



July 23, 2021

U.S. Office of Management & Budget
Office of Information and Regulatory Affairs
The White House
1600 Pennsylvania Avenue
Washington DC 20500
Attn: Desk Officer for the EPA

Subject: Comments of Rockwell Automation to U.S. Environmental Protection Agency RE: TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances Docket ID Number EPA-HQ-OPPT-2020-0549 and EPA ICR number 2682.01

To whom it may concern,

Rockwell Automation is a global leader in industrial automation and digital transformation. Our mission is to connect the imaginations of people with the potential of technology to expand what is humanly possible, making the world more productive and more sustainable. Rockwell Automation employs more than 24,000 people globally and has been serving customers for 118 years with current worldwide annual sales exceeding \$6 billion. We appreciate the opportunity to comment on this proposed rule and provide information on the perceived impact to Rockwell Automation as an article importer.

Summary of RA Comments on PFAS Reporting and Recordkeeping

- The one-year implementation period from the date the final rule is published is insufficient.
- Reporting requirements are excessive for article importers.
- The 10-year lookback period is onerous.
- Occupational exposure information is not available.

The one-year implementation period from the date the final rule is published is insufficient.

To comply with the PFAS reporting requirement, it would be necessary to survey our supply chain for PFAS content. We estimate, given the complexity of our supply chain, that these efforts to evaluate PFAS content in the articles imported would require a minimum of 4 years to complete.

Rockwell Automation imports articles, including finished products, that are composed of materials sourced from distributors, contract manufacturers, and original equipment manufacturers (OEMs). As part of a multi-tiered supply chain network, we are reliant on the due diligence efforts of our suppliers to document the presence of PFAS. PFAS are widely used across the semiconductor industry in paints and coatings as well as in rubber and plastics materials. Due to the proprietary nature of these materials, their chemical composition is considered to be confidential or a trade secret, and as such, suppliers are unwilling or unable to disclose content beyond the requirements of those global environmental regulations and restrictions which are already in force. Any effort to collect PFAS content is additionally hindered by the EPA's selection of 1,346 PFAS to review without priority, and their failure to provide a de minimis exemption, necessitating evaluation of trace amounts of PFAS chemicals, including those not intentionally added.

Reporting requirements excessive for article importers.

The data that the EPA is requesting exceeds the level of detail available from our suppliers. With the multi-tiered supply chain system, the origin of the PFAS in a material may be multiple suppliers removed from the

source the part ultimately containing PFAS is purchased. Suppliers may not have access to content information without surveying their own supply base. As such, we will not have access to OEM worker exposure and manufacturing processes including substance disposal.

The percent content of the PFAS substances for a material is difficult to calculate. In the electrical and electronics industry, it is highly likely that imported articles will contain multiple PFAS containing components, such as circuit boards and semiconductor components. No guidance has been provided by the EPA on how to report PFAS content when an article contains multiple different PFAS, or multiple PFAS containing components. There is no commercially available software program to assist in compiling the information required to report.

The 10-year lookback period is onerous.

As the articles imported are frequently finished products that have complex component structures, it is very difficult to review 10 years' worth of bill of material and related sourcing history. Many of the articles, or their components, imported in this period have been obsoleted or had multiple supplier changes. Also, some suppliers have ceased operations or are no longer supplying parts to our company, which limits the ability to survey them for PFAS content. While it may be possible to perform chemical testing on parts, due to the volume of PFAS substances targeted in this reporting requirement and the potential of parts requiring review, this option is costly and time consuming.

Occupational exposure information is not available.

Materials imported by Rockwell Automation in most cases do not require SDS. If imported as a finished product, the components potentially containing PFAS, such as semiconductors and printed circuit boards, are typically contained within housings and are not accessible to end users. Any post-import processing is completed in manufacturing facilities by trained employees. The PFAS substances workers could potentially be exposed to would not be raw or unprocessed. Finally, as Rockwell Automation sells business to business, our products are manufactured for industrial applications that consumers are unlikely to touch.

Conclusion

We greatly appreciate the opportunity to provide comments to OMB and the EPA on this proposed rulemaking. As described in this letter, importers of articles require more than one year to obtain the relevant data to meet the proposed reporting and record-keeping requirements. Additionally, reporting requirements for article importers exceed the level of detail of information available in the supply chain today and thus obtaining this data for the prior 10 years is onerous and would yield limited results. Finally, because importers of articles do not handle PFAS on their own, occupational exposure information is not available and therefore the requirement to provide this information will be challenging. Rockwell Automation is pleased to provide further comments if the opportunity becomes available.

Cordially,



Patricia Contreras
Vice President, Public Affairs