

Vicor position paper concerning the California RoHS Law in accordance with California Health and Safety Code Section 25214.10

As of January 1, 2007, California law bans the sale of some electronic devices that contain certain hazardous substances. The Electronic Waste Recycling Act (EWRA), requires the Department of Toxic Substances Control (DTSC) to adopt regulations to prohibit “covered electronic devices, from being “sold or offered for sale” in California” if they are prohibited from sale in the EU because they contain certain heavy metals.

The California RoHS law, which is found in Section 25214.10 of the Health and Safety Code, requires DTSC to adopt regulations that “prohibit an electronic device from being sold or offered for sale in California if it is prohibited from being sold or offered for sale in the EU under Directive 2002/95/EC due to the presence of certain heavy metals.”

California RoHS law applies only to a “covered electronic device,” which Public Resources Code Section 42463 defines as “a video display device containing a screen greater than 4 inches, measured diagonally.....identified in the regulations adopted by (DTSC) pursuant to subdivision (b) of Section 25214.10 of the Health and Safety Code.” As of December, 2005, DTSC had identified eight categories of covered electronic devices in its regulations. The list of covered devices, which is found in Subdivision (c) of Appendix X of Chapter 11 of the California Code of Regulations, Title 22, is as follows:

1. Cathode Ray Tube containing devices (CRT devices).
2. Cathode Ray Tubes (CRTs).
3. Computer monitors containing Cathode Ray Tubes.
4. Laptop computers with Liquid Crystal Display (LCD).
5. LCD containing desktop.
6. Televisions containing Cathode Ray Tubes.
7. Televisions containing Liquid Crystal Display (LCD) screens.
8. Plasma Televisions.

These listings apply only to devices with a video display screen four inches or larger, measured diagonally.

Electronic devices that do not fall into any of the above listed categories (or any new categories that may be added to the regulations in the future) are not subject to the RoHS law; their sale will not be prohibited, even if they contain lead or other heavy metals.

Subdivision (e) of Section 25214.10 of the Health and Safety Code precludes DTSC from prohibiting the sale of electronic devices that are not prohibited from sale under the EU directive. Therefore, DTSC’s RoHS regulations will recognize any exemptions adopted by the EU for the use of Lead, Mercury, Cadmium, or Hexavalent Chromium that apply to covered electronic devices.

The EWRA does not require manufacturers of covered electronic devices to register with DTSC. However, Public Resources Code Section 42465.2 and Section 18660.41 of Title 14 of the California Code of Regulations require manufacturers to submit an annual report to CIWMB that includes information on the use of restricted substances in covered electronic devices.

In Summary:

- California RoHS will be consistent with European Union Directive 2002/95/EC, but narrower in scope.
- An electronic product that can be legally sold in the EU (i.e., one that complies with the requirements of EU directive 2002/95/EC) will not be banned from sale in California under the state’s RoHS law.
- Electronic devices that are restricted from sale in the EU under directive 2002/95/EC but that are not “covered electronic devices” will not be banned from sale in CA, even if they exceed one or more of the Maximum Concentration Values (MCVs).
- Sales of electronic devices – including “covered electronic devices” – that exceed the MCVs for PBBs or PBDEs will not be banned in California under the state’s RoHS law.

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- Vicor does not currently produce any products which would be considered a “covered electronic device” under the California RoHS law. Consequently, all Vicor product, whether EU RoHS compliant or not, can be legally sold in California, without any additional marking, testing or certification.
- As a result of having no product considered to be a “covered electronic device” under California RoHS law, Vicor has no additional reporting requirements under the California Code of Regulations.

State Bill AB48 was under review in the CA State Legislature, which would expand the California RoHS law to include all Electrical and Electronic Equipment and require all such equipment sold in California as of January 1, 2010 to be EU RoHS Compliant for four of the six RoHS Hazardous Substances: Lead (Pb), Mercury (Hg), Cadmium (Cd) and Hexavalent Chromium (Cr+6). This law was passed by the CA State Legislature, but it was returned unsigned by the CA Governor as being unworkable. Vicor will continue to review progress of the CA RoHS Law.