



# California's Safer Consumer Products Program Update on Proposed SPF Regulations

Spray Polyurethane Foam Alliance  
Convention and Expo  
February 1, 2017

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Safer Consumer Products Branch



Department of Toxic Substances Control



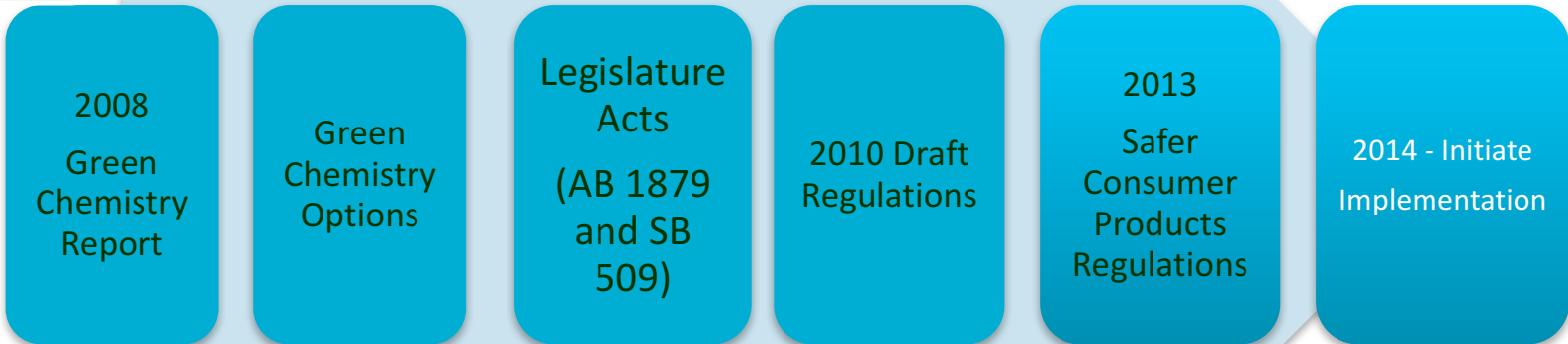
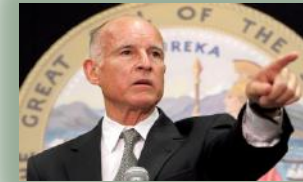
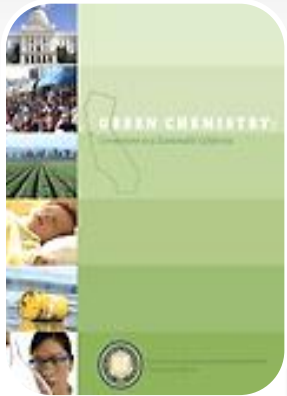
Cal/EPA

## ANTITRUST POLICY STATEMENT FOR SPRAY POLYURETHANE FOAM ALLIANCE MEETINGS

- It is and shall remain the policy of the Spray Polyurethane Foam Alliance (“SPFA”), and it is the continuing responsibility of every SPFA member company, SPFA meeting or event participant, as well as SPFA staff and leadership to comply in all respects with federal and state antitrust laws. No activity or discussion at any SPFA meeting or other function may be engaged in for the purpose of bringing about any understanding or agreement among members to (1) raise, lower or stabilize prices; (2) regulate production; (3) allocate markets; (4) encourage boycotts; (5) foster unfair or deceptive trade practices; (6) assist in monopolization; or (7) in any way violate or give the appearance of violating federal or state antitrust laws.
- Any concerns or questions regarding the meaning or applicability of this policy, as well as any concerns regarding activities or discussions at SPFA meetings should be promptly brought to the attention of SPFA’s Executive Director and/or its legal counsel.



# California's Path



# SCP Framework

## Vision

*Products are made with chemicals that are safe for people and the environment.*

## Mission

**To advance the design, development, and use of products that are chemically safer for people and the environment.**

## How?

- *Reduce exposure*
- *Reduce or eliminate chemical hazards*
- *Look at full product lifecycle*
- *Encourage reformulation/innovation*
- *Avoid regrettable substitutes*



# Safer Consumer Products Regulatory Framework



California Code of Regulations, title 22  
Chapter 55. Safer Consumer Products  
sections 69501 through 69510



## Prioritization Principles for Picking Products:



- Potential **exposure** to the Candidate Chemicals in the product

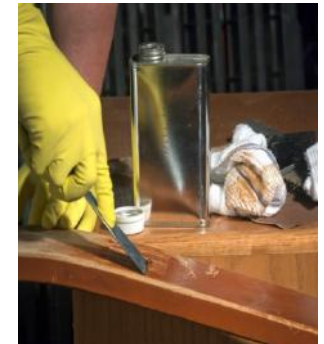
**AND**

- Potential for exposures to contribute to or cause **significant or widespread adverse impacts**



# Initial Priority Products

1. Children's Foam-padded Sleeping Products containing TDCPP and TCEP
2. Paint Strippers containing Methylene Chloride
3. Spray Polyurethane Foam Systems with MDI



# Alternatives Analysis

(Industry Step)

## 3 Alternatives Selection

### Key Concepts

- Manufacturer evaluation
- Narrative standard
- Public comment
- CBI protections
- Life Cycle Thinking
- Transparent Evaluation



# Assessing alternatives...



# Alternatives Analysis

## Answers key questions

- Is it necessary?
- Is there a safer alternative?
- Have regrettable substitutes been avoided?

## Life cycle thinking informs

- Regulated entities' decisions
- DTSC's regulatory response



# Risk vs. Alternatives Analysis

## Risk Assessment

- ✓ What is an acceptable level of harm? (e.g., # of cancers/1000 people)
- ✓ Does this activity or product fall within that acceptable level
- ✓ Activities considered in isolation

## Alternatives Assessment

- ✓ Is this potentially hazardous activity/ product necessary?
- ✓ What other options are available?
- ✓ How little damage is possible?
- ✓ Multiple activities compared



# “A-M” Criteria for Alternatives Analyses

- A. Product function/  
performance
- B. Useful life
- C. Materials/resource  
consumption
- D. Water conservation
- E. Water quality impacts
- F. Air emissions
- G. Product use, transportation,  
energy inputs
- H. Energy efficiency
- I. Greenhouse gas emissions
- J. Waste and end-of-life  
disposal
- K. Public health impacts:  
sensitive sub-populations
- L. Environmental impacts
- M. Economic impacts

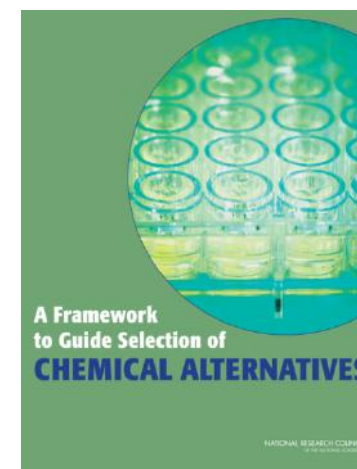
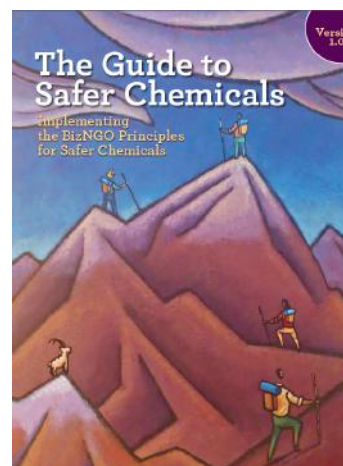
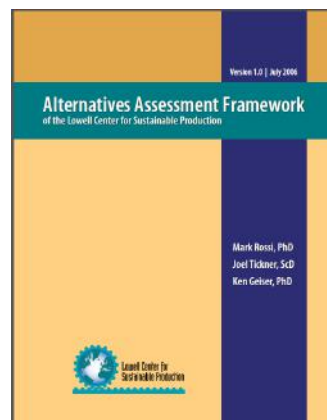
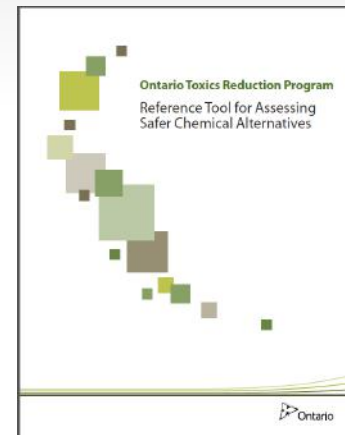
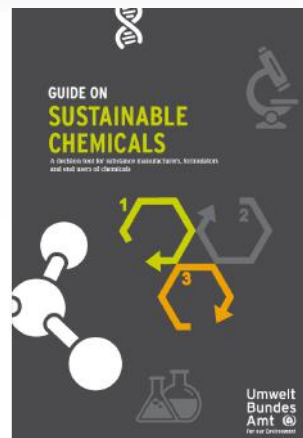
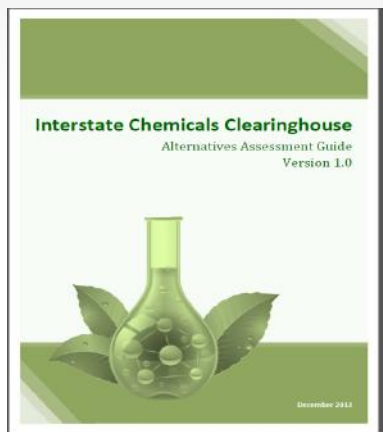


# Alternative Analysis Guiding Principles

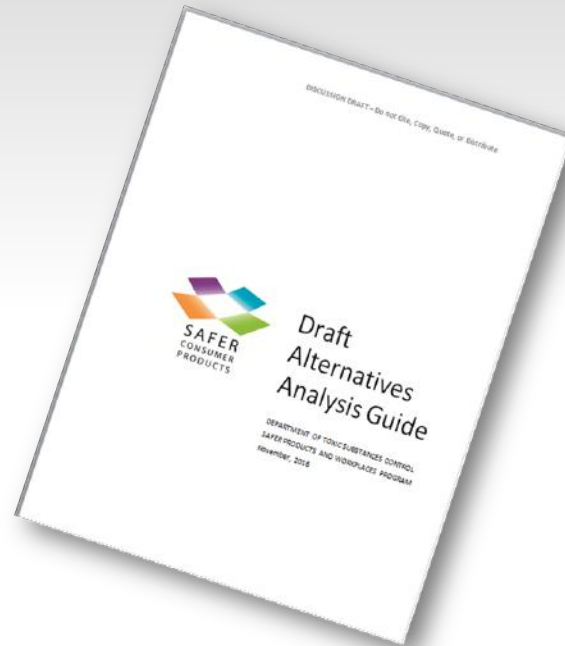
- Options beyond chemical substitution
- Use life cycle thinking
- Capture the breadth of impacts
- Be transparent
  - Disclose all information that supports decisions
  - Address uncertainties
  - Document assumptions, data sources, and data reliability
- Iterate



# Various approaches...



# AA Guide



- Draft AA Guide comment period closes February 3<sup>rd</sup>.
- Finalized this Spring
- Will be updated regularly
- DTSC will work with regulated sectors on technical assistance



# Factors to be Considered for Relevance:

Adverse environmental impacts

Adverse public health impacts

Adverse waste and end-of-life effects

Environmental fate

Materials and resource consumption impacts

Physical chemical hazards

Physicochemical properties

Associated exposure pathways and life cycle segments



# 4 Regulatory Response

- No response
- Additional information to DTSC
- Additional information to consumer
- Additional safety measures
- Restrictions/Prohibitions on sales
- End-of-life product stewardship
- Research funding



# Next Steps.....Proposed Rulemaking:

- IMPORTANT RULEMAKING DOCUMENTS
  - Proposed Regulation Text
  - Initial Statement of Reasons (ISOR)
  - Economic and Fiscal Impact Statement (Form 399 and Attachment)
  - External Scientific Peer Review of the Technical Report
  
- PUBLIC COMMENT PERIOD and HEARING
  - *This Spring...*
  - *These Documents...*
  - *CalSAFER for Comments... CalEPA Building for Hearing...*



# Who will be regulated?

- SPF Systems Manufacturers
  - *BEARHFTI list of approximately 17 companies*
    - (Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation)
- Retailers are impacted if manufacturers do not comply with AA requirements
- Contractors and Consumers will not be directly affected



# Regulations Text

- Defines what is covered:
  - High and low pressure systems
  - MDI
  - Used for insulation, roofing or sealing and filling voids and gaps.
- Identifies hazard traits of MDI
  - Dermatotoxicity,
  - Immunotoxicity, and
  - Respiratory toxicity



# Initial Statement of Reasons

- Required as part of formal rulemaking process
- Summarizes:
  - Statutory intent and requirements
  - SCP regulatory program
  - DTSC's rationale for proposing to list SPF systems with MDI
  - Economic impacts to individuals and businesses in CA
  - Alternatives considered by DTSC
  - Duplication or conflicts with other state or federal laws
  - Technical information relied on



# Economic Impact Statement

- Industry Outreach
  - Enquiry letter sent to BEARHFTI list – April 2016
  - Meeting with mfgs and Spray Foam Coalition – May 2016
- Cumulative cost estimates to all SPF systems manufacturers' range from ~\$1 - \$3 million:
  - 17 manufacturers licensed by BEARHFTI to sell SPF systems in CA
  - Individual Manufacturers submit Abridged AAs
    - *Abridged AA estimated cost range from \$82,000 - \$182,000*
  - Costs could be reduced if industry pursues consortium AA



# External Scientific Peer Review Process

- Required for CalEPA science-based proposed regulations
- Administered by University of California
  - UC identifies potential peer reviewers based on conclusions to be evaluated
  - CalEPA evaluates potential conflicts of interest and approves final reviewers
  - DTSC does not know peer reviewers' identities until results are received
  - DTSC cannot influence, edit or change peer review results



# External Scientific Peer Review Results - Technical Report

- Conclusions evaluated:
  - *Potential* for exposure to MDI to contribute to or cause significant or widespread adverse human health impacts, and
  - *Potential* for people to be exposed to MDI when applying SPF through high- or low-pressure systems
- Peer Reviewers:
  - Agreed that information presented in the Technical Report supported both conclusions, and
  - Provided helpful suggestions and some updated scientific references to improve the Technical Report



## Safer Consumer Products Information Management System

Welcome to the Safer Consumer Products (SCP) Information Management System (CalSAFER). You can use CalSAFER to submit and view a variety of documents including: comments on proposed regulations, work plans and guidance, petitions and their supporting documents, Priority Product notifications, and alternatives assessments. All information (except confidential business information) submitted through CalSAFER will be posted, available, and searchable to all users.

If you become a registered user (required for some activities), you will be able to quickly find and continue your activities when you log back in. To become a registered CalSAFER user, [click here](#).

As always, we want to hear your suggestion and questions. Click on the help link located above. If you would like to learn more about the Safer Consumer Products Program, please visit our informational [web page](#).

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### CANDIDATE CHEMICALS SEARCH

Search for chemicals included on DTSC's Candidate Chemical list



### MAKE A COMMENT

Submit comment on documents, work, plans, workshops, etc..



### SUBMIT A PETITION

Submit petitions to add or remove chemicals, chemicals lists, products..



# Timeline

- DTSC plans to public notice for regulations April, 2017
- Rulemaking usually takes 9-12 months
- Targeted adoption January 1, 2018
- Notifications to DTSC would be due March 1, 2018
- 1<sup>st</sup> stage AA's would be due within 180 days of adoption



Questions?



# Thank you!

Contact me

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SCP home page

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