Association of Home Appliance Manufacturers

See attachment for comments.

ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

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By E-mail

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

cheryl.niemi@ecy.wa.gov

Re: Safer Products for Washington- Draft Regulatory Determinations Report to the Legislature

Dear Ms. Niemi:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to raise the following points concerning the proposed recommendations for products with flame retardants under Safer Products for Washington.

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.

First, it appears that the proposed determinations follow a petition under consideration before the Consumer Product Safety Commission (CPSC). The State of Washington should be aware of concerns that AHAM raised when CPSC first considered the petition, which requested a rulemaking on products containing Organic Flame Retardants (OFRs).[1] The petitioners asked the Commission to initiate a rulemaking to declare several ambiguously defined categories of consumer products to be "banned hazardous substances." Although the Petition raised important issues relating to chemical safety, the petitioners' approach was overbroad and more burdensome than necessary to accomplish its stated goals. In light of these concerns, AHAM respectfully opposed the petition in comments submitted in January 2016 and September 2018. AHAM is willing to share those comments with the relevant Washington state agencies upon request.

AHAM's members 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 petitioners' intent 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. In fact, the use of OFRs in electronic devices is necessary in some cases to meet the voluntary consensus standards in whose development CPSC participated and upon which the appliance industry relies. Examples include safety standards for clothes dryers (UL 2158) and household electric ranges (UL 858). 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 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.

The broad grouping of OFRs is also inappropriate as it ignores other government agencies' chemical-specific work on 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 to allow these agencies to complete their work before acting.

AHAM also has concerns specific to the inclusion of electronics in the petition, and in the recommendations addressed here. First, it is unclear how home appliances would be included in the broad categories of "electronic devices" or "electronic device casings." AHAM opposes the

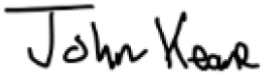
[1] Petition HP 15-1 Requesting a Rulemaking on Products Containing Additive Organohalogen Flame Retardants, Docket No. CPSC–2015–0022

inclusion of home appliances, which are not traditionally viewed as "electronic devices." If Washington continues to investigate the use of OFRs in the outer casings of electronic devices, the Department of Ecology should first clarify the scope of the work so that the proper parties can participate and the agency can appropriately allocate its limited resources. For example, a casing could be a component that surrounds a piece of circuitry within a device. On the other hand, as no clear definition exists, the term could also mean an entire refrigerator because that is an appliance that houses electronic components. It could also potentially incorporate parts that consumers buy commercially including spare parts. It is because of the potential breadth and the ambiguity of the phrases "electronic devices" and "electronic device casings" that AHAM believes its products may be improperly implicated. Thus, the Department should clarify its intent and scoping process before moving forward with any rulemaking.

In addition to a vague and potentially overly broad definition of electronic devices, it is important to acknowledge the difference between electronic devices and the other proposed categories of products. The use of flame retardant chemicals in children's products, stuffed furniture, and mattresses and mattresses 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 must consider this type of fire protection and safety considerations.

Thank you for considering our views and please contact me at jkeane@aham.org or 202-872-5955 if you would like to discuss in more detail.

Respectfully submitted,



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