

Issue Brief: The Restriction on the use of Hazardous Substances (RoHS) Review

The European Union (EU) Commission released proposed revisions to the RoHS Directive in early December. These proposed changes are expected to significantly affect the entire electronics supply chain. Even more burdensome and disruptive changes may still be added to the RoHS Directive during the upcoming Parliamentary reading as the Green Party has been appointed as rapporteur to lead the revisions process in the European Parliament. A number of Green Party goals, including the restriction of additional substances, further restriction of exemptions, and additional enforcement procedures could all be offered as amendments. The electronics industry will need to aggressively lobby the EU Commission and Parliament to ensure the final revised RoHS Directive is based on sound science.

Additional Substance Proposed for Inclusion by EU Commission

The Commission's proposal recommends that four additional substances be placed on a priority assessment list for evaluation and for possible future restriction under RoHS: the flame retardant Hexabromocyclododecane (HBCDD), and the phthalates Bis (2-ethylhexyl) phthalate (DEHP), Butyl benzyl phthalate (BBP), and Dibutyl phthalate (DBP). The three phthalates that will be assessed can be found in cables and cords, while HBCDD is used as a flame retardant in high impact polystyrene (HIPS). Although Tetrabromobisphenol-A (TBBPA), the flame retardant used in over 80% of Printed Circuits, was removed from the priority assessment list, the Green party is expected to continue push for its inclusion and subsequent ban.

Despite the fact that TBBPA has undergone a comprehensive EU risk assessment that determined it to be safe for the environment and human health, TBBPA was identified for possible restriction under RoHS by the Commission's consultants, the Okö Institut. It was only through the efforts of IPC and other diligent industry representatives that the Commission was persuaded to rely upon science in the identification of substances for priority assessment under RoHS. Unfortunately, the Green Party is expected to ignore the science and insistently advocate for TBBPA to be restricted under RoHS. In addition to the technical challenges and significant costs associated with the restriction of TBBPA under RoHS, there is the more troublesome precedent of restricting a substance for political instead of scientific reasons.

Therefore it is vital for the electronics industry to adamantly oppose any recommendation to restrict TBBPA on the basis that there is no science to support its restriction.

The Need for Science

The Commission's proposed revisions are a small step towards attempting to insert scientific methodology into the existing arbitrary selection of substances restricted under RoHS. Additionally, the proposals make a step towards alignment of the RoHS and REACH Directives by employing the REACH methodology for all substance evaluations. Using the REACH methodology to evaluate substances identified for priority assessment under RoHS would help to avoid any overlap or inconsistencies between the two EU chemicals regulations. Unfortunately the alignment put forward in the proposed directive is fragile and still subject to the whims of the political process. It is recommended that the process by which substances will be restricted

under RoHS be revised to explicitly require concordance with the REACH directive. This would prevent a politically based addition to RoHS of substances like TBBPA, which do not meet the scientific criteria for restriction under REACH as a hazardous substance.

CE Marking

The Commission has recommended the RoHS Directive become a CE Marking Directive. This stipulation will replace the simple self-certifying method of compliance and will require manufacturers and importers to affix a label on their products if they are put on the EU market. As if that is not enough additional burden, the proposed RoHS revisions go beyond what is required under the CE Marking Directive by requiring all importers to mark their name and address on each product, even if the Importer's Authorized Representative's details are already marked on the product.

The CE marking requirements will affect the entire supply chain due to the OEM's need to develop robust risk assessments in order to determine if sample testing is required. To further burden the electronics supply chain, there is currently no harmonized standard for a risk assessment process, which could lead to a proliferation of requirements and duplication of efforts.

Exemptions Policy

The proposed revisions put an impractical four-year expiration date on all exemptions. Some substances simply do not have alternatives, while others will take many years to develop and validate. Requiring manufacturers to reapply for an exemption for a substance that does not have alternatives is unnecessarily burdensome for both industry and the EU bureaucracy.

What Can You Do?

If you are an EU-based company

You have a unique advantage and responsibility to take action above other electronics companies because you have direct access to the EU government. You need to act now if you want to minimize the impact of a revised RoHS Directive on your company. Please consider sending a letter to your Member of Parliament (MEP) and your Council representative expressing your concerns. IPC has drafted a letter for you to use as a template.

If you are a non-EU-based company

Elected officials are most responsive to companies and individuals that they represent. Although you do not have a direct voice in EU government, you can have an impact by reaching out to your EU counterparts. Encourage your EU customers, suppliers, distributors and colleagues to become involved in the revisions process by contacting their Member of Parliament (MEP) and Council Representative. IPC has drafted a letter for your EU counterparts to send to their EU government representatives. If they become involved and advocate on behalf of the electronics industry then everyone will benefit.

Further Information

IPC efforts

IPC campaign efforts

The proposed revisions

Compliance information