

An Update on Domestic Regulations

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September 27, 2007

Domestic Materials Restrictions

- RoHS (EU-style)
 - CA
 - NYC
 - Others
- Mercury
 - Restrictions
 - Labeling
 - Notification
- Brominated Flame Retardants (BFRs)

RoHS Laws In US

- California SB 20/50
 - AB 48
- New York City Environmentally Preferable Purchasing (EPP) law

CA RoHS

- California's Electronic Waste Recycling Act of 2003/2004 (SB 20/50) includes an EU RoHS provision: "The department shall adopt regulations ...that prohibit an electronic device from being sold or offered for sale in this state if the electronic device is prohibited from being sold or offered for sale in the European Union on and after its date of manufacture...due to the presence of certain heavy metals."

CA RoHS

- Restrictions are similar in nature to EU RoHS requirements, with a few exceptions:
 - Scope of products is much smaller
 - PBDEs not covered (PBDEs covered under separate CA statute)
 - Does not apply to spare parts

CA RoHS

- Product must be a VDD with a screen > 4 inches (measured diagonally) AND fail either the federal TCLP test or one of the California hazardous waste tests
- Inconsistency between RoHS Directive and copper testing in California
 - A product can be RoHS compliant, yet still fail one of the California tests for copper and be classified as hazardous

CA RoHS

- As of January 1, 2007, California RoHS will apply to 6 types of video display devices (VDDs):
 1. CRT TVs
 2. CRT monitors
 3. Plasma TVs
 4. LCD TVs
 5. LCD monitors
 6. LCD laptops
- As of July 1, 2007, portable DVD players are subject to the ARF and RoHS

CA RoHS

- DTSC Rulemaking Process
 - DTSC still working under emergency regulations
 - Final regulations should be out for comment soon
 - Based on discussions with DTSC: (these could change as rulemaking process finalizes)
 - Enforcement will be based on date of manufacture, not “put on the market” as in EU
 - Re-used/refurbished/repaired devices will not be covered

Assembly Bill 48

- Assembly Bill 48 (Assembly Member Saldaña) would expand the RoHS scope in California to cover all products subject to RoHS in the EU
 - If enacted, California RoHS would apply to all 8 EU RoHS product categories, encompassing tens or hundreds of thousands of products
- This bill is a re-introduction of 2006 A.B. 2202
- DTSC estimated a fiscal impact to the state of \$1.9 million (much higher than last year's estimate)
- The bill's supporters want to work with DTSC and other stakeholders to reduce the administrative burden on DTSC to improve chances for passage

New York City

- December 2005: The New York City Council enacted an ordinance that contains a RoHS procurement provision that took effect on January 1, 2007:
“No new covered electronic device purchased or leased by any agency shall contain [the 6 RoHS compounds], except as provided by rules promulgated by the director” of citywide environmental purchasing.

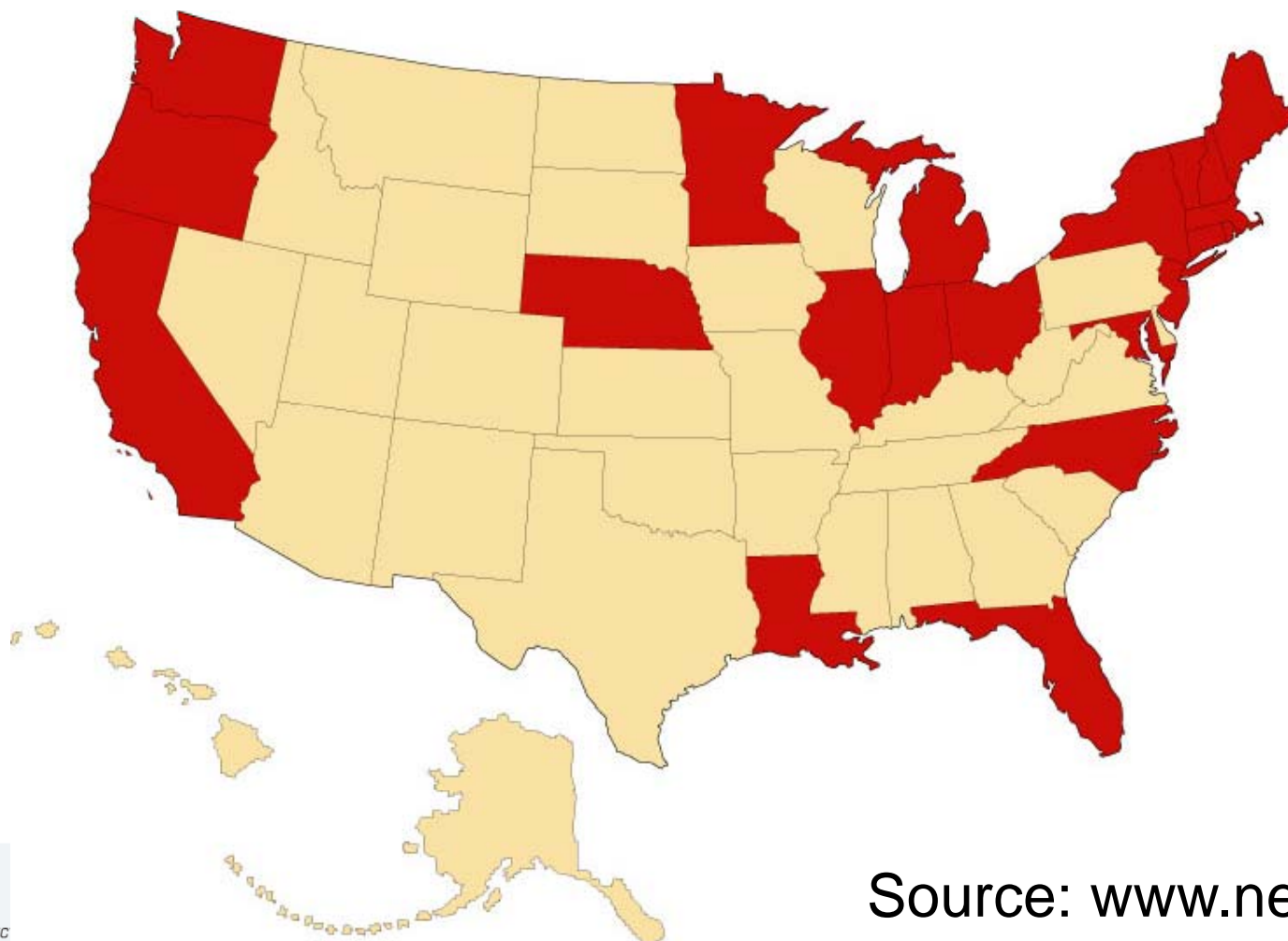
NYC

- The City determined that, from a constitutional standpoint, it could not directly tie to the EU RoHS Directive, as California did
- City officials maintained that the City intends to harmonize completely with the EU RoHS Directive

Other States

- Minnesota: manufacturer registration must include a statement disclosing whether any covered VDDs exceed the EU RoHS MCVs, and whether “the manufacturer has received an exemption” from one or more of the MCVs
- RoHS-type language has been proposed in various state bills, including in New Jersey and Illinois

States with Mercury Laws



Source: www.nema.org

Mercury Laws

- Florida, Indiana, Nebraska, Michigan, Ohio, Oregon
 - Product bans (switches, thermometers, novelties, etc.)
 - Studies on recycling rates
- Connecticut, Illinois, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Washington
 - Notification requirements (IMERCC)
 - Labeling – some labeling applies to lamps only

Mercury Laws

- California – RoHS
- Connecticut, Massachusetts, Vermont
 - Ban products with more than 100 mg mercury
 - Exemptions:
 - Lights (labeling and collection apply)
 - VT, CT: must have approved labeling plans
 - Batteries (collection applies)
- Louisiana
 - Bans products with more than 10 mg mercury (as of 2012)
 - Exempts lights (labeling and collection apply)

Mercury Switches

- Standard exemptions:
 - Federal sales (offered in all states; notification req'd in RI)
 - Selling to replace a part within a product in use prior to effective date (offered in all states except RI; additional requirements in some cases)
- Renewable exemptions granted (except in NJ and NY) based on a combination of:
 - “A system exists” for the EOL collection
 - Beneficial to public health/safety, environment
 - No technically feasible alternative exists
 - Effort has been made to remove mercury

BFRs

- Deca-BDE
 - Washington and Maine passed partial Deca bans this year
 - Both exempt uses in electronics
 - Several other bills under consideration

TBBPA

- Studies underway for alternatives to TBBPA
- EPA Design for Environment (DfE)
 - Program investigating safety of TBBPA and other flame retardants in printed circuit boards
 - Committee meeting at APEC Summit in January 2007
 - Most NGOs did not attend
 - Plan is to do combustibility testing on circuit boards with different flame retardants