UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

**Memorandum**

Date: SEP 14 2009

TO : The Commission

FROM : Todd A. Stevenson, Director,
Office of the Secretary

SUBJECT : Section 101 - Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Notice of Proposed Rulemaking – Published in Federal Register January 15, 2009 – Comments due by February 17, 2009

| COMMENT | DATE | SIGNED BY | AFFILIATION |
|---|---|---|---|
| 1 | 2//9/09 | anonymous | |
| 2 | 2/9/09 | Gary Jones<br>Sr. Vice President,<br>Product Integrity | Learning Curve Brands, Inc. |
| 3 | 2/18/09 | Jane | |
| 4 | 3/16/09 | Brian Markwalter<br>Vice President,<br>Technology & Standards | Consumer Electronics Association |
| | | Christopher Cleet<br>Director of Environmental Affairs | Information Technology Industry Council |
| | | Ronald F. Chamrin<br>Manager of Government Relations | IPC – Association Connecting Electronics Industries |

| COMMENT | DATE | SIGNED BY | AFFILIATION |
|---|---|---|---|
| 5 | 3/16/09 | Janell Mayo Duncan<br>Senior Counsel | Consumers Union |
| | | Donald L. Mays<br>Senior Director, Product Safety & Technical Public Policy | Consumers Union |
| | | Rachel Weintraub<br>Director of Product Safety and Senior Counsel | Consumer Federation of America |
| | | David Arkush<br>Director, Congress Watch | Public Citizen |
| | | Ed Mierzwinski<br>Federal Consumer Program Director | U.S. Public Interest Research Group |
| | | Elizabeth Hitchcock<br>Public Health Advocate | U.S. Public Interest Research Group |
| 6 | 4/30/09 | Joe Lee<br>Hardware Environmental Coordinator | SMART Technologies |
| 7 | 5/1/09 | Pratik Ichhaporia, PH.D<br>Technical Knowledge Manager | Intertek Consumer Goods – North America |

## Stevenson, Todd

/

**From:** no-reply@erulemaking.net
**Sent:** Monday, February 09, 2009 4:33 AM
**To:** CPSC-OS
**Subject:** Public Submission

Please Do Not Reply This Email.

Public Comments on Children's Products Containing Lead: Exemptions for Certain Electronic Devices:========

Title: Children's Products Containing Lead: Exemptions for Certain Electronic Devices FR
Document Number: E9-00716 Legacy Document ID:
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Publish Date: 01/15/2009 00:00:00
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Organization Name:
Submitter's Representative:
Government Agency Type:
Government Agency: null

Comment Info: ==========

General Comment:One concern that I have about the proposal is that the CPSC is allowing exemptions in products that contain lead when the purpose of the CPSIA is to reduce those amounts and limit lead exposure. As mentioned at the bottom of the proposal regarding the RFA, I understand that the cost is lead exposure while the benefit is the use of these products, but I feel that the cost is greater here because of the possible health implications of lead exposure. The proposal also seems provide less incentive for companies to improve technology to limit the amount of lead in these products since they are exempt from the Act.
Furthermore, the proposed directive to be adopted that provides for these exemptions allows more lead than the Act permits, and these exemptions would therefore be for products which have more than 1000 ppm which is above the statutory requirement in the CPSIA. If exemptions are to be made, I think it is necessary to put a warning notice on these products to inform consumers of the potential lead content in these items. Another concern that I have deals with the proposal that spare parts or other removable components be considered inaccessible under CPSIA. I feel that because these parts are removable, they should be considered accessible.

On another note, however, I appreciate the proposal?s definition of an ?accessible component part? being more encompassing than the previous definition of an item that a child could ingest to include something that a child may touch or place in his mouth. I also believe that the proposal for periodic review to occur no less than every five years in the rule is important because of the rapid pace of changing technology and the need to always reevaluate the current situation.
Thank you for your time.

**Section 101 Electronic Devices NPR**

Section 101 b) of the Consumer Product Safety Improvement Act allows for the exclusion of certain materials from the lead content requirements of the Act. Certain accessible electronic products that contain more than 600 ppm lead are excluded from the requirements due to the fact that they require lead in order to perform their intended function.

There are applications other than electronics where materials must contain lead in order to perform their intended function. The exemptions for electronic products include lead in "lead-bronze bearing shells and bushings" which are not primarily used for the transmission of electrical current but are mechanical devices. Since other copper alloys such as brass have a multitude of uses and lead is necessary to achieve certain functional characteristics, the CPSC should consider extending the exclusions to all items where lead content is necessary for the proper function of the product.

An example of a children's product where lead would be necessary for the mechanical function of the product is a small brass collar pressed onto a steel axle to retain the wheels on a heavy construction toy. The brass collar provides a tight press fit that allows the product to pass abuse testing, thereby preventing the product from posing an puncture hazard for the user should one wheel come off and the other wheel allow the steel axle to stand upright. Since the toy is a heavy die cast item, materials other than brass are far less effective at holding the wheels on the axles so substitutes will make the product less safe for the user.

Brass with lead levels up to 8% is approved by the EPA for use in plumbing applications for contact with drinking water. Since the level of lead that is allowed in copper alloys in electronic items is 4%, there should be a sufficient factor of safety for children's products that must contain brass in order to perform a given function or pass a safety requirement.

Further, brass is common in households where it is used for doorknobs, hinges and other objects that are accessible to children. Many musical instruments are made of brass and are intended to be in contact with children's mouths and hands for extended periods of time. If the lead in brass is a serious health issue, it should also be banned in these items.

The CPSC should consider extending the exclusions for lead in accessible metal alloy components in products whose mechanical functions necessitate the use of materials containing lead. It is unlikely that brass and other alloys containing lead in children's products pose a serious risk of injury. However, as a precaution, lead containing metal parts that are or become small parts as defined in 16CFR1501 should not be allowed since they could be swallowed by a child.

Gary Jones
Sr. Vice President, Product Integrity
Learning Curve Brands, Inc.
February 9, 2009

## Stevenson, Todd

**From:** Jones, Gary [GLJONES@rc2corp.com]
**Sent:** Monday, February 09, 2009 6:59 PM
**To:** Lead Electronic Devices
**Subject:** Comments on Federal Register /Vol. 74, No. 10/ Thursday, January 15, 2009/Proposed Rules
**Attachments:** COMMENTS ON Section 101-Fed Reg-1-15-09.doc

Attached are my comments regarding Exemptions for Certain Electronic Devices; Notice of Proposed Rulemaking.

Thank you for your attention to this matter.

Gary Jones
Sr. VP Product Integrity
Learning Curve Brands, Inc.
<<COMMENTS ON Section 101-Fed Reg-1-15-09.doc>>

## Stevenson, Todd

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**From:** no-reply@erulemaking.net
**Sent:** Wednesday, February 18, 2009 12:59 AM
**To:** CPSC-OS
**Subject:** Public Submission

Please Do Not Reply This Email.

Public Comments on Children's Products Containing Lead; Exemptions for Certain Electronic Devices:========

Title: Children's Products Containing Lead; Exemptions for Certain Electronic Devices FR
Document Number: E9-03025 Legacy Document ID:
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Submitter's Representative: n/a
Government Agency Type:
Government Agency: null

Comment Info: ==========

General Comment:I strongly support this law. Lead is very dangerous even at low levels. It has been known to have many dangerous affects on children such as learning disabilities, kidney damage, and impaired hearing. Lead is so dangerous that it has been banned in household paint, the use of lead in gasoline has been phased out, and many companies have eliminated lead from their products because of its harmful effects. Lead should be eliminated or minimized in electronic devices that are not technologically feasible to meet the lead limits set in place. By withdrawing the proposed rule on exemption for certain electronic devices containing lead you will be protecting many people by not risking exposure to the dangerous toxin.

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Information Technology Industry Council
Leading Policy for the Innovation Economy

Association Connecting Electronics Industries

IPC


March 16, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West highway
Bethesda, MD 20814

Subject: **Consumer Product Safety Improvement Act (CPSIA); Section 101: Electronic Devices Interim Rule**

The Information Technology Industry Council (ITI), Consumer Electronics Association (CEA), and IPC – Association Connecting Electronics Industries ®, represent 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. We appreciate the time you have taken to work with industry and ensure that the concerns of the high-tech electronics industry are addressed.

Our member companies have long been leaders in innovation and sustainability. Many of our members go beyond requirements on product safety, environmental design and energy efficiency, and lead the way in product stewardship efforts. We appreciate the opportunity to provide feedback to the Consumer Product Safety Commission (CPSC) on the interim final rule entitled, "Children's Products Containing Lead: Exemptions for Certain Electronic Devices" (February 9, 2009) and appreciate the effort CPSC is putting forth to ensure stakeholder involvement. We look forward to continuing to work with the CPSC to address issues relating to compliance and implementation of the Act and thank the Commission for their timely work in providing guidance.

Based on our evaluations, most electronic devices will not be considered children's products, as defined in the Act. For the most part, our members' products are intended for general consumer use and not specifically intended for children age 12 years and younger and therefore, are not subject to the lead-content limits under CPSIA. These comments are intended for the small number of electronic devices that may be considered children's products and therefore subject to the lead content limits under CPSIA. Most uses of lead in electronics will be inaccessible as defined in the proposed Interpretative Rule on Inaccessible Component Parts (January 15, 2009 74 FR 2439).

**Section A.**

We appreciate the Commission's determination that absent an interim final rule, manufacturers of electronic products would potentially be subject to enforcement action or marketplace confusion regarding the lead standards in the CPSIA. This is particularly true during the initial compliance period before the Proposed Rule on Inaccessible Component Parts Becomes effective.

**Section B.1.**

ITI, CEA and IPC agree with the definition from the CPSIA that if "a lead-containing component part is not accessible to a child, it is not subject to the lead limits under the CPSIA." Most component parts of an electronic product are inaccessible under this definition. Electronic products typically use a covering or casing to protect the internal components from dust, moisture, exposure, and other influences that could damage the component parts or otherwise impact the functioning of the device. We also wish to point out that most electronic components are actually composed of one or more smaller component parts. There may be some limited circumstances where an accessible larger component part may contain a smaller lead-containing component part. However, the smaller lead-containing part would be inaccessible because it is fully enclosed within the larger part. We agree with the interim final rule that recognizes that "[s]ome lead-containing component parts of electronic devices are, by design, not accessible to children because the lead is fully enclosed within a component that is itself within an electronic device." Therefore, the fact that a component can be touched by the accessibility probe (as discussed in the proposed inaccessibility rule) should not affect whether a smaller component contained within the larger component is inaccessible.

**Section B.2**

ITI, CEA and IPC agree with the Commission's approach to exempt certain uses of lead as it is technologically infeasible to remove it. However, despite the electronics industry's continued efforts to find replacements for lead in certain uses, we feel that the limited list of exemptions in the Interim Final Rule may be inadequate. The Proposed Rule on Electronic Devices (January 15, 2009, 74 FR 2435, which was withdrawn by the Commission) had incorporated by reference the functional lead exemptions of the European Union Restriction on Hazardous Substances (RoHS) Directive.

ITI, CEA and IPC believe that incorporating all current exemptions of the use of lead contained in the RoHS directive will help avoid inconsistencies between the established global electronics regulation and CPSIA. The RoHS Directive impacted every facet of the supply chain and forced the electronics industry to make enormous and expensive changes, forever transforming the electronics industry landscape. Manufacturers rely

extensively on the exemptions during all phases of fabrication such as design, testing, compatibility, functionality, and ultimately production. Ongoing research aims to find alternatives and eliminate the use of lead, however, alternative or other technically feasible mechanisms have yet to be discovered. Multiple, conflicting, and confusing regulations for a single substance place enormous financial and productivity strain on manufactures. Harmonizing the exemptions for the use of lead in RoHS with CPSIA will allow electronic manufacturers to comply with one standard. ITI, CEA, and IPC have listed the applicable exemptions for the use of lead under RoHS at the end of this document in Annex I.

The background information in the withdrawn proposed rule on exemptions for certain electronic devices (January 15, 2009, 74 FR 2435) provided useful clarification to manufacturers that to the extent that a lead-containing part in an electronic device is granted an exemption to the lead limits or is otherwise inaccessible to a child, that component part would be relieved from the testing requirement of section 102 of the CPSIA for purposes of supporting the required certification. For clarity, we suggest that the Commission explicitly include this statement in the Final Rule 16 CFR Part 1500.88.

**Section B.3.**

The interim final rule states that spare parts or other removable component parts be considered inaccessible under the provisions of CPSIA, provided that the lead-containing part is inaccessible when the product is assembled in functional form or if the component itself meets the criteria for exemption. ITI, CEA, and IPC support the Commission's determination, as replacing or installing parts of a children's electronic device is not a children's activity.

**Section B.4.**

This section states that all component parts that cannot be made inaccessible and are not specifically exempted by rule must comply with the lead limits in the CPSIA. While we are not opposed to this statement, we are concerned with regards to enforcement and testing. Testing for lead in electronic products is difficult and costly.

**Concluding Comments**

On behalf of our combined membership, we appreciate the opportunity to provide comments on the interim final rule. We hope to continue working with the CPSC as these rules and additional rules and actions implementing the Act are developed. We would welcome the opportunity to have a small number of technical experts from our

industry meet with CPSC to discuss these comments in more detail and answer any questions that you might have.

We look forward to continued, close cooperation as this important legislation is interpreted and implemented. Please do not hesitate to contact Megan Hayes, CEA, at mhayes@CE.org or 703-907-7660; Chris Cleet, ITI, at ccleet@itic.org or 202-626-5759; or Ron Chamrin, IPC, at RonChamrin@ipc.org or 703-522-0225 if you have any questions.

Sincerely,

Brian Markwalter
Vice President, Technology & Standards
Consumer Electronics Association

Christopher Cleet
Director of Environmental Affairs
Information Technology Industry Council

Ronald F. Chamrin
Manager of Government Relations
IPC – Association Connecting Electronics Industries

**Annex I: Current Lead Exemptions under RoHS**

1. Lead in glass of cathode ray tubes, electronic components and fluorescent tubes.

2. Lead as an alloying element in steel containing up to 0.35% lead by weight, aluminum containing up to 0.4 % lead by weight and as a copper alloy containing up to 4% lead by weight.

3. Lead in high melting temperature type solders (i.e. lead based alloys containing 85% by weight or more lead)

4. Lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signaling, transmission as well as network management for telecommunications

5. Lead in electronic ceramic parts (e.g. piezoelectronic devices).

6. Lead in lead-bronze bearing shells and bushes

7. Lead used in compliant pin connector systems.

8. Lead as a coating material for the thermal conduction module c-ring.

9. Lead in optical and filter glass.

10. Lead in solders consisting of more than two elements for the connection between the pins and the package of microprocessors with a lead content of more than 80% and less than 85% by weight.

11. Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit Flip Chip packages.

12. Lead in linear incandescent lamps with silicate coated tubes.

13. Lead halide as radiant agent in High Intensity Discharge (HID) lamps used for professional reprography applications.

14. Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (BaSi2O5:Pb) as well as when used as specialty lamps for diazo-printing reprography, lithography, insect traps, photochemical and curing processes containing phosphors such as SMS((Sr,Ba)2MgSi2O7:Pb).

15. Lead with PbBiSn-Hg and PbInSn-Hg in specific compositions as main amalgam and with PbSn-Hg as auxiliary amalgam in very compact Energy Saving Lams (ESL).

16. Lead oxide in glass used for bonding front and rear substrates of flat fluorescent lamps used for Liquid Crystal Displays (LCD).

17. Lead in printing inks for the application of enamels on borosilicate glass.

18. Lead as impurity in RIG (rare earth iron garnet) Faraday rotators used for fiber optic communications systems.

19. Lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with NiFe lead frames and lead in finishes of fine pitch components other than connectors with a pitch of 0.65mm or less with copper lead-frames.

20. Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors.

21. Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.

22. Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.

23. Lead alloys as solder for transducers used in high-powered (designated to operate for several hours at acoustic power levels of 125dB SPL and above) loudspeakers.

24. Lead in soldering materials in mercury free flat fluorescent lamps (which e.g. are used for liquid crystal displays, design or industrial lighting).

25. Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes.

## Stevenson, Todd

**From:** Cleet, Christopher [ccleet@itic.org]
**Sent:** Monday, March 16, 2009 5:36 PM
**To:** Lead Electronic Devices
**Cc:** Brian Markwalter; Ron Chamrin
**Subject:** ITI/IPC/CEA comments on Section 101 Electronic Devices Interim Final Rule
**Attachments:** ITI-CEA-IPC comments on Section 101 Electronics Devices Interim Rule.pdf

Dear Sir or Madam;

Please see the attached comments on the Section 101 Interim Final Rule on Electronic Devices from the Information Technology Industry Council (ITI), the Consumer Electronics Association (CEA), and IPC – Association Connecting Electronics Industries.

Regards,
Chris Cleet
Director of Environmental Affairs
Information Technology Industry Council (ITI)
1250 Eye St, NW - Suite 200
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202.626.5759
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***Consumers Union ***
***Consumer Federation of America***
*** Public Citizen ***
*** U.S. Public Interest Research Group ***

March 16, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
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Via: Sec101ElectronicDevices@cpsc.gov
Facsimile (301) 504-0127

**Comments of Consumers Union, Consumer Federation of America, Public Citizen, and the U.S. Public Interest Research Group to the U.S. Consumer Product Safety Commission**
**on**
**"Section 101 Electronic Devices Interim Rule"**

## Introduction

Consumers Union of U.S., Inc. (CU), Consumer Federation of America (CFA), Public Citizen and the U.S. Public Interest Research Group (jointly "We") submit the following comments in response to the U.S. Consumer Product Safety Commission ("CPSC" or "Commission") in the above-referenced matter.[1]

## Background

Section 101 of the Consumer Product Safety Improvement Act, Public Law 110-314, 122 Stat. 3018 ("CPSIA"), provides for specific lead limits in children's products. Under Section 101(b)(4), "if the Commission determines that it is not technologically feasible for certain electronic devices, including devices containing batteries, to comply..."[2] the CPSC is authorized to "issue requirements to eliminate or minimize the potential for exposure to and

[1] "Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Interim Final Rule," 74 Fed. Reg. 6990 (February 12, 2009).
[2] See CPSIA Section 101(b)(4).

accessibility of lead in such devices...."[3] Under the same section, the CPSC is authorized to set a schedule for compliance with these requirements, unless it determines that full compliance is not technologically feasible within the time limit set.

Under Section 101(b)(2), lead limits will not apply to component parts of a children's product that are not accessible to a child through normal and reasonably foreseeable use and abuse of the product. Section 101(b)(4) of the CPSIA provides that if the CPSC determines that it is not technologically feasible for certain electronic devices to comply with the lead limits, the CPSC must, by regulation, issue requirements to eliminate or minimize the potential for exposure to and accessibility of lead in such electronic devices. A compliance schedule must be established unless the Commission determines that full compliance is not technologically feasible. Pursuant to Section 101(b)(4), the CPSC is issuing this interim final rule ("Interim Final Rule") concerning certain electronic devices for which it is not technologically feasible to meet the lead limits as required under Section 101 of the CPSIA. For electronic devices for which it is not technologically feasible to meet the lead limits, the CPSC has proposed requirements in this NPR designed to eliminate or minimize the potential for exposure and accessibility of lead.

In developing the exclusions, the CPSC staff has reviewed the European Union restrictions and exemptions on the use of lead in electronic devices[4] as well as the Korean Act for Resource Recycling of Electrical and Electronic Equipment and Vehicles (Korea RoHS), and the patterns of use of lead in children's products.[5] Based upon the staff's review, the CPSC proposes in the

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[3] Id.

[4] The European Union directive on the restriction of use of hazardous substances, EU RoHS Directive 2002/95/EC ("EU RoHS Directive 2002/95/EC" or "Directive"), specifies that certain hazardous substances in electronic and electrical equipment must be substituted with safer materials – specifying the maximum concentration of lead at 0.1%. The Directive allows exemption to the restrictions for devices where substitution of the lead is not yet technologically feasible. However, the Directive is broad, and allows a maximum lead limit of 1000ppm. See 74 Fed. Reg. at 6991.

[5] Id. at 6991-6992.

Interim Final Rule to adopt the following exclusions, as part of proposed 15. C.F.R. § 1500.88:

> *(1) Lead blended into the glass of cathode ray tubes, electronic components and fluorescent tubes.*
> *(2) Lead used as an alloying element in steel. The maximum amount of lead shall be less than 0.35% by weight (3500 ppm).*
> *(3) Lead used in the manufacture of aluminum. The maximum amount of lead shall be less than 0.4% by weight (4,000 ppm).*
> *(4) Lead used in copper-based alloys. The maximum amount of lead shall be less than 4% by weight (40,000 ppm).*
> *(5) Lead used in lead-bronze bearing shells and bushings.*
> *(6) Lead used in compliant pin connector systems.*
> *(7) Lead used in optical and filter glass.*
> *(8) Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.*
> *(9) Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.*[6]

Proposed section 15 C.F.R. 1500.88(e) states that:

> *(e) Components of electronic devices that are removable or replaceable such as battery packs and light bulbs that are inaccessible when the product is assembled in functional form or are otherwise granted an exemption are not subject to the lead limits in paragraph (a) of this section.*[7]

No less than every five years after publication of a Final Rule on children's electronic devices, the Commission staff will be required to reevaluate and report to the CPSC "on the technological feasibility of compliance with the lead limits in for children's electronic devices, including the technological feasibility of making accessible component parts inaccessible, and the status of the exemptions...."[8]

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[6] Id. at 6993, proposed 15 C.F.R. § 1500.88(d).
[7] Id., proposed 15 C.F.R. § 1500.88(e).
[8] Id. See proposed 15 C.F.R. § 1500.88(f).

## Recommendations

### Narrow Exemptions

Although many of the proposed exclusions are specific to certain types of components used in the manufacture of electrical goods, some are broad general exclusions for materials. For example, lead used in steel alloys, lead used in the manufacture of aluminum, and lead used in copper alloys are excluded without identifying the lead-containing components contemplated . For that reason, this provision is over-broad because a general materials exemption will give great discretion to manufacturers who may choose to add lead to metal alloys despite the fact that it may not be technologically necessary to do so. Exclusions for the listed materials and components should be granted only when it is clearly supported that it is not technologically feasible for the component to be produced without the addition of lead.

### Clarify Removable or Replaceable Component Parts

The Commission finds that spare parts or other removable components shall be considered inaccessible under the provisions of the CPSIA, provided that the lead-containing component is inaccessible when the product is assembled in functional form or of the component itself meets the criteria for exclusions. Designating "removable components" as inaccessible may leave a large loophole that might result in unnecessary harm to children. Manufacturers may interpret this provision as granting exemption to any component that can be removed from the product. For example, light bulbs in children's flashlights contain lead. Because bulb replacement is often necessary, unless rendered inaccessible as suggested by this *Interim Final Rule*, the bulb must be considered to be accessible. Unless it is rendered inaccessible and remains so after use and abuse testing -- easily removable and replaceable parts should still be required to meet the lead limits specified by the CPSIA.

Increase Periodic Review

The European Union Directive 2002/95/EC specifies that exemptions must be reviewed every four years with the aim of removing such exemptions if it becomes technologically or scientifically possible to replace the lead in a particular application. In contrast, the Interim Final Rule says that "staff will reevaluate the technological feasibility of compliance with the lead limits for children's electronic devices, including the technological feasibility of making parts inaccessible, and the status of the exemptions, no less than every five years. We recommend that the CPSC adopt the same four year review cycle as in the EU.

## Conclusion

For the foregoing reasons, we urge the Commission to adopt these recommendations in its implementation of Section 101 of the CPSIA.

Respectfully submitted,

Janell Mayo Duncan
Senior Counsel
Consumers Union

Donald L. Mays
Senior Director, Product Safety & Technical Public Policy
Consumers Union

Rachel Weintraub
Director of Product Safety and Senior Counsel
Consumer Federation of America

David Arkush
Director, Congress Watch
Public Citizen

Ed Mierzwinski
Federal Consumer Program Director
U.S. PIRG

Elizabeth Hitchcock
Public Health Advocate
U.S. PIRG

## Stevenson, Todd

**From:** Mays, Don [MAYSDO@consumer.org]
**Sent:** Monday, March 16, 2009 5:51 PM
**To:** Lead Electronic Devices
**Subject:** Comments on Electronic Devices
**Attachments:** CPSIA - Sec 101 Electronic Devices.pdf

*Donald L. Mays*
Senior Director,
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## Stevenson, Todd

**From:** Joe Lee [JoeLee@smarttech.com]
**Sent:** Thursday, April 30, 2009 12:52 PM
**To:** Lead Electronic Devices
**Cc:** Toro, Mary
**Subject:** Key with system

Dear Sirs:

SMART Technologies sells a EEE (Electrical Electronic Equipment) product with a key.
We are finding it difficult to find a key vendor who can provide us with a key with a LEAD (Pb) content below 300ppm.

With reference to:
**CONSUMER PRODUCT SAFETY COMMISSION - 16 CFR Part 1500 Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Notice of Proposed Rulemaking**
***3. Removable or Replaceable Component Parts***
***... However, the Commission proposes that spare parts or other removable components be considered inaccessible under the provisions of the CPSIA, provided that the leadcontaining component is inaccessible when the product is assembled in functional form or if the component itself meets the criteria for exemption, such as under the possible exemptions with respect to EU RoHS***
The EU RoHS Directive has the following exemption for lead (Pb):
6. Lead as an alloying element in steel containing up to 0,35 % lead by weight, aluminium containing up to 0,4 % lead by weight and as a copper alloy containing up to 4 % lead by weight.

Many keys are made with copper alloy and aluminium; each of these materials have lead (Pb) at 0.4% which is equivalent to 4000ppm.
I am concerned that a key manufactured with other substances may be too costly or have a low durability.

Considering that a key which is shipped with a EEE product would not normally be used by children under 12 and would probably be kept by the teacher, would the CPSC consider an exemption for keys provided with a EEE product to schools?

Regards
Joe Lee
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**Working with you for a better Environment!**

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## Stevenson, Todd

**From:** Pratik Ichhaporia Intertek [pratik.ichhaporia@intertek.com]
**Sent:** Friday, May 01, 2009 4:37 PM
**To:** Lead Electronic Devices
**Subject:** Definition.

**Importance:** High

Dear Sir/Madam,

Can you please provide the definition of the term "electronic devices" as it applies to the interim final ruling "16 CFR Part 1500 Children's Products Containing Lead; Exemptions for Certain Electronic Devices"? (http://www.cpsc.gov/businfo/frnotices/fr09/electronicinterim.pdf)

I reviewed Federal Hazardous Substances Act (FHSA), Consumer Product Safety Act (CPSA) and US Code Title 15 but could not find the precise definition.

Any help or guidance you may be able to provide will be great.

Thank you and Have a wonderful weekend!

Kind regards,
Pratik

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