cream. Both products have much in common, and a world of difference. Likewise with FR chemicals."

- **Tim Cassidy, M.S.**
Product Safety and Compliance Expert

"Manufacturers need options to meet safety and performance requirements."

- **North American Flame Retardant Alliance**

Restricting use of OFRs will significantly raise the cost of raw materials, and in turn significantly raise the cost of the TV sets exported to Washington State. Based on our experience, we will increase the cost by about 50% for alternatives to OFRs."

- **Skyworth**

"We have concerns with treating all HFRs as a single class, restricting HFRs in the enclosures of all electronic devices, and the lack of analysis on how proposed alternatives impact product performance and economics."

- **Consumer Technology Association**

"Halogenated flame retardants are the only realistic flame retardant chemistry solution for certain types of plastics."

- **LANXESS**

INNOVATION

"Polymeric flame retardants have large molecular weights and are certainly not bioavailable and therefore should not pose a hazard. Likewise, reactive flame retardants are ones which have been reacted with other chemicals in the matrix they are treating and similarly should not be bioavailable and not pose a hazard. Failure to make this distinction means that many effective flame retardants will be eliminated needlessly: no net public health benefit is likely."

- **Tom Osimitz, Ph.D., Board Certified Toxicologist**

"We urge Washington State to take a more robust and complete approach for assessing alternatives, which takes into account overall safety, performance, innovation, and sustainability factors."

- **Association of Home Appliance Manufacturers**

"Electronic products (which can include critical components in items used in each of the previously-mentioned commercial sectors) are unique in many respects because they may have a potential ignition source that can be generated by the essential components of the product – circuit boards, transformers, batteries, connectors, and many other such parts."

- **Chemical Users Coalition**

Quotes are from public comments to the Safer Products for Washington – Draft Report to the Legislature on Regulatory Determinations, dated January 27 and 28, 2022. (<https://hwtr.ecology.commentinput.com/comment/extra?id=HWQc5>)