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**ITI-CTA-IPC Oral Comments on docket ID number CPSC-2015-0022;
Petition Requesting Rulemaking on Products Containing Organohalogen Flame Retardants**

September 14, 2017

The electronics industry, represented by the Information Technology Industry Council (ITI), the Consumer Technology Association (CTA™), and IPC – Association Connecting Electronics Industries®, appreciates the opportunity to provide comments on the Petition Requesting a Rulemaking on Products Containing Organohalogen Flame Retardants (OFRs).

ITI, CTA, and IPC are trade associations representing numerous manufacturers of a wide range of components, computers, televisions, video display devices, wireless devices, MP3 players, printers, printed circuit boards, and other electronic equipment. Essentially, our members are the manufacturers of “electronic devices” referred to in the petition.

ITI, CTA, and IPC support the Consumer Products Safety Commission’s (CPSC) staff conclusion and recommendation that the CPSC deny this petition. The CPSC has done an exceptionally careful and thorough analysis of the petition, and the electronics industry agrees with the analysis and conclusions in the staff briefing package. We continue to believe this petition to ban OFRs is overly broad and insufficiently justified in its claims, a conclusion also reached by the CPSC staff. The petition fails to provide the data to meet a key legal requirement to initiate a rulemaking under the Federal Hazardous Substances Act (FHSA): data showing a connection between the exposure to a substance and personal injury or harm from that exposure.

Given the unprecedented regulatory challenges that would be posed by a rule banning OFRs in electronic enclosures, in the absence of additional evidence to contradict the CPSC staff analysis and recommendations that have been presented, this petition should be denied.

The Electronics Industry Supports the Staff Recommendations, Analysis and Conclusions

The CPSC assessed the health, chemical and economic impacts related to the petition: the risk of the continued use of the OFRs; ability for the CPSC to test for the presence of these substances and enforce any potential rulemaking; the economic impact of a potential ban; and the history of adverse health effects related to exposure from the products listed in the petition.

In each of their analyses, the associated CPSC directorates found that the data were insufficient to draw specific conclusions, and that there was no evidence to suggest that a rulemaking would provide any consumer benefit:

- In their analysis, the Directorate for Health Sciences Response noted that the “...available data indicate that one cannot consider OFRs as a class under the FHSA because every OFR

cannot be concluded to meet the toxicity prong of the FHSA's definition of "hazardous substance."¹

- The Health Science Directorate further found that "...although there are studies demonstrating human exposure to OFRs...it is not possible to determine that adverse health effects result from exposure to OFRs in the specific products in these categories that the petitioners identify."²
- Additionally, the Division of Laboratory Sciences Chemistry is concerned that "Due to the breadth of the four product categories covered by the Petition, it would take multiple years and significant staff resources to collect, analyze, and interpret the resultant data."³

The electronics industry agrees with these conclusions.

The CSPC staff briefing package lists several other valid reasons to deny the petition, including: the need for an extensive economic analysis of the ban; the fact that the petition does not consider whether voluntary standards could meet the needs of the proposed rulemaking; and the overlap with other agencies' efforts to reduce the health risks of these substances.

The Fire Safety in Electronics Continues to be a Primary Concern

The risk of fire in electronics is real. Of the products listed in the petition, electronic products are unique in that a majority of them have a potential ignition source via the electric currents in the product. There are limited approaches available to electronics manufacturers to reduce the risk of fire. The use of flame retardant chemicals is one of the most effective method for plastics used in electronics enclosures. If these chemicals are banned from use in electronics, the entire system of fire safety management in electronic products may be compromised.

When designing products, we strive to balance safety, performance, durability, environmental performance, and feasibility, which includes costs to the consumer. The electronics industry is continually reviewing the use of chemicals in our products in an effort to balance the sometimes competing goals of reducing the use of chemicals of concern and fire prevention. Flame retardants continue to be an important part of the system in place to ensure safe products.

The petitioners posited that most flame retarding chemicals do not, in fact, reduce the occurrence of fires in products. While we cannot speak for the other classes of products in the petition, the use of flame retardant chemicals in the plastics used in electronics has been shown to significantly enhance the fire performance of the material, making the products significantly safer.⁴

¹ Tab A of staff recommendation, Directorate of Health Science Response – page 115

² Tab A of staff recommendation, Directorate of Health Science Response – page 119

³ Tab E of staff recommendation, Division of Laboratory Sciences Chemistry response – page 144

⁴ See page 77 of NIST (formerly National Bureau of Standards) Special Publication 749:
<http://fire.nist.gov/bfrlpubs/fire88/PDF/f88003.pdf>

Conclusion

In summary, ITI, CTA, and IPC agree with the CPSC staff recommendation to deny the petition.

The petition improperly attempted to combine an overly broad group of chemicals with highly varied and unique characteristics into a single class with only cursory discussion of the chemical and physical properties of the substances involved. The petition failed to provide data showing a connection between the exposure to a substance and personal injury or harm from that exposure. Further, the petition did not recognize the contribution of these chemicals as an integral tool in maintaining the fire safety of electronics.

We continue to believe, as we stated in our previous testimony, that the petition being considered is overly broad and fails to justify the need for the commission to initiate a rulemaking. Therefore, the electronics industry continues to request that the commission deny this petition and not initiate a rulemaking on the products and chemicals listed in the petition.

Please do not hesitate to contact Rick Goss, ITI; Katie Reilly, CTA; or Fern Abrams, IPC should you have any questions.



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