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U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
1200 Pennsylvania Ave NW
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Docket Number EPA-HQ-OPPT-2019-0677
via Federal eRulemaking Portal:
<http://www.regulations.gov>
Comments submitted 19 February 2020

IPC respectfully requests a 60-day extension of the comment period for the Notice document “Preliminary Lists Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations under Section 6 of the Toxic Substances Control Act” posted 27 January 2020.

IPC is the voice of the global electronics industry, connecting almost 6,000 member facilities across the \$2 trillion electronics supply chain. IPC members comprise raw materials producers, laminate manufacturers, printed circuit board fabricators, electronics assembly and testing, and original equipment manufacturers. Our members make the electronics technologies essential to just about every sector of our economy: aerospace, automotive, military, information technology, manufacturing, medical, retail, telecom. About 80% of IPC members are small- and medium-sized businesses.

The Notice asks that entities that manufacture a chemical substance (including import of the chemical substance or import of an article containing the chemical substance) correct errors or provide comments on the preliminary lists of manufacturers (including importers) of the 20 High-Priority Substances. We respect the EPA’s desire to maximize public participation by granting a 60-day comment period instead of a 30-day comment period. However, IPC members meaningful participation in this important comment process would benefit by receiving additional time to determine whether they are importers of an article containing these chemical substances.

IPC members are familiar with reporting to the EPA in accordance with the Chemical Data Reporting (CDR) rule. However, the import of a chemical substance as part of an article is not subject to CDR and the CDR rule does not require reporting of articles that contain chemical substances which are not intended to be removed and have no separate commercial purpose, that is, articles are generally exempt from TSCA CDR requirements. In addition, IPC members comply with registration and self-declaration processes required by the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation in the European Union, REACH-like regulations in Asia-Pacific countries, the Restriction of Hazardous Substances (RoHS) Directive 2002/95/EC (short for Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment) in the European Union, and RoHS-like directives in Asia-Pacific countries. The robust chemical management programs practiced by IPC members are grounded in implementing the use of safer chemistries and processes, including banning or limiting (e.g., de minimis levels) substances of concern. However, the Notice states that the Fees Rule requirements will apply to articles as defined by TSCA and, therefore, will not recognize de minimis levels.

Knowledge and experience with CDR, REACH, and RoHS will not benefit IPC members as they consider their obligations under this Notice. The extension of the Fees Rule beyond manufacturers and importers of the HP chemical substances to include importers of chemicals as part of an article will require time and resources that were not otherwise planned for by our member companies in this reporting year. IPC wants to provide the EPA with the best information and an extension to the comment period will provide us with time to try to assess a complex global supply chain.

Thank you for considering this request. We appreciate EPA’s continued collaboration with IPC. The point of contact is Dr. Kelly Scanlon (kellyscanlon@ipc.org, (202) 661-8091), IPC’s director of environment, health and safety policy and research.