

August 31, 2022

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

Re: Japan 4EE Comments on preliminary draft rule language for Safer Products for Washington

JEITA (Japan Electronics & Information Technology Industries Association)  
 CIAJ (Communications and Information Network Association of Japan)  
 JBMIA (Japan Business Machine and Information System Industries Association)  
 JEMA (The Japan Electrical Manufacturers' Association)

The Japanese electric and electronic industrial associations - JEITA, CIAJ, JBMIA and JEMA (hereinafter, Japan 4EE) hereby express gratitude to Washington Department of Ecology (hereinafter, Ecology) for the opportunity to provide comments on preliminary draft rule language for Safer Products for Washington.

1. In the beginning, Japan 4EE strongly requests following as stated in the comment submitted on August 5, which is attached separately.

- 1) Limit HFRs to substances that have been identified as toxic in other countries and are regulated, or to substances with a hazard class that may affect humans
- 2) Limit EEE external plastic device casings to consumer electronic displays and stands with screen sizes of 10 inches or greater
- 3) Set an appropriate threshold (e.g., 0.1%)
- 4) Set an appropriate grace period (4 years or more)
- 5) Establish an enforcement date based on the manufacturing date
- 6) Establish exclusions for spare parts, repaired or refurbished parts, and R & D applications.

2. We would like to respond to the questions from Ecology on the preliminary draft as follows:

Difference between final report in June and preliminary draft on August	Question from Ecology	Japan 4EE's response
Clarified applicability for the electronics product category by adding "powered by 120 volt outlets and designed for up to 20 amp circuit or powered by battery."	Is it more accurate or more useful for industry to use "volts" or should this applicability description use "watts?"	<p>There is not much difference between volt and watt designations.</p> <p>Covered products should be limited to consumer electronic TV displays and stands 10 inches or larger, consistent with the EU Amended Ecodesign Regulations and New York State Law (Section 4630 B/A 5418 B).</p> <p>Also, following products, which are excluded under the revised EU Amended Ecodesign Regulations and New York State Law (Section 4630 B/A 5418 B), should be excluded as well.</p> <ul style="list-style-type: none"> <li>- Screen area of 100 cm<sup>2</sup> or less or 15.5 inch<sup>2</sup> or less.</li> <li>- Projector</li> <li>- Virtual Reality headset</li> <li>- All-in-one video conferencing system</li> <li>- Displays that are incorporated into appliances and are not sold separately to end users</li> </ul> <p>See Japan 4EE's comments 2) Limit EEE external plastic device casings to consumer electronic displays and stands with screen sizes of 10 inches or greater.</p>
Excluded plastic external enclosure parts that weigh less than 0.5 grams to align with standards such as TCO and EPEAT.	Do you think excluding parts that weigh less than 0.5 grams will help manufacturers comply?	<p>It doesn't help. The weight 0.5 g is not correct, and it is absurd to bring the strictest voluntary EPEAT standard to legislation that is enforced on all subjects in the first place. A minimum of 25 grams, which is exempt from Blue Angel's fire retardant regulations (MUST standards), must be excluded to help compliance.</p> <p>At the very least, a similar exclusion is required for Blue Angel, Germany, which has a proven record as an eco-label * 1. (At a minimum, exclusion under EPEAT's Required standard * 2 is required)</p>
Expanded the exclusion of specific hardwired products to all hardwired products.	What do you think about these changes?	<p>We're in favor of expansion outside the scope.</p> <p>In addition, we would like you to add spare parts, repaired or refurbished parts, and R &amp; D products as non-applicable products.</p> <p>See Japan 4EE's comments: 6) Establish exclusions for spare parts, repaired or refurbished parts, and R &amp; D applications.</p>
Changed "product that contains organo-halogen flame retardants" to "product that contains intentionally added organohalogen flame retardants."	<p>Do you think changing "product that contains" to "product that contains intentionally added" addressed concerns about low-level contamination?</p> <p>Do you think this change causes other concerns? If yes, what are they?</p>	<p>Limiting to "intentional addition" is preferable because organohalogen flame retardants contained in recycled materials used are excluded. However, we are concerned that how you identify "products in which halogen flame retardants are not intentionally added"? Will you require self-declaration?</p> <p>Elemental analysis can not prove the intentional addition of organohalogen flame retardants, which is required by the law, and can not distinguish between unintentional additions (Derived from recycled materials, impurities, etc.) and those derived from non-flame retardants (Polymers, halogen additives other than flame retardants, etc.).</p> <p>In addition, it is expected that more than 1000 ppm of halogen will be frequently detected in elemental analysis, and in this case, it is a heavy burden on the manufacturer to ask for rebuttal every time.</p> <p>Therefore, elemental analysis is considered inappropriate as an analytical method.</p>

<p>Added a limit of 1,500 ppm for combined organohalogen flame retardants to match the UL 746H standard.</p>	<p>Will a limit for individual and a limit for combined help manufacturers comply?</p>	<p>(i) If the total flame retardant is controlled at 1500 ppm, we don't think it makes much sense for management to set a threshold of 1000 ppm for each individual substance.</p> <p>(ii) Also, we have following concerns, so we would like to request to improve them. -Depending on how the threshold is used, if the threshold is used to control impurities for "products that do not intentionally contain halogenated flame retardants," which should not be covered, then it is likely that recycled plastics will become unusable.</p> <p>-The treatment of halogens not derived from flame retardants is not considered.</p> <p>-Opposed to determining the content of halogen flame retardants by elemental measurements ((c) (ii)). It is impossible to determine from the element whether it is derived from regulated flame retardants.</p> <p>(iii) From the perspective of promoting the circular economy, we would like to see standards for recycled materials excluded.</p> <p>Proposal: Following decaBDE rule*3 in TSCA PBT rule, we would like to request to exclude recycled materials from prohibition. Organohalogen flame retardants-containing products or articles made from recycled plastic where no new organohalogen flame retardants are added during recycling or production processes are not applied to this rule.</p>
<p>- The revised limits are 1,000 ppm for individual organohalogen flame retardants and 1,500 ppm for combined organohalogen flame retardants.</p>	<p>Do you think this will hinder the use of post-consumer recycled materials?</p>	
<p>For plastic external enclosures of electric and electronic products intended for indoor use, included three compliance schedules:</p> <p>- Jan. 1, 2025 for TVs and electronic displays</p> <p>- Jan. 1, 2026 for large businesses, not TVs or displays</p> <p>- Jan. 1, 2027 for small businesses, not TVs or displays</p>	<p>- Do you think adding three groups for electronics addressed concerns around compliance schedules?</p> <p>- Do you think these are the appropriate groups(TVs + displays, large business, small business)to use?</p> <p>- How should Ecology define "large business"and "small business"?</p> <p>- What do you think about these changes?</p>	<p>(i) As mentioned above, limit the scope to consumer displays 10 inches or larger We request to limit EEE external plastic device casings to consumer electronic displays and stands with screen sizes of 10 inches or greater as mentioned above.</p> <p>See Japan 4EE's comments 2) Limit EEE external plastic device casings to consumer electronic displays and stands with screen sizes of 10 inches or greater.</p> <p>(ii) We would like to request a grace period of at least four years</p> <p>See Japan 4EE's comments: 4) Set an appropriate grace period (4 years or more)</p> <p>(iii) We would like to request setting an application date from the manufacturing date</p> <p>See Japan 4EE's comments: 5) Establish an enforcement date based on the manufacturing date</p>
<p>Manufacturers may rebut this presumption by submitting a statement to Ecology that includes the following information.</p> <p>(A) The name and address of the person submitting the statement.</p> <p>(B) A statement that the consumer product described in (a) of this subsection does not contain more than 1,000 ppm of any intentionally added organohalogen flame retardant, and evidence supporting that statement. Include information, data, and sources relevant to demonstrate the organohalogens are from a source other than flame retardants.</p>		<p>As stated above, elemental analysis can not prove the intentional addition of organohalogen flame retardants, which is required by the law, and can not distinguish between unintentional additions (Derived from recycled materials, impurities, etc.) and those derived from blame-retardants (Polymers, halogen additives, etc.).</p> <p>In addition, it is expected that more than 1000 ppm of halogen will be frequently detected in elemental analysis, and in this case, it is a heavy burden on the manufacturer to ask for rebuttal every time.</p>

\*1 Exclusion under Blue Angel (DE-UZ 219):

3.2.1 Hazardous substances in casings and casing parts: Material requirements for plastics  
Halogenated polymers and halogenated organic compounds added as flame retardants are not permitted.

The following shall be exempt from this rule:

- fluoroorganic additives (e.g. anti-dripping agents) used to improve the physical properties of plastics, provided that they do not exceed a proportion of 0.5 percent by mass;
- fluorinated plastics such as e.g. PTFE;
- plastic parts with a mass of less than or equal to 25 g. However, they must not contain PBBs (polybrominated biphenyls), PBDEs (polybrominated diphenyl ethers) or chlorinated paraf-fins. (this exemption does not apply to control panel keys.)
- 28/47 DE-UZ 219 Edition January 2021
- Special plastic parts located close to heating and fuser elements. However, they must not contain PBBs, PBDEs or chlorinated paraffins.
- Large-sized plastic parts that are verifiably reused and are marked according to 3.1.1.2, Table 2, no. 9. However, they must not contain PBBs, PBDEs or chlorinated paraffins.

\*2 Current EPEAT standards (IEEE 1680.2 TM -2012)

Product criterion: External plastic casings greater than 25 g shall contain no more than 0.1% weight (1000 ppm) bromine and 0.1% weight. (1000 ppm) chlorine attributable to brominated flame retardants (BFRs), chlorinated flame retardants (CFRs) with the following exceptions:

- Parts containing 25% or more postconsumer recycled content are permitted up to 0.3% weight (3000 ppm) bromine and 0.3% weight (3000 ppm) chlorine.
- Uses of brominated or chlorinated substances that are not classified as BFR or CFRs are allowed, but their use shall be documented if the bromine or chlorine content exceeds the applicable threshold.
- External plastic casings for external power supplies.

\*3 Exclusion in decaBDE rule under TSCA PBT rule (§ 751.405)

(b) Exclusions to the Prohibition. Processing and distribution in commerce for recycling of decaBDE-containing plastic from products or articles and decaBDE-containing products or articles made from such recycled plastic, where no new decaBDE is added during the recycling or production processes is not subject to the prohibition in paragraph (a) of this section.

*Tsukasa Kimura*

Sincerely yours,

Tsukasa Kimura

Senior Manager for Environmental

Business Development Department, Business Strategy Division

Japan Electronics and Information Technology Industries Association (JEITA)

Ote Center Bldg.,1-1-3, Otemachi, Chiyoda-ku, Tokyo 100-0004, Japan

TEL +81-70-3297-8700

t-kimura@jeita.or.jp

About Japanese electric and electronic (E&E) industrial associations:

#### About JEITA

The objective of the Japan Electronics and Information Technology Industries Association (JEITA) is to promote the healthy manufacturing, international trade and consumption of electronics products and components in order to contribute to the overall development of the electronics and information technology (IT) industries, and thereby further Japan's economic development and cultural prosperity.

#### About CIAJ

Mission of Communications and Information network Association of Japan (CIAJ). With the cooperation of member companies, CIAJ is committed to the healthy development of info-communication network industries through the promotion of info-communication technologies (ICT), and contributes to the realization of more enriched lives in Japan as well as the global community by supporting widespread and advanced uses of information in socio-economic and cultural activities.

#### About JBMIA

Japan Business Machine and Information System Industries Association (JBMIA) is the industry organization which aims to contribute the development of the Japanese economy and the improvement of the office environment through the comprehensive development of the Japanese business machine and information system industries and rationalization thereof.

#### About JEMA

The Japan Electrical Manufacturers' Association (JEMA) consists of major Japanese companies in the electrical industry including: power & industrial systems, home appliances and related industries. The products handled by JEMA cover a wide spectrum; from boilers and turbines for power generation to home electrical appliances. Membership of 291 companies, <http://www.jema-net.or.jp/English/>