# JEITA (Aya Iizuka)

The Japanese electric and electronic industrial associations – JEITA, CIAJ, JBMIA and JEMA (JP4EE) – hereby express gratitude to the New Mexico Environment Department (NMED) for giving us the opportunity to contribute to this issue. We conduct our businesses in the US and all over the world and are firmly committed to protecting human health and the environment and to complying with chemical substance legislations as defined by the countries and regions where we operate. Also, we support active prevention or minimizing chemical pollution by hazardous PFAS. In this spirit, we have carefully and conscientiously examined the draft New Mexico Administrative Code Title 20 Chapter 13, Part 2 "ENACTING THE PER- AND POLYFLUOROALKYL SUBSTANCES PROTECTION ACT" and would like to submit our comments and recommendations.

We would highly appreciate the NMED would carefully consider our input.

February 06, 2026

# JP4EE General Comments on draft New Mexico Administrative Code Title 20 Chapter 13, Part 2 "ENACTING THE PER- AND POLYFLUOROALKYL SUBSTANCES PROTECTION ACT"

https://nmed.commentinput.com/?id=8mWdJ5uaj
https://cloud.env.nm.gov/resources/_translator.php/NWYxYjlyMWRhMWI3NGEyNzdmMzQ4ODdlOV8yMTU1MjY~.pdf

**Name of the associations which make this input:**

The Japanese electric and electronic industrial associations:

**JEITA** (Japan Electronics and Information Technology Industries Association)
**CIAJ** (Communications and Information Network Association of Japan)
**JBMIA** (Japan Business Machine and Information System Industries Association)
**JEMA** (Japan Electrical Manufacturers' Association)

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**General Comments:**

## I. We would request to carefully re-examine whether the proposed uniform regulation of PFAS is reasonable in view of hazard and risk of the substances.

Although not within the scope of the proposed rule, in item S of Section 2 of HB 212 "Per- and Poly-Fluoroalkyl Substances Protection Act" defines PFAS as follows:

> *"per- or poly-fluoroalkyl substance" means a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom;*

This definition is broader than OECD's structure-based definition (2021). The OECD defines PFAS as "organofluorine compounds that contain at least one perfluorinated methyl (–CF3) group or two or more consecutive perfluorinated methylene (–CF2–) groups".[1]

Even the OECD definition of PFAS is a broad set based on chemical structure alone and includes more than 10,000 diverse groups of substances. The OECD itself has clarified that this definition is intended as a common language for inventory development and research purposes, and not as a direct basis for regulatory decision-making, making it clear that it does not conclude that all PFAS have the same properties, uses, exposure patterns, or risks.

In practice, scientific, physicochemical, and biological properties, as well as environmental behavior (including persistence and mobility) and toxicological profiles, differ significantly between substances. In the PFAS restriction proposal currently under consideration in Europe, "very high persistence" is identified as a common concern. However, persistence in itself does not necessarily mean hazard, and risk should be assessed on the basis of substance-specific hazard characteristics and actual exposure.

For example, fluoropolymers generally have very high molecular weights (with number-average molecular weights in the range of several tens of thousands to several hundred thousand daltons). They are thermally, biologically, and chemically stable, exhibit extremely low solubility in water and common solvents, and are therefore assessed as having low environmental mobility and low bioaccumulation potential.

[1] OECD PFAS terminology guidance: https://www.oecd.org/en/publications/reconciling-terminology-of-the-universe-of-per-and-polyfluoroalkyl-substances_e458e796-en.html

From the perspective of cell membrane permeability, their bioavailability is also considered to be very low. Consistent with the OECD concept of Polymers of Low Concern (PLC), fluoropolymers are therefore generally regarded as substances of low concern.[2]

Therefore, we consider that it is very reasonable that HB 212 exclude fluoropolymers from restriction and reporting, but requiring PFAS label for them under this draft rule seems to be unreasonable for its low risk.

Furthermore, possible risk also varies greatly depending on how to use PFAS. In particular, for complex articles such as electrical and electronic equipment (hereinafter, EEE), the possibility of PFAS exposure to users is extremely low while the function of PFAS is essential for high performance. Further details are given in the following sections, but it is also considered unreasonable to regulate PFAS of low concern in complex articles.

By contrast, for certain PFAS for which persistence, bioaccumulation, and toxicity (PBT properties) have been scientifically established, stringent management is already being implemented under international frameworks. Specifically, PFOS, PFOA, and PFHxS have been listed under the Stockholm Convention, and their phase-out and use restrictions are being progressively implemented through national legislation. In addition, long-chain PFCAs (LC-PFCAs; perfluorocarboxylic acids with carbon chain lengths C9 - C21, including their salts and precursors) were, following recommendations by the POPRC, adopted for listing in Annex A (elimination) at COP12 in 2025[3].

The advancement of international controls for these high-concern PFAS demonstrates the value of distinguishing and prioritizing substances based on scientifically established risks, rather than treating all PFAS as uniformly hazardous.

Although the United States has not ratified the POPs Convention, we have eliminated PFASs covered by the Convention worldwide, including in the United States. **Please note that PFAS currently used by the EEE industry described in our inputs below are <u>NOT</u> substances that have PBT properties and are controlled by the Stockholm Convention, etc., but those with low risks to humans and the environment as explained in the above.**

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[2] Barbara H et al., Integrated Environmental Assessment and Management, Vol14(3), p316–334. https://setac.onlinelibrary.wiley.com/doi/full/10.1002/ieam.4035
Stephen K et al, Integrated Environmental Assessment and Management, Vol19(2), p326–354 https://setac.onlinelibrary.wiley.com/doi/10.1002/ieam.4646

[3] https://chm.pops.int/TheConvention/ConferenceoftheParties/Meetings/COP12/tabid/9744/Default.aspx

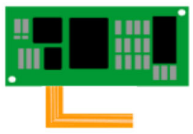
## II. PFAS is indispensable to modern technology including semiconductors.

Modern high-performance EEE is improving people's lives and health with its fast-processing power and convenience. Products under other sectors than EEE, such as automotive, military, marine, space and aviation also need similar applications of PFAS as EEE because almost all of them use electric parts. PFAS is indispensable to modern technologies in EEE including semiconductors, and if it is totally banned, the world cannot do but returning to the technological level of the first half of the 20th century, making it difficult to maintain modern life.

PFAS are the only materials that can simultaneously provide and exhibit multiple functions, such as low dielectric constant, low dielectric loss tangent, low refractive index, oil repellency, electrical insulation, water repellency, heat resistance, chemical resistance, weather resistance, mold releasability, flame resistance, separability, wear resistance, surface properties (friction coefficient), bending strength, stretching properties, non-flammability, etc. which are necessary for electrical and electronic devices.

Multi-functionality of PFAS cannot be satisfied with a mixture of alternative materials. There may be alternative materials that satisfy each specific property, but formulating a functional mixture of alternative materials is, in most cases, extremely challenging in practice, because the worst-property from the constituent materials often determines the final properties of the resulted mixture as shown the following figure.

**Multi-functionality of PFAS**
**(Not satisfied with a mixture of alternative materials)**



e.g. Printed Circuit Board in a Mobile Phone System
The component needs
- Low dielectric constant
- Heat resistance
- Flame retardancy

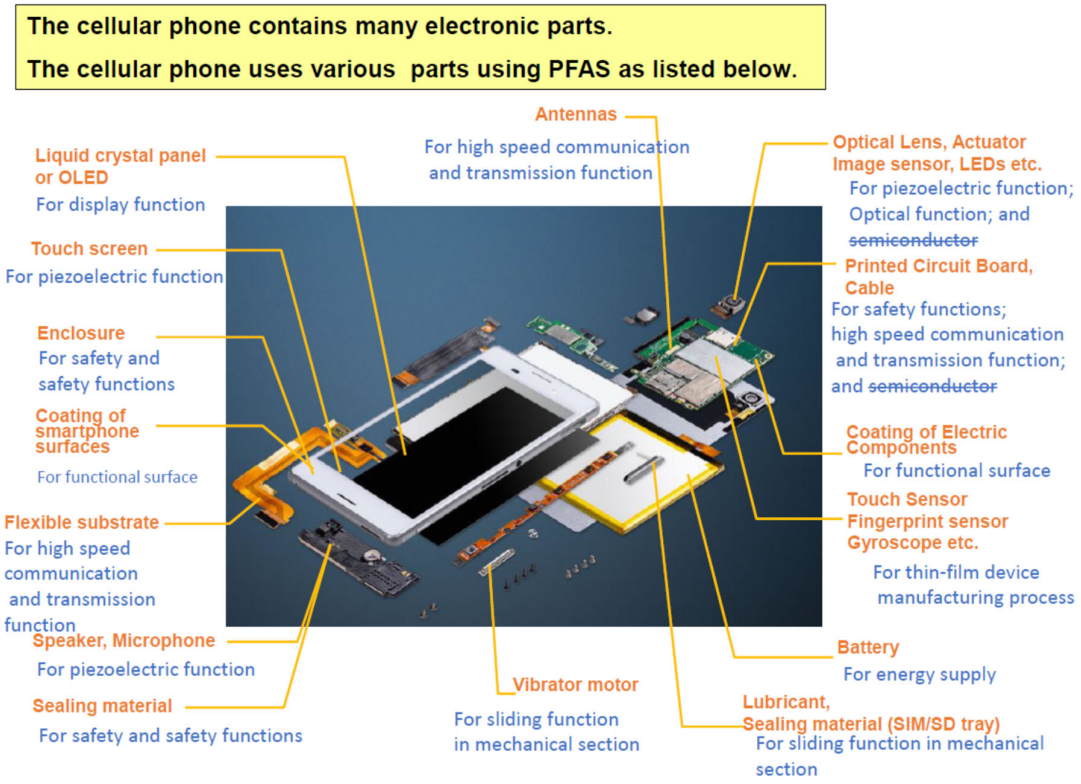
There may be alternative materials that satisfy each specific property, but...
- Formulating a functional mixture of alternative materials is in most cases, extremely challenging in practice.
Depending on the property, it is the worst-case from the constituent materials that determines the final properties of the mixture.

| | Material A (e.g. PPE) | Material B (e.g. PI) | Material C (e.g. Br-based material) | Mixture of Material A/B/C | | Fluorinated material |
|---|---|---|---|---|---|---|
| Low dielectric constant | ○ | △ | × | △～× | ⇔ | ◎ |
| Heat resistance | △ | ◎ | — | △～× | | ○ |
| Flame retardancy | × | × | ◎ | ○ | | ◎ |

◎=Excellent; ○=good; △=not good; ×=bad

We recognize that these characteristics of PFAS are utilized in many fundamental functions of EEE such as: optical function; high speed communication and transmission function; piezoelectric function; sliding function in mechanical section; display function (Liquid crystal display / LCD); Safety and safety functions; functional surface; semiconductor; thin-film device manufacturing process; energy supply (battery); cooling function (Refrigerant). However, please note that we cannot obtain the exact identification of substance and its precise contents from the supply chain.

Using a smartphone as an example, here's how many features require PFAS:




For more information on the applications in EEE requiring PFAS and their technical details, please refer to our input submitted to the EU. Our input, under the name of JEITA, to European chemical Agency can be seen in RCOM part 21 (Reference No. 4543) and RCOM part 96 (Reference No. 8594), with all their attachments, at:
https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18663449b

## III. The potential risk caused from the "articles", such as Electric and Electronic Equipment including consumer use, should be properly considered also from the

**socio-economic point-of-view. (Relating to 20.13.2.10)**

The possible exposure from complex articles such as EEE and from the chemical products differs widely so they should not be treated uniformly. The potential for the risks from the (complex durable) article should be properly considered, and a convincing justification should be provided to show why uniform restriction of PFAS is the most appropriate measure for the identified risks for the articles.

We believe that emissions relating to electric and electronic equipment (EEE) are quite well managed. In the first place, at design and manufacturing stages, the use of PFAS in EEE is limited to the places where the functions of PFAS are necessary, because PFAS materials are more expensive in exchange for high-performance than non-PFAS low-performance ones. In addition, in use phase, EEE must keep their quality and performance in their durable life. The PFASs used in products have a very low vapor pressure and therefore do not volatilize at room temperature and are designed to remain where they are applied to provide the required function during the product lifetime, and to perform well under more severe conditions than the rated operating conditions. We therefore believe that it is unlikely that PFAS in EEE will be emitted during the use phase.

If NMED has concerns about the end-of-life stage of the products, it could be effectively managed by the regulations on waste recycling and disposal regulations and on the workplace safety, and their cost-benefit would be much better than uniform regulation of PFAS. We have already fulfilled the extended producer responsibility required by e-waste regulations in other states.

Cost of the uniform elimination of PFAS in consumer electronics would be huge not only for the industry but also socio-economically, but it cannot be calculated because the whole effect on society cannot be estimated. Even in the RoHS case, where four metal elements and two groups of the flame retardants were regulated and some feasible alternatives for actual use in EEE is established, the threshold is from 100ppm to 1,000ppm, and necessary derogations and grace period are set, the average cost per company was $2,640,000 to achieve initial RoHS compliance and another $482,000 for annual maintenance. (According to a study conducted for the U.S. Consumer Electronics Association (currently, CTA) by researcher Technology Forecasters Inc. (TFI).) The study found that the RoHS Directive cost the global electronics industry more than $32 billion for initial compliance and about $3 billion annually to maintain compliance. However, the cost for restriction of PFAS would be far higher because there are so many PFAS to be restricted and the threshold is extremely lower, and the necessary derogations have not been established.

CUUs of PFAS in electronics are not only semiconductors. Although only non-consumer electronic products were excluded, the technology used in EEE is basically common between non-consumer and

consumer products in current situation where digitalization and advanced functionality are widely equipped also in the consumer products. The technology used in daily consumer products such as smartphones and game consoles are also at the cutting edge and cannot be manufactured unless the CUUs of PFAS other than semiconductors are approved. Fixed analog phones can be made without PFAS, but smartphones cannot.

Uniform restriction of PFAS in consumer electronics may lead to defective substitution which cannot attain necessary performances but also ensure safety, reliability and durability of the whole products. The end-users in New Mexico will be affected most seriously. This may lead collapse of the whole social infrastructure based on IT and semiconductor technologies.

For the above reasons, we believe that electrical and electronic equipment, including those for consumers, should be excluded from the application of this rule. Alternatively, as all the equipment using semiconductors which is currently excluded needs other advanced technologies using PFAS, so not only "a semiconductor, including semiconductors incorporated in electronic equipment, and materials used in the manufacture of semiconductors" but also "**products incorporating one or more semiconductors**" in themselves should be excluded.

## IV. Improving international recognition on currently unavoidable uses of PFAS (Relating to 20.13.2.10, 20.13.2.11, 20.13.2.12)

Even the EU Member States promoting the ban of PFAS, which were among the most radical in the world, have acknowledged that there are currently many essential uses of PFAS other than those prohibited under the Stockholm Convention. They recognized that a complete ban on universal PFAS was not realistically feasible and published a revised proposal with many significant additional derogations in August 2025.
https://echa.europa.eu/en/hot-topics/perfluoroalkyl-chemicals-pfas
The summary is also available, so please read it carefully.
https://www.kemi.se/download/18.41d27938199c91391bdef17/1760345188927/What%20you%20need%20to%20know%20about%20the%20updated%20PFAS%20restriction%20dossier.pdf

Applications that may be needed and used in the consumer electronic products and which the EU currently lists as currently unavoidable uses as of August 2025 include:

5.d. hard chrome plating;

5.h. refrigerants in HVACR-equipment in buildings where national safety standards and building codes prohibit the use of alternatives;

5.i. foam blowing agents in thermal insulation foam;

5.m. insulating gases in high-voltage switchgear (above 145 kV);

5.n. refrigerants, clean fire-suppressing agents and insulation gases for maintenance and refilling of existing HVACR, fire-suppressing and switchgear equipment put on the market before the date of starting restriction;

5.s. coatings and films on displays and lenses of electronic complex objects;

5.t. printed circuit boards and antennas;

5.u. photonics;

5.v. heat transfer fluids for 2-phase immersion cooling;

5.x. coatings and films of electronic components (excluding displays and lenses);

5.y. binders and electrolytes in batteries;

5.aa. industrial and professional uses of lubricants or lubricant additives *(note: We consider that this exemption covers chemical products and that PFAS in the lubricants or lubricant additives used in the industrial production are allowed even if the resulted finished articles are for consumer or not.)*;

5.cc. toners (for printers);

5.dd. latex printing inks;

5.ee. electrophotographic press;

5.ff. kinetic printing components;

5.gg. photosensitive materials;

5.mm. HEPA (H 13-14) and ULPA (U 15-17) filters (according to EN 1822:2009) and in industrial uses for filtration and separation of air and other gases;

5.nn. sound-permeable and vent filters for electrical and electronic equipment;

5.oo. oxygen-permeable membranes in zinc-air batteries and other types of alkaline metal- air batteries;

5.pp. industrial use as media in liquid-liquid separation *(note: We consider that this exemption covers chemical products and that PFAS in the media in liquid-liquid separation used in the industrial production are allowed even if the resulted finished articles are for consumer or not.)*;

6.g. heat transfer fluids for industrial and professional use of vapor phase soldering for electronics *(note: We consider that this exemption covers chemical products and that PFAS in the heat transfer fluids for vapor phase soldering used in the industrial production are allowed even if the resulted finished articles are for consumer or not.)*;

6.h. wires and cables (incl. connectors);

6.i. insulation material of electronic components (excluding wires, cables and connectors);

6.j. anti-drip agent in plastics of electronic components;

6.k. fuel cells and electrolysers;

6.l. separator coatings for batteries;
6.m. PTFE nozzles in high voltage (>145 kV) switchgears and circuit breakers;
6.n. front- and backsheets in photovoltaic cells;
6.p. sealing applications in industrial uses *(note: We consider that this exemption covers chemical products and that PFAS in sealing applications used in the industrial production are allowed even if the resulted finished articles are for consumer or not.)*
6.q. machinery applications in industrial uses *(note: We consider that this exemption covers chemical products and that PFAS in machinery applications used in the industrial production are allowed even if the resulted finished articles are for consumer or not.)*

Thus, there are many essential uses of PFAS other than semiconductors in high performance EEE. Therefore, it is necessary to establish CUU for almost all consumer EEE if CUU for each product is required instead of setting exemptions for each PFAS application as in EU REACH. For this reason, as mentioned in II above, we consider that all the complex articles including consumer EEE should be exempt from the PFAS restrictions.

## V. About CURRENTLY UNAVOIDABLE USE (Relating to 20.13.2.11)

As we described above, we consider that all the complex articles including consumer EEE should be exempt from the PFAS restrictions, however, if NMED considers the regulations for them must be implemented, we believe that the following should be taken into consideration in examining Currently Unavoidable Use (CUU).

**(1) PFAS is a huge group of currently used industrial chemicals that plays many essential roles in the complex articles including consumer EEE. Therefore, as conditions for approving CUU, it is appropriate that those for allowing an exempted application from the restriction set in the Article 5 (1) (a) of the EU RoHS DIRECTIVE 2011/65/EU, which is the world's first feasible restriction of substances contained in EEE, should be taken into consideration.**

Concretely, the conditions are as follows:
A CUU is approved where any of the following conditions is fulfilled:

i. their elimination or substitution via design changes or materials and components which do not require any of the PFAS materials or substances is scientifically or technically impracticable,
ii. the reliability of substitutes is not ensured,
iii. the total negative environmental, health and consumer safety impacts caused by

substitution are likely to outweigh the total environmental, health and consumer safety benefits thereof.

Decisions on the exemptions shall also take into account of the followings:

- the availability of substitutes (Please note that possible substitutes in research stage cannot be used in actual products. Reliable substitutes should be available on the market for every stakeholder at reasonable prices.),
- the socioeconomic impact of substitution (also the cases where the products itself cannot be used due to the inability to substitute should be considered), and
- any potential adverse impacts on innovation.

**(2) Broader scope of CUU proposals should be accepted especially for the complex durable goods such as electronics.**

We would like the CUU proposals to be submitted more broadly and not based on product category and NAICS combinations. Due to the ubiquitous nature of PFAS, we would like proposals to be based on whole industry sector instead (e.g. electronics sector). For example, if PFAS is used in electronics to provide low refractive index and heat resistance, the purpose of use of the functions may differ per products of each manufacturer. Therefore, if CUU is determined for each product category such as based on HTS/GPC code, huge number of CUU applications would be necessary despite the same uses, and NMED would have to verify the approval of CUU for all those applications.

In order to solve this problem, it is desirable to allow CUU determination proposal at a high level that does not rely on the product design. As described in the attached appendixes, PFAS is used in electronics to provide other functions which are essential to the operation of the electronics in addition to low refractive index and heat resistance, and almost all the electronics will be subject to CUU. Therefore, we believe that it is desirable to grant CUU for the electronics field as a whole.

We list product category which may need PFAS based on GPC in the attachment for your reference.

**(3) CUU which is submitted by an individual company or group and granted by the NMED should be able to be used by all other entities using the granted uses. We would request to clearly stipulate it in this rulemaking.**

For complex articles like EEE, if intentionally added PFAS is contained to a part, such PFAS is most likely not added by the manufacturer of the final product but an actor in far upstream supply chain. A PFAS used in a certain use in a certain product category by a manufacturer is most likely used in

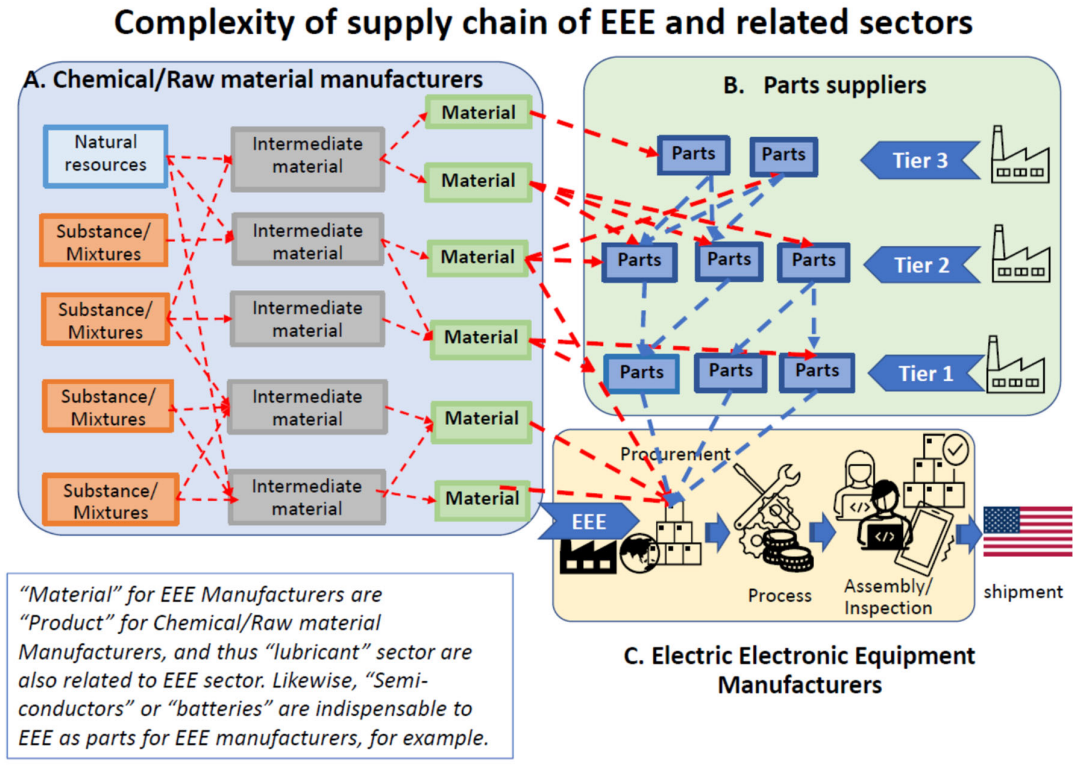
the same use in other product categories by other manufacturers. Also, the reason not being able to substitute the PFAS in the use is not basically different. It is simply increasing workload for both industries and the NMED if it needs CUU application each and it needs to examine each application. Therefore, in order for balancing between achievement of policy objectives and effective implementation, it is desirable to apply the use of PFAS granted as CUU to all those who utilize the use in addition to enable CUU application in as high level as possible mentioned above.

EU RoHS Directive, de facto standard of the restriction of certain hazardous substance in EEE, also has the exemption clause. Even under EU RoHS, an exemption granted can apply to all entities using the exemption.

(4) **There should be a mechanism to allow NMED to determine CUUs based on information available to finished products manufacturers.**

Much of the information requested for the applications of CUU is often held by suppliers of the materials and components upstream in the supply chain. In most cases, such detailed information is confidential property of the upstream suppliers rather than of the manufacturers or importers of products supplied to New Mexico, and it is expected to be too difficult even for the finished-product manufacturers to obtain it.

In the first place, the finished products importers or manufacturers by themselves do not require or direct the suppliers the use of PFAS. As a result of asking for some functional specifications required for the products, the suppliers simply inform their downstream actors of use of PFAS and that only parts and materials containing PFAS can meet the specifications in response to the inquiry from the finished products importers or manufacturers. In most cases, detailed information is not provided because PFAS is not restricted in many countries where the suppliers locate. Actors in the supply chain who use PFAS directly are not the direct contractors of the finished products importers or manufacturers but are at far upstream in the supply chain and often difficult even to contact. Information transmission in the EEE supply chain is illustrated as follows.




In the case of EEE including those for consumer use, it is assumed that PFAS is used in many components, but it is not practical for finished-products manufacturers to obtain the information required for CUU applications under the proposed rule for all of them.

For example, 20.13.2.11 A. (1) "Identification of the specific per- or poly-fluoroalkyl substance(s) intentionally added to the product or its components" should be allowed simplified one. For the cases of EEE, such information must be obtained from the material and component suppliers upstream in the supply chain, who would not provide in most of cases any additional information beyond the PFAS, such as the specific chemical name or identifier, to the finished products manufacturers for the reasons of trade secrecy. Recently, supply chain investigations were conducted for the TSCA PFAS report, but specific substance names and CAS numbers were almost impossible to obtain.

Therefore, we consider that the information indicating the use of PFAS with generic name or description should be accepted for this item. More concretely, options similar to those in TSCA§705.18 (a) (2) (ii) should be allowed by adding following subparagraph at the end of current 20.13.2.11 A. (1):

**If the specific chemical identity of the PFAS imported in a product (article) is not known to or**

**reasonably ascertainable to the submitter of the notification, if the chemical identity is claimed as confidential business information by the submitter's supplier, or if the submitter knows they have a PFAS but is unable to ascertain its specific chemical identity), the submitter may provide a generic name or description of the PFAS.**

In addition, for 20.13.2.11 A. (5) "A description of whether there are alternatives for this specific use of per- or poly-3 fluoroalkyl substances that are reasonably available", we would like to propose that it should clearly permit the submission of only information that the submitter has been able to obtain among those listed in this section, rather than the description as if all the information from i to vi is essential.

The information available to finished-products manufacturers would be limited to whether there are PFAS-free parts and materials with equivalent performance available on the market or not for the parts and materials currently used in them. Please note that the use of PFAS in EEE is limited to the places where the functions of PFAS are really necessary, because PFAS materials are more expensive (the price is generally several to dozens of times more expensive than non-fluorinated ones) in exchange for high-performance than non-PFAS with low-performances.

## VI. The purpose of the reporting requirement should be clarified and the information fit for the purpose should be collected. Complex articles such as electrical and electronic equipment should not be subject to the reporting. (Relating to 20.13.2.12)

**(1) About the purpose of the reporting.**

It is not clear why PFAS reporting is required in the first place. As the first step, the purpose of the legal requirement should be clarified, and then rulemaking should be conducted to collect the information necessary to satisfy the purpose.

If NMED is concerned about the risks associated with PFAS emissions and are seeking information to cover the derived risk, EEE may be exempted from the reporting. As we described in our input II above, we believe that emissions relating to EEE are quite well managed and are very limited. We believe on the scientific basis that it is unlikely that PFAS will be released into the atmosphere from the EEE during the use phase.

**(2) About the timeline for starting reporting requirement (in relation to CUU)**

Since the currently proposed rule 20.13.2.11 A. requires CUU applications to be submitted from 60 to 12 months before the effective date of the applicable ban, there is a problem that many products subject to the PFAS ban from January 1, 2032, cannot be designated as CUU prior to January 1, 2027, when the reporting requirement takes effect. The date for the initiation of the reporting should be set in taking into account the date of designation of CUU for a number of products covered by the PFAS ban from 2032. For example, the starting of reporting requirement for products banned from 2032 should be January 1, 2032, when the CUU would have been already determined.

It should be noted that the current requirement for reporting from January 2027 cannot be met if the current contents of the required information remain unchanged.

**(3) If NMED does require PFAS reporting for complex durable goods, including EEE, both for consumers and for others, the reporting based on "reasonably available information" should be accepted, and reporting for the articles should be allowed at the same level as simplified reporting for the imported articles under §705.18 of the PFAS Reporting Regulations under TSCA Art. 8.**

Investigation of substances in EEE is very difficult. Complex articles such as EEE must be addressed across multiple layers of the global supply chain to investigate each substance. For this reason, many of our member companies have in place extensive chemical management programs designed to prohibit or limit the presence of the chemicals in complex global supply chains, in accordance with the legislations in the world on chemical content applicable to EEE.

However, such control programs mainly cover substances restricted under the certain regulations and do not require the supply chain to identify all the chemicals and their quantities in each article. Many PFAS are not classified as hazardous and are therefore not covered under the information requirements in many countries and are not communicated to EEE manufacturers located downstream in the supply chain because the exact composition (substance name and quantity) is confidential properties of the supply chain actors that intentionally add PFASs, such as chemical and component manufacturers. Therefore, finished EEE manufacturers are not able to obtain the exact and detailed data as we explained in our input III above. Requesting PFAS information from manufacturers or importers distributing products to New Mexico in this situation has little chance of collecting and reporting detailed data as required here.

Even with all the possible effort, no more information than "reasonably available one" is available to finished-products manufacturers and importers, making it impossible to report what the current draft rules require.

It should also be noted that although the simplified reporting provided for in §705.18 of the PFAS Reporting Regulations under Article 8 of the TSCA is considerably simplified, it is considered to abolish the PFAS reporting requirement for imported articles as even this would place an excessive burden on the industry.

## VII. The purpose of the PFAS label should be clarified and appropriate targets for that purpose should be established. Complex articles such as EEE should not be subject to the PFAS labelling. (Relating to 20.13.2.13)

Currently, the PFAS labeling is required to show on the most of products listed as the exemptions under 20.13.2.10 (the exemption from the labelling is only limited to the medical devices outlined in 20.13.2.10.C). However, we believe that "complex durable goods" including EEE should not be subject to the PFAS labelling.

Given that the hazards and risks of all the PFAS are not known but many substances such as fluoropolymers are considered as low concern, it is considered premature to impose such labelling requirements for products containing PFAS. As noted above, exposure to PFAS during the use of "complex durable articles" of EEE is generally estimated to be negligibly low compared to the exposure to PFAS as chemical products. In the first place, if the contained substances are released during use, the quality and performance of the product over a long period of time cannot be guaranteed and would not be said as "durable". Due to such fundamental characteristic of the durable products, the substances contained in EEE are generally designed not to be released to the outside.

While the hazards of PFAS in general, other than those covered under the POPs Convention, are still not specified and the risk of exposure during product use is low, almost all the EEE contains PFAS, and thus almost all the EE products must be labeled under currently proposed labeling requirement. However, it is quite doubtful whether the consumers would be able to gain any benefit from conspicuous labeling of the presence of substances whose hazards are not determined.

The presence or absence of the labeling also depends on whether the manufacturer or importer has knowledge about the PFAS content or not. Because the precise composition of the materials is often confidential, the determination of PFAS presence depends on the diligence of finished-products manufacturers or importers to investigate upstream in the supply chain. For this reason, we are deeply concerned that the importers who merely imports and sells the products might not put the PFAS label on their products, while the those from EEE manufacturers with product knowledge put

the label. Such situation seriously lacks fairness and misleads to consumers.

Furthermore, if the labels are attached to all the EEE, the products cannot be differentiated by the labels, and therefore the effect of influencing the end-users' behavior in the selection of products in purchasing cannot be expected.

For the above reasons, we propose that the exemption from labeling should not be limited to the medical devices but should include all the "complex durable goods" including consumer EEE.

## VIII. There is no reliable method for measuring PFAS in complex articles. As the control of the substances in complex articles have been carried out through the supply chain and testing should not be mandatory. (Relating to 20.13.2.14)

Currently, there are no analytical methods for PFAS adopted by international and governmental organizations (such as test methods by OECD Technical Group, ISO or IEC). Most of the so-called "PFAS analytical methods" are those for PFOS or PFOA, which are restricted under the Stockholm Convention, in soil and water. Even if one tries to measure the total organic fluorine only, the generally known analysis of fluorine by combustion ion chromatography (CIC) is not limited to organic fluorine but detecting inorganic ones at the same time, so that even total organic fluorine alone cannot be detected by the testing.

In the first place, reproducible and reliable analysis of the substances in complex articles starts with disassembling the product and preparing the analyzable sample. However, there is no established sample preparation method for analyzing complex articles for PFAS.

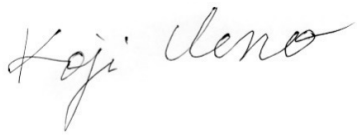
In addition, as EEE is composed of as many as 10,000 parts, substances contained in EEE are usually managed not by testing but by the information transmitted via the supply chain (see IEC 62474). Therefore, the requirement of analysis is not suitable for current situation of the management of substances contained in EEE. At least for the complex articles, the comprehension of the contents based on the information from suppliers should be allowed.

**Conclusion:**

We hope our input would provide substantive information to ensure the smooth and practical implementation of PFAS management to realize a healthy environment and a sustainable economy for the present and future generation in the State of Maine.

We wish to work together with the NMED to make the Act and the Rule feasible for implementation. Should you have any questions, please do not hesitate to contact the JEITA secretariat.

Sincerely yours,



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**About Japanese electric and electronic (E&E) industrial associations:**

About JEITA

The objective of the Japan Electronics and Information Technology Industries Association (JEITA) is to promote the healthy manufacturing, international trade and consumption of electronics products and components in order to contribute to the overall development of the electronics and information technology (IT) industries, and thereby further Japan's economic development and cultural prosperity.

About CIAJ

Mission of Communications and Information network Association of Japan (CIAJ). With the cooperation of member companies, CIAJ is committed to the healthy development of info-communication network industries through the promotion of info-communication technologies (ICT), and contributes to the realization of more enriched lives in Japan as well as the global community by supporting widespread and advanced uses of information in socio-economic and cultural activities.

About JBMIA

Japan Business Machine and Information System Industries Association (JBMIA) is the industry organization which aims to contribute the development of the Japanese economy and the improvement of the office environment through the comprehensive development of the Japanese business machine and information system industries and rationalization thereof.

About JEMA

The Japan Electrical Manufacturers' Association (JEMA) The Japan Electrical Manufacturers' Association (JEMA) consists of major Japanese companies in the electrical industry including: power & industrial systems, home appliances and related industries. The products handled by JEMA cover a wide spectrum; from boilers and turbines for power generation to home electrical appliances. Membership of 291 companies, http://www.jema-net.or.jp/English/

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