

# Washington Retail Association

See attachment for comments.

Hazardous Waste and Toxics Reduction Program  
Washington State Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

Submitted via email at: [SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov).

**RE: Draft Regulatory Determinations Report to the Legislature: Safer Products for Washington - Implementation Phase 3 (November 2021, Publication 21-04-047)**

I am 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.

Washington Retail is concerned about the scope of the chemistries and the breadth of the product categories proposed for regulation.

Our members sell thousands of electronics and electrical equipment. This will significantly limit the types and numbers of products we can offer our customers. It will also be administratively challenging to track and comply with.

As the Department of Ecology finalizes its recommendations, we strongly urge the State to consider the following:

- a.** Electric and electronic device casings are generally not a significant source of exposure to chemicals.
  
- b.** The chemistries proposed for regulation cover a diverse range of substances. We would encourage Ecology to recognize the distinction within the broad class of organohalogen flame retardants and focus its efforts on relevant subcategories or subclasses that may meet the criteria of the Safer Products for Washington law. Any recommendations for chemical regulation should also consider the

global regulatory framework for chemicals, electronic products, and product safety certification.

**c.** The product category of electronic casings is extremely broad. We would encourage Washington State to focus its recommendations on a narrower scope of final goods that clearly meet the criteria of the Safer Products for Washington law.

**d.** The current recommendations have the potential to undermine overall product safety and performance. 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. Failure to do so may lead to regrettable substitution in selecting alternatives.

**e.** Much of the report relies on marketing literature or non-authoritative sources that may not be appropriate and may not be the best source of information for assessing the true feasibility of equivalency of potential alternatives. This is especially relevant given the breadth of chemistries and product categories proposed for regulation.

Any recommendations need to accurately and fully assess the important socio-economic considerations required under the Safer Products for Washington law.

We would be happy to provide additional information and details specific to these issues and our business and products.

Sincerely,

Mark Johnson

Senior VP of Policy and Government Relations