

The International Bromine Council, BSEF.

BSEF, the International Bromine Council, the global representative body for bromine producers and producers of bromine technologies, is deeply concerned by the Washington State Draft Rule targeting organohalogen flame retardants (OFRs) in electrical and electronic equipment (EEE).

BSEF views the Draft Rule as unprecedentedly broad in scope, lacking a sound scientific base and critical technical considerations. The proposal is not supported by a comprehensive impact assessment and is inconsistent with other States' and third country legislation.

BSEF calls on the Department of Ecology to amend the draft by significantly narrowing its scope in terms of OFRs and finished products covered. It also requests additional exemptions for battery powered (Li-ion) and cordless devices, as the cases of such products require flame retardants/fire safety measures to avoid any ignition in particular.

Please find attached the BSEF detailed comments. Many thanks in advance for taking these into consideration.

Kind regards,
Patrick
Head of Public Affairs & Advocacy, BSEF.

BSEF comments on Washington State Draft Rule on organohalogen flame retardants

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BSEF contends the following elements of the current Draft Rule:

- **No distinction between OFRs** - All OFRs are put forth for restriction without any distinction and without due consideration of differences in hazard profiles. BSEF stresses that there is no data suggesting that all OFRs present the same hazard or are hazardous at all.

On the contrary, the National Academy of Science clearly established that OFRs should not be assessed as one single class due to differences in chemical structures and properties. The European Union, whilst focusing on hazard as a guiding principle, also recognizes that not all brominated flame retardants are the same. Furthermore its important to note that no other State or country has a restriction for all OFRs contained in all of EEE.

The Department of Ecology approach to group all OFRs without any differentiation leads to the restriction of OFRs which do not pose concerns to human or animal health, such as DBDPE.

Such restrictions are unjustified nor based on science, and they contradict the Department of Ecology own criteria for when substances should be considered as "safer" and therefore non restricted.

- **No consideration of product design and specifications** - An extremely wide range of indoor EEE is affected without sufficient considerations around product design, performance criteria, attributes, properties, usage, and potential fire ignition threats.

A blanket ban affecting such EEE could lead to increased fire risks for consumers, an unwanted effect which should avoided.

The vagueness of the case definition covers vastly different products and/or parts that do not uniformly use the same types of flame retardants, plastics, are wildly different in size, operate in different climates (outside vs inside), etc. It is also unclear why the Department did not apply to indoor EEE the same reasoning it did for outdoor EEE, where it acknowledges the need of OFRs in plastic casings due to weatherization concerns.



- **Lack of in-depth alternatives analysis** – The draft insufficiently assesses the availability and viability of alternatives.

EEE manufacturers should maintain their ability to select the most appropriate chemistry for meeting their products safety standards and performance criteria.

Currently, there is no new universally applicable flame retardant available which could directly replace existing OFRs. A blanket restriction on all OFRs could potentially lead to the use of alternatives whose anti-flammability standards are not as high as those of OFRs.

The Department of Ecology assumption that OFRs used as an additive in plastic can be directly replaced by another additive is incorrect. The purpose, requirements and composition of the plastics OFRs are used in must be considered before being able to determine if there are alternatives.

Furthermore, the proposed timeline for the restriction is too rapid and will not allow for the development of alternative chemistry meeting the necessary performance and product requirements.

For all the reasons outlined above, BSEF calls on the Washington State to reconsider the proposed restriction, by narrowing its scope and by introducing additional exemptions for critical applications, notably battery powered (Li-ion) and cordless devices.

BSEF stands ready to support the Department of Ecology by providing any scientific evidence and further information needed in the next steps of the process.

Michael Hack
Secretary General of BSEF

Further information:

For further information, please contact Michael Hack, Secretary General (mhack@bsef.org) or Patrick Fox, Head of Public Affairs & Advocacy (pfox@bsef.org)

About BSEF

BSEF – the International Bromine Council, is the global representative body for bromine producers and producers of bromine technologies. Originally founded in 1997, BSEF works to foster knowledge on the societal benefits of bromine and its applications. The members of BSEF are Albemarle Corporation, ICL Industrial Products, Lanxess and Tosoh.