

**Consumer Electronics Retailers Coalition**



November 14, 2008

Ms. Cheryl A. Falvey  
General Counsel  
Office of General Counsel  
Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, Maryland 20814

RE: Comments and Information: List to identify electronics devices for which lead is currently used.

Dear Ms. Falvey:

During the Consumer Product Safety Commission's public meeting on November 6, 2008, you indicated the need for further information and suggestions regarding the availability or creation of a list that would identify electronics devices for which lead is currently used in any concentration in any part of component of the product. The Consumer Electronics Retailers Coalition (CERC) would like to take this opportunity to respond to your request for further information.

By way of background, CERC is a public policy issue organization consisting of the major specialty retailers of consumer electronics products and retail associations. CERC members include Amazon.com, Best Buy, Circuit City, K-Mart, RadioShack, Sears, Target, Wal-Mart, and the leading retail industry trade associations – NRF, NARDA, and RILA.

As CERC indicated in its Comments filed on October 31, 2008, Congress clearly intended an exemption for electronic devices. However, CERC does not believe the creation of a comprehensive list of products as described in the CPSC's Request for Comments and Information can or should be created. It would be an impossible exercise to create a reliable list of products that could be considered complete in nature for any useful period of time, given the constantly changing design features of many electronics devices.

Rather, CERC believes the CPSC should recognize that it currently is not technically feasible to meet the new lead limits for certain components of electronics devices. We suggest that CPSC recognize the necessity of specific uses of lead and when applying the exemption for electronic devices, utilize three general categories of accessible component parts in which these uses of lead or lead alloys might be found.

In that regard, CERC outlines that the following three categories of component parts that contain lead at levels above those imposed by the Consumer Product Safety Improvement Act (CPSIA or Act) and for which there is currently no technically feasible method for reducing or removing the lead.<sup>1</sup> These component parts, to the extent that they are accessible to children if contained in electronics devices should be exempt from the requirements of Act, as provided by Section 101(b)(4) of the Act.<sup>2</sup>

- 1) Glass - Many types of glass contain lead that cannot be removed. The European Union recognized the feasibility issues with glass when it provided an exemption for glass under the RoHS exemptions. CERC, therefore, proposes that glass included in electronics devices should be exempt from the CPSIA lead requirements.<sup>3</sup> One example of such a product would be a television set marketed primarily to children. The lead in glass is added either for a functional use or for safety purposes. In the case of a cathode ray tube, the lead is added to prevent x-ray exposure of the viewer.
- 2) Machined parts – As previously discussed in CERC’s Comments, various alloys use lead to achieve certain properties necessary to form or make the part. A copper alloy (brass) is a commonly-used metal to make many electronic parts. In one specific application it is used in antennas both for function and to protect users from harm. The tip of the antenna is commonly brass as a machined part. The tip serves the purpose of providing an eye protector. In addition brass is used in the base for the machine threaded portion of the antenna that allows both a good mechanical fit and an electrical connection so the antenna can properly function. CERC, therefore, proposes that antennas and other machined parts included on an electronic device be exempt from

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<sup>1</sup> CERC also notes that for the most part, component parts inside of an electronic device, like lead solder, are inaccessible. There is not a need to identify uses of lead in any concentration in any inaccessible component part of the product as the CPSIA provides for an exception for these parts under Section 101(b)(2)(A).

<sup>2</sup> CERC reiterates that the CPSIA’s lead restrictions only apply to those electronics devices that would be considered a children’s product, as defined by the Consumer Product Safety Act and its regulations.

<sup>3</sup> CERC notes that the CPSC could also exempt glass from the required lead limits in other products under the exclusion presented in Section 101(b)(1) of the CPSIA as well.

CPSIA lead requirements, as per the RoHS limits. Examples of such products range from remote control cars to radios and televisions.

- 3) Electrical contacts and connectors – Lead is commonly used in certain alloys to make the parts easy to shape and machine to create the complex contact surfaces necessary to make electronic products work when interconnected. Common applications include contacts in battery compartments, audio and video connectors, battery charges and AC adapters. CERC, therefore, reiterates that these parts, to the extent that they would be considered accessible component parts included in an electronic device should be exempt from the CPSIA lead requirements, as per the RoHS limits.

CERC hopes that the CPSC will find this additional guidance helpful in its implementation of the CPSIA's electronics devices provision. CERC supports the Consumer Electronics Association and The Information Technology Industry's position that the CPSC should adopt the RoHS exemptions in which significant industry effort has already been expended over the past decade to meet. In light of the retroactive nature of the February 10, 2009 date for compliance with the lead limits imposed by CPSIA, CERC respectfully requests that the CPSC make a determination regarding the exemption for component parts including the types of materials – glass and alloys as described above – as soon as possible.

CERC strongly believes in protecting the safety of our customers and children. Any delay places retailers in the unreasonable position of not knowing how to purchase and not having sufficient time to review the compliance of products already in the supply chain. CERC appreciates the opportunity to provide additional comments and would be available for further consultation.

Respectfully,

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