



August 31, 2022

Marissa Smith
Washington Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Re: Safer Products for Washington Regulatory Program

Ms. Smith,

Thank you for the opportunity to provide comments on the Washington Department of Ecology's Safer Products for Washington Regulatory Program and the proposed regulations for Organohalogen Flame Retardants (HFR).

Whirlpool Corporation ("Whirlpool") is committed to being the best global kitchen and laundry company, in constant pursuit of improving life at home. In an increasingly digital world, the company is driving purposeful innovation to meet the evolving needs of consumers through its iconic brand portfolio, including Whirlpool, KitchenAid, Maytag, Consul, Brastemp, Amana, Bauknecht, JennAir, Indesit and Yummly. The company is headquartered in Benton Harbor, Michigan, with approximately 25,000 U.S. employees, including approximately 15,000 manufacturing employees in Ohio, Iowa, Tennessee, Oklahoma and Massachusetts.

As a member of the Association of Home Appliance Manufacturers (AHAM), Whirlpool wants to echo the concerns and recommendations put forth in their comments. Whirlpool looks forward to working with the Department on implementing the new requirements when finalized, but emphasizes that further clarification to the regulatory framework is required prior to implementation. The company appreciates the Department's willingness to listen to stakeholder input and work with manufacturers to ensure these regulations are targeted to addressing specific safety concerns. Below are additional concerns Whirlpool identifies in the regulation as currently drafted.

1. Criteria for Scope Definition

The proposal requires clarification of the criteria to define the parts in scope. It would be useful to have a clear and robust rationale to identify which parts should be in scope. This could be accomplished through either compiling a comprehensive list of all parts subject to the regulation or by defining the scope based on items or components with shared characteristics (i.e. frequency of touch or consumer exposure).

2. Extended Timeline Requirement

When a regulation requires Whirlpool to change an integral part of a product, the amount of time and money it takes to retool appliances for mass production is

Whirlpool Corporation
Government Relations
650 Massachusetts Avenue Northwest
Suite 600
Washington, DC 20001

significant. This FR regulation would require design resources (people and time) for exploration and implementation of material alternatives and may require Whirlpool to create new injection molding tools if the new material properties are different. After a molding is complete, there is still extensive testing required to ensure performance does not suffer, as well as a recertification process on the safety of the product. In all, Whirlpool estimates that the timeline for changing the FR material would take between three and five years to be fully incorporated into products. Any implementation date should reflect the significant time and financial resources required to change key components of our products.

3. Missing Technical Alternatives

Whirlpool is active in the sustainability space with several initiatives, including migration towards more environmentally-friendly materials and chemicals. The company has been actively addressing the identification of alternative flame retardant plastic solutions for the enclosures of our products in North America. Whirlpool also has a publicly stated commitment to achieving the most rigorous safety standards for our products, which includes producing appliances that meet the UL safety requirements for flammability standards.

Over the last five years of continuous development activity involving our entire supply base across multiple regions, Whirlpool has not identified any halogen-free flame retardant alternatives that meet the specifications required in terms of flame rating, IEC standards, mechanical properties (impact resistance, durability, etc.) and aesthetics. Currently all materials that meet the UL requirements for flammability for our exterior product enclosures, which would be in scope of the regulation, are based or contain halogenated flame retardants. One of the reasons for this is the effect of humidity in our products, which decreases FR properties of halogen-free flame retardants, especially if they are phosphorus-based, resulting in the lack of halogen-free solutions matching specifications. Another key finding is the poor mechanical properties and aesthetic appearances achieved with the majority of the halogen-free FRs in commerce. Parts break very easily and show significant surface defects such as shadows, blushes, and areas of low gloss. Without a proven halogen-free flame retardant resin solution on the market, it is not currently possible to meet UL's safety standards and those set forth in the Department's proposed regulation.

4. PVC

Polyvinyl Chloride (PVC) is commonly considered a concern for health and the environment if it's not properly disposed of at the end of life. In this instance, there is a release of chlorinated substances which are harmful to humans and the environment. PVC has not shown health concerns tied to its intended use in consumer products.

The end of life collection of appliances and recycling/handling of materials are normally managed via robust recollection schemes in all US states. Since appliances are disposed of properly, and considering the safety advantages and low toxicity concerns of PVC for such applications, there should be a discussion on removing it from the scope of the regulation. Particularly as PVC is often used in other applications, like windows and flooring, that present a much higher consumer exposure to surfaces and an increased probability of creating dust that the regulation intends to limit.

* * *

Whirlpool appreciates the opportunity to provide comments on the proposal and highlight the need for further clarification. Please do not hesitate to contact me at ross_i_olchyk@whirlpool.com or 202-860-7371 if you have any questions or need additional information.

Sincerely,
Ross Olchyk
Manager, Government Relations