

March 2, 2020

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

Re: CTA Comments on Safer Products for Washington - Draft Report on Priority Consumer Products

Dear Washington State Department of Ecology:

On behalf of the Consumer Technology Association (CTA), thank you for the opportunity to provide these comments on the Draft Report on Priority Consumer Products under the Safer Products for Washington program.

CTA is the trade association representing the U.S. consumer technology industry. Eighty percent of CTA's more than 2,200 companies are small businesses and startups; others are among the world's best-known manufacturing and retail brands. Our member companies have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design. As a national trade covering the technology industry, our comments are limited to the priority products of "electric and electronic equipment (device casings)" and "printing inks".

Electric and Electronic Equipment (Device Casings)

CTA's members include companies that make products listed on Page 10 of the draft report under the category of Electric and Electronic Equipment. However, CTA's members would greatly benefit from clarity on exactly the types of equipment that will be included in scope. Categories such as "audio and video equipment" are broad and may or may not include a multitude of different device types. Additionally, while it is clear that the term "device casing" doesn't include "an inaccessible electronic component", our members would appreciate clarity that "device casings" refers to "external device casings" only.

While CTA understands that Ecology is limited by the definitions found in the law under Chapters 70.240 and 70.365 RCW, CTA would like to note that assessing organohalogen flame retardants (OFRs) as a class of chemicals is problematic. An ad hoc committee of the National Academies of Sciences, Engineering, and Medicine (NASEM) that was convened at the request of the Consumer Product Safety Commission (CPSC) found that assessing OFRs as a single-class of chemicals was "not entirely workable for conducting a hazard or risk assessment" while recommending taking a subclass approach.¹ We caution Ecology against an examination of OFRs as a class under the Safer Products for Washington program.

¹ National Academies of Sciences, Engineering, and Medicine. 2019. A Class Approach to Hazard Assessment of Organohalogen Flame Retardants. Washington, DC: The National Academies Press.
<https://doi.org/10.17226/25412>.

Additionally, the term “flame retardants” is used broadly in the draft report and CTA is concerned this term is too vague. Referencing the chemicals explicitly identified for examination under the Safer Products for Washington program is important to avoid confusion on exactly which flame retardants are being examined by Ecology. For example, Ecology appears to have relied on research of flame retardants not of focus within the draft report. Given the significant variations in chemical properties and risks of flame retardants and their different usage/application, CTA is concerned that broad reference to “flame retardants” and studies of flame retardants not of focus for the Safer Products for Washington program could be misinterpreted by readers of the report.

Regarding specific chemicals, CTA does not feel that Ecology has demonstrated evidence that exposure to non-halogenated flame retardants [Triphenyl phosphate (TPP), Tri-n-butyl phosphate (TNBP), Ethylhexyl diphenyl phosphate (EHDPP), Tricresyl phosphate (TCP), and Isopropylated triphenyl phosphate (IPTPP)] from the device casings of electric and electronic equipment pose a risk to consumers in the draft report. Moreover, these chemicals have not been restricted in electric and electronic equipment, including device casings, elsewhere in the world.

Lastly, CTA encourages Ecology during Phase 3 to connect with industry on an exploration of all viable options for meeting flammability standards such as UL94. Ecology’s evaluation should come with a thorough examination of whether or not available alternatives are physically and economically feasible for use in various categories of electronic products. Often, alternatives are not simply one-for-one replacements as a reader may be led to believe from the “Availability of safer alternatives” section. For example, metal casings can present significant challenges and safety hazards for consumers including not providing adequate arc protection or thermal protection. Historically, “removing the electronic source from the casings” did not eliminate the use of flame retardants but rather just moved those flame retardants elsewhere within the product. The use of flame retardants is something industry is concerned about in the larger discussion and balance of fire safety of products.

Companies understand that chemical technology needs to be applied carefully but they also need to use the best available technology to meet fire safety standards. The consumer technology industry has a legitimate concern in protecting consumers health and well-being given the real hazards that exist from internal energy sources found within electronic products. Choices impact product safety, product performance and consumer utility. CTA looks forward to working closely with Ecology in Phase 3 to discuss viable, safer alternatives currently available to industry.

Printing Inks

CTA’s member companies appreciate the clarification provided by Ecology during the February 19, 2020 webinars that the category of “inks and pigments” is limited to the actual printing ink and pigment and does not include products or packaging printed with printing ink and pigment.

CTA encourages Ecology to connect directly with pigment manufacturers as it determines the availability of safer alternatives during Phase 3 since printing ink manufacturers are merely downstream users of the pigments.

General

As Ecology moves into Phase 3, CTA encourages Ecology to identify the priority chemicals using CAS numbers to assist companies in managing chemicals within their global supply chains. Referring by chemical names is insufficient as many times there are multiple names of the same chemical or it refers to a generic name. The CAS number allows for traceability through the supply chain. Without traceability, restriction is ineffective.

CTA would also like to request additional clarification on the following:

- How will Ecology address unintentional additions, impurities, byproducts, and/or trace amounts of priority chemicals within priority products?
- Does Ecology anticipate establishing threshold levels of priority chemicals within priority products?

CTA appreciates the opportunity to provide comments on the Draft Report on Priority Consumer Products under the Safer Products for Washington program. CTA welcomes further discussion with Ecology including during Implementation Phase 3. Please do not hesitate to contact me with questions or requests for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Reilly", written in a cursive style.

Katie Reilly
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