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VIA EMAIL TO: SaferProductsWA@ecy.wa.gov

Hazardous Waste and Toxics Reduction Program
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**Lutron Comments on Draft Regulatory Determinations Report to the Legislature:
Safer Products for Washington – Implementation Phase 3 (November 2021,
Publication 21-04-047)**

Lutron was founded in 1961 and is headquartered in Coopersburg, Pennsylvania. From dimmers for the home, to lighting management systems for entire buildings, the company offers more than 17,000 energy-saving products, sold in more than 100 countries around the world. In the U.S. alone, Lutron products save an estimated 10 billion kWh of electricity, or approximately \$1 billion in utility costs per year. The company's early inventions - including the first solid-state dimmer invented by Lutron's founder Joel Spira - are now at the Smithsonian's National Museum of American History in Washington, DC.

We are writing to provide feedback on the draft regulatory determinations proposed under the Safer Products for Washington related to the regulation of electronics and electrical equipment. We recognize the considerable effort that the Department of Ecology (hereafter "Ecology") in the state of Washington has expended to conduct alternatives assessments for the chemical regulations proposed in its Draft Regulatory Determinations Report to the Legislature. Furthermore, we appreciate Ecology's willingness to engage with stakeholders regarding their conclusions. As such, we are writing to encourage Ecology to strongly consider the following as it finalizes its recommendations.

- a. Product performance and safety requirements vary widely for electric and electronic device casings.
- b. Many products are installed in a building shortly after purchase and are therefore inaccessible to consumers for most of the product lifetime.
- c. Product manufacturers, particularly small and medium size businesses, are dependent on resin manufacturers to produce resins with alternative flame retardants that also meet performance criteria.
- d. More clearly and narrowly defining product scope will help manufacturers ensure compliance and support enforcement activities.

The current scope of the regulation would ban all halogenated flame retardants (HFRs) in all device casings of electronic and electrical equipment sold into the state of Washington. The non-exhaustive list of examples included in the text (e.g. external housing material of personal computers, laptops, monitors, televisions, mobile phones, kitchen appliances, washing machines, irons, and hair dryers) likely represent a significant source of HFRs as required to restrict the priority chemical. However, these examples do not accurately represent the variety of enclosures that fall under the broad scope definition. Most of the

examples represent short-lifetime consumer goods with which the average consumer is in frequent contact. However, the broad scope would also include long-lifetime electronics installed in buildings for which the external enclosure (external at point of sale) would not be exposed to the consumer once installed.

The Revised Code of Washington (RCW) 70A.350 requires safer alternatives to be "feasible and available" prior to restriction of the priority chemical. Ecology has clearly identified safer alternatives that are feasible and available for some applications. However, 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. We would be glad to provide more details on a business confidential basis.

Unfortunately, only the largest product manufacturers hold enough influence on upstream suppliers to force the creation of new resins. Most manufacturers are reliant on their resin suppliers to have appropriate options in-stock. As discussed above, an appropriate resin is not yet available for our application. It will take years for resin manufacturers to develop appropriate stock replacements. Once an appropriate resin is developed, prototyping and mold creation requires 3 years. Subsequent safety and quality testing followed by certification requires a minimum of two years. Considering that multiple product casings will need to be redesigned we request that Ecology provide a seven-year compliance timeline. This timeline is necessary for products that cannot meet performance criteria using available "alternative" resins that do not contain halogenated flame retardants.

During the rule-make process we encourage Ecology to consider:

- a. Exempting product enclosures that will be installed in a building.
- b. More clearly and narrowly defining the scope of devices covered.
- c. Providing a seven-year compliance timeline for in-scope casings for which currently available alternative resins do not meet performance criteria.

We would be happy to provide additional details regarding the specific applications cited in this document. We look forward to working with you further on this important project. Please contact Roxy Swails at (484) 274-9039 or email rswails@lutron.com if you have questions or would like more information on these comments. Thanks again for your consideration.

Sincerely,



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