



July 15, 2024

Via CalSAFER

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1001 I Street
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Re: Comments Regarding the Safer Consumer Products Draft 2024-2026 Priority Product Work Plan

IPC and Information Technology Industry Council (ITI) are pleased to submit these comments to the California Department of Toxic Substances Control's (DTSC) Safer Consumer Products (SCP) Program in response to its release of the "Stakeholder Discussion Draft: Three Year Priority Product Work Plan (2024-2026)" (Draft Work Plan).¹ DTSC seeks comments on whether there are product categories that SCP should consider adding, modifying, or removing from the Draft Work Plan.

IPC and ITI appreciate the opportunity to provide comments regarding the Draft Work Plan. IPC's and ITI's members are deeply committed to product stewardship and thus interested in the SCP's identification of "Electronics" as a product category for which SCP states it intends to begin evaluating during the 2024-2026 cycle, depending on "future priorities and other commitments within the SCP Program."²

IPC and ITI are both international trade associations collectively representing approximately 3,200 companies including printed circuit board manufacturers, electronics manufacturing services, cable and wire harness manufacturers, electronics industry suppliers, original equipment manufacturers, and information and consumer technology leaders. Our members represent the complex, global supply chain of electronics; what they make is used in thousands of products across dozens of industry sectors, including products found in homes and businesses across the globe.

In its Draft Work Plan, DTSC identifies several product categories to consider exploring, including "Electronics." SCP broadly defines "Electronics" to include "computer and peripheral equipment, communications equipment, audio and video equipment, semiconductors, and household appliances," followed by some more specific examples.³ SCP states that these products may have external components (*e.g.*, plastic enclosures) that contain Candidate Chemicals such as organohalogenated flame retardants (OFR) and per- and polyfluoroalkyl substances (PFAS).⁴

¹ DTSC, Stakeholder Discussion Draft: Three Year Priority Product Work Plan (2024-2026), available at <https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/05/Stakeholder-Discussion-Draft-2024-2026-PPWP-Accessible.pdf>.

² *Id.* at 22.

³ *Id.* at 27.

⁴ *Id.*

Electronics should not be prioritized in the Work Plan

As DTSC knows well, electronics are a highly regulated commercial category that are subject globally to significant requirements and restrictions applicable to the chemicals essential to the reliable function of electronics and its component parts and the manufacture, distribution, and overall operational safety of electronics. For example, international product and chemical policies with direct relevance to electronics include the Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS) in the EU and similar RoHS-like policies in approximately a dozen other countries, the EU Waste from Electrical and Electronic Equipment (WEEE) Directive, the EU's Batteries Regulation, and the EU REACH Regulation, which includes the extension of risk assessment activities for the EU RoHS Directive from the European Commission to the European Chemicals Agency. Other examples are the policy activities intended to address corporate social responsibility due diligence, circular economy, and climate neutrality and those outlined by the restrictions roadmap under the EU's Chemicals Strategy for Sustainability, which include the Regulatory Strategy for Flame Retardants, specifically aromatic brominated flame retardants, and the restriction intentions for universal PFAS.

Regarding PFAS, there is now a crowded field of existing and emerging laws and regulations on the international, federal, state, and local levels. Most importantly on the federal level, the U.S. Environmental Protection Agency (EPA) is currently seeking information under Section 8(a)(7) of the Toxic Substances Control Act (TSCA) from entities that manufactured (including imported) PFAS and articles containing PFAS in any year since January 1, 2011. EPA will be using information collected under this rule to assess risks and consider additional regulations for PFAS. EPA also has significantly expanded its regulation of PFAS under the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the proposed Resource Conservation and Recovery Act, and growing TSCA restrictions (beyond Section 8) reporting obligations.⁵

OFRs in consumer electronic products are likewise already subject to international, federal, and state prohibitions and restrictions. In the EU, there has been a ban on OFRs in certain electronic displays in effect since 2021.⁶ In 2022, the Government of Canada proposed prohibition of specific OFRs including those used in electronics. Since 2017, the U.S. Consumer Product Safety Commission (CPSC) has issued guidance for manufacturers of plastic casings surrounding electronics to refrain from intentionally adding OFRs to their products and that, before purchasing such products for resale, importers, distributors, and retailers should obtain assurances from manufacturers that such products do not contain OFRs.⁷ This is a multi-year effort by CPSC that continues in 2024.⁸

Considering the expansive regulatory framework in place and evolving, IPC and ITI question the need for SCP's evaluation of PFAS and OFRs in Electronics as a potential Priority Product. Given the existing and evolving governance frameworks, another focus here under SCP would seem unnecessary, potentially duplicative, and potentially preempted.

⁵ See, e.g., [89 Fed. Reg. 1822](#) (Jan. 11, 2024); [89 Fed. Reg. 43331](#) (May 17, 2024); [86 Fed. Reg. 73131](#) (Dec. 27, 2021); [89 Fed. Reg. 39124](#) (May 8, 2024); [89 Fed. Reg. 8606](#) (Feb. 8, 2024).

⁶ [Reg. 2019/2021 - EN - EUR-Lex, Commission Reg. \(EC\) No 642/2009](#).

⁷ [82 Fed. Reg. 45268](#) (Sept. 28, 2017).

⁸ CPSC, [FY 2024 Status Report](#): Organohalogen Flame Retardant Chemicals Assessment (July 2024).

Other product categories may offer a productive use of limited SCP resources

IPC urges DTSC's SCP Program to consider these comments and others submitted from industry stakeholders and decide that evaluation of Electronics as a product category is not necessary and deserving of prioritization. SCP's priorities and resources are best served evaluating other product categories.

IPC and ITI appreciate the opportunity to offer comments to DTSC on the Draft Work Plan. We welcome your questions and invite a conversation with you regarding these comments and the important work of our members. The points of contact are Mr. Chris Cleet at ITI, ccleet@itic.org, and Dr. Kelly Scanlon at IPC, kellyscanlon@ipc.org.