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Via Online Portal

Cheryl Niemi  
Hazardous Waste and Toxics Reduction Program  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7696

Re: Priority Consumer Products Draft Report to the Legislature

Ms. Niemi:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I am submitting comments on the Washington Department of Ecology's "Priority Consumer Products Draft Report to the Legislature" (Publication 20-04-004).

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In the U.S., AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The factory shipment value of these products is more than \$30 billion annually. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM is also a standards development organization, accredited by the American National Standards Institute (ANSI). The Association authors numerous appliance performance testing standards used by manufacturers, consumer organizations and governmental bodies to rate and compare appliances. With respect to safety standards, we work closely with Underwriters Laboratory (UL), CSA, and other safety standards developers around the world. AHAM's consumer safety education program has educated millions of consumers on ways to properly and safely use appliances such as cooking products, portable heaters, and clothes dryers.

The section of the draft report titled “Electric and Electronic Equipment” cites vacuum cleaners and coffee makers as appliances whose device casings may contain priority organohalogen flame retardants and non-halogenated flame retardants identified under Chapter 70.240 RCW.

First, AHAM appreciates the specificity with which the report describes the term, “device casing.” The appliance industry supports excluding inaccessible electronic components that are entirely enclosed within another material and not capable of coming out of the product or being accessed during any reasonably foreseeable use or abuse of the product.

Appliance manufacturers produce hundreds of millions of products each year. They design and build products at the highest levels of quality and safety. As such, they have demonstrated their commitment to strong internal safety design, monitoring, and evaluation/failure analysis systems. AHAM supports the Department of Ecology’s effort to protect consumers against all unreasonable risks, including those associated with the exposure to potentially harmful chemicals. AHAM also firmly supports the appropriate use of flame retardant chemicals in electronic and electrical devices. Together with industry design practices, test requirements, and redundant safety mechanisms, flame retardant chemicals play an important role in the safety of household appliances.

As the draft report notes, the use of flame retardants in electronic devices is necessary in some cases to meet the consensus safety standards, such as UL 94, upon which the appliance industry relies. It may not be possible to replace these necessary flame retardants. For example, in at least one instance, an AHAM member conducted an alternatives assessment to replace an OFR in its products, and, after an extensive effort, determined to replace the compound in question with another OFR.

We also recommend that if flame retardants are regulated for the products in question, the regulations should distinguish between additive and reactive formulations because of the differences in potential human exposure and environmental impact. Reactive flame retardants present a lower risk.

AHAM also cautions against the broad grouping of OFRs. The Environmental Protection Agency is doing a more targeted assessment of flame retardants while bodies like the European Chemicals Agency, or ECHA, is undertaking similar action. CPSC is also engaged in a process that more narrowly classifies OFRs, and AHAM urges Washington State to take a similar approach while avoiding any duplicative effort. DBE’s and PBDE’s have already been restricted, AHAM member companies fully support these restrictions as the studies and evidence of harm are clear.

Until the efforts mentioned above come to fruition with actionable outcomes, we respectfully request that electronic device casings be removed and/or exempt from further consideration from an OFR restriction at this time. Washington State must acknowledge the difference between electronic devices and the other proposed categories of products as it proceeds with developing

regulations. The use of flame retardant chemicals in children's products, stuffed furniture, and mattresses and mattress covers are to prevent those items from becoming fuel for a fire cause by some external source. The purpose of flame retardant chemicals in electronics is to prevent those electronics from becoming the source of a fire. All electrical devices inherently have some risk of starting a fire. AHAM's members work tirelessly to reduce these risks for home appliances. Nevertheless, the risk of fire inherent in all electrical components is a primary reason that electronics are contained in fire resistant enclosures. The protection from fire risks provided by electronic device enclosures is meaningfully different from preventing household goods from becoming additional fuel for a fire started by some other means. The Department should take these fire protection and safety considerations into account.

Thank you for considering our views and please contact me at [sgopal@aham.org](mailto:sgopal@aham.org) or 202-872-5955 x 306 if you would like to discuss the matter in more detail.

Respectfully submitted,

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