

## Washington Department of Ecology Has Proposed Restrictions on an Entire Class of Flame Retardants Used in Electronics

*Such Restrictions are not Based on the Best Available Science and Could Result in Increased Fire Risks*

**Background:** The Washington Legislature enacted the Pollution Prevention for Healthy People and Puget Sound Act (Chapter 70A.350 RCW) in 2019. The Act directs the Department of Ecology to implement a program to reduce priority chemicals in consumer products, including all organohalogen flame retardants (OFRs) and several other flame retardants, as classified in Washington’s Children’s Safe Products Act.

The Department’s regulatory program to implement the 2019 law is called “Safer Products for Washington.” As part of this program, Ecology is evaluating whether to restrict the use of OFRs in electronic and electrical equipment. In its report sent to the Legislature in July 2020, the Department identified the use of OFRs in “plastic device casings” for electronic and electrical equipment as one of 11 priority product categories. Ecology published its *Draft Regulatory Determinations Report to the Legislature* on November 17, 2021 and is seeking stakeholder comments until January 14, 2022.

**Issue:** The Department is proposing restrictions on OFRs in device casings for electrical and electronic equipment. Proposed restrictions would apply to numerous electronic and household items, including but not limited to televisions, laptops, mobile phones, kitchen appliances, washing machines, irons, and hair dryers.

One of the most important benefits of flame retardants in product design is that they can stop small ignition incidents from becoming larger fire events. Electronic products are unique because they have a potential ignition source generated by the essential components of the product – circuit boards, transformers, batteries, connectors, and many other components.

Electronics manufacturers must balance increased consumer demand for smaller, lighter, and more powerful electronics, while still ensuring that those devices meet safety standards. Manufacturers use plastics in enclosures to help meet performance goals, including protection from fire and shock risk. If left untreated, most plastics are flammable, so flame retardants can provide an important layer of fire safety.

Any regulation of flame retardants in electrical and electronic equipment should consider the following:

- **Manufacturers Need Options to Meet Safety Requirements:** Flame retardants are used by electronics manufacturers based on the product’s attributes, properties, usage, and potential ignition threats. Although in some instances there might be alternatives to OFRs for use in electronic device casings, substitutes are not always practical and there is a need for product manufacturers to have choices in meeting safety standards.
- **OFRs Should Not be Assessed as a Single Class:** The Department of Ecology’s current approach for regulating OFRs goes against the recommendations of the National Academy of Sciences (NAS) that this diverse group of chemicals cannot be treated as a single class for purposes of assessment. Instead, the NAS has recommended that OFRs be sorted into 14 subgroups based on chemical structure, physicochemical properties, and predicted biologic activity. Despite this, the Department has stated that “further sub-classification was not required to conduct our hazard analysis of the OFRs class.”
- **Regulations Should Align with State, Federal, and International Authorities:** No state, federal, or international regulatory authority has imposed a ban on flame retardants in electronics as broad as the one being considered in Washington State. This would make the state an outlier, potentially both decreasing electronic products available for purchase in the state and potentially making the products that are available more likely to pose fire risks.
- **Requirements Under the Statute:** Any regulation must include a cost-benefit analysis, be the least burdensome alternative, and provide a small business economic impact statement.

**The Ask:** Stakeholders should submit comments in opposition to proposed restrictions for OFRs in plastic device casings for electronic and electrical equipment. The comment deadline for the draft report ends on January 28, 2022. Stakeholders can send comments to the Department at [SaferProductsWA@ecy.wa.gov](mailto:SaferProductsWA@ecy.wa.gov).