Ms. Kryxia Von Burg  
Safer Consumer Product Alternatives Regulation Coordinator  
Regulations Section  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Re: Safer Consumer Product Alternatives Regulation, Chapter 55 of Division 4.5 of Title 22 of the California Code of Regulations (Z-2012-0717-04) (July 2012)

Dear Ms. Von Burg:

IPC — Association Connecting Electronics Industries appreciates the effort DTSC has invested in developing the above referenced Safer Consumer Product Alternatives Regulation. IPC is, however, seriously concerned that the proposed regulation, due to its unwieldy and unimplementable scope, will fail to improve the health and safety of California’s citizens. IPC, in concurrence with the Green Chemistry Alliance (GCA), of which we are a member, strongly recommends that DTSC consider a more focused program that concentrates on the substances in consumer products most likely to pose significant risks to human health and the environment. We appreciate the opportunity to provide the following comments which detail our concerns.

IPC, a U.S. headquartered global trade association, represents all facets of the electronic interconnection industry, including design, printed board manufacturing and electronics assembly. Printed boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. IPC has over 3,200 member companies, including over 370 member companies located in California.

IPC strongly supports cost effective, science-based environmental initiatives and has been active in a number of voluntary environmental programs including several of EPA’s Design for the Environment partnership projects, the development of the Electronic Product Environmental Assessment Tool (EPEAT) standard\(^1\), and the development of the Greener Chemicals and Process Information Standard\(^2\), developed through the American Chemical Society and National Standards Foundation.

IPC believes that the proposed regulation will fail to improve the health and safety of California’s citizens because the proposed scope is unmanageable. We believe that a more focused regulatory approach would better achieve the goals of the legislation and allow DTSC to

\(^1\) [http://www.epeat.net/](http://www.epeat.net/)
effectively use available resources to focus on those chemicals most likely to cause adverse impacts to the public. Should DTSC wish to expand the scope of chemicals of concern in the future, a phased-in approach would ensure that all chemicals of concern are eventually covered in the regulation. Implementation of a more manageable approach to a green chemistry regulation will help to improve the health and safety of the citizens of California.

In order for DTSC to develop an effective regulation, the agency should identify and prioritize chemicals of concern in consumer products based on exposure and hazard. The proposed regulation proposes to use a list-of-lists approach to selecting chemicals of concern. DTSC predicts the list to be over 1200 chemicals. This approach is seriously flawed and unless a subsequent prioritization is undertaken to identify a discrete subset of the highest priority chemicals. Substances that exhibit the greatest hazards, such as those known to cause cancer, developmental or reproductive harm, be persistent, bioaccumulative and toxic (PBT) in the environment, and pose the greatest exposure to consumers, should be given priority. Consistent with the statute we, in agreement with GCA, are firm in our belief that the prioritization and evaluation process must be based on exposure and hazard.

IPC supports DTSC's decision to initially focus the regulation on no more than five Priority Products. This is a practical approach that will enable DTSC to implement this unique program and to learn what works and does not work and make adjustments accordingly. A regulation that is focused on a small number of specific product categories will allow DTSC to use available resources more efficiently and implement a manageable regulation.

Despite DTSC's efforts to focus on a small number of product categories, the agency has proposed a regulatory scheme that exceeds what its own resources can effectively support. Full implementation of the regulation as drafted would necessitate a huge new government program with a substantial budget requirement. IPC is concerned that complete, appropriate enforcement and implementation of this proposed regulation may be beyond the current capacities of the state. DTSC must ensure that they have the appropriate programs in place to ensure the regulation is effectively implemented in order to ensure the least amount of burden is put on industry.

In conclusion, it is essential for DTSC to scale down the scope of the proposed regulation in order to implement a feasible regulation. If DTSC attempts to take on too much at one time, the entire program may fail. DTSC, industry and citizens of California would be better served by a program that implements a phased-in approach to chemicals regulations.

We appreciate your consideration of our concerns. For further information or questions, please contact me at scastorina@ipc.org or (703) 522-0225.

Sincerely,

Stephanie Castorina
Manager, Environmental Programs

CC: The Honorable Matt Rodriguez, Secretary, CalEPA
Miriam Ingenito, Deputy Secretary, CalEPA
Kristin Stauffacher, Assistant Secretary, CalEPA
Nancy McFadden, Cabinet Secretary, Office of the Governor
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