



JIM PATTERSON
ASSEMBLYMAN, TWENTY-THIRD DISTRICT

June 5, 2017

Director Barbara A. Lee
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: OPPOSITION to DTSC's listing of Spray Polyurethane Foam as Priority Product under SPC Program

Dear Director Lee:

Please accept this letter of opposition to the California Department of Toxic Substance Control's (DTSC) listing of Spray Polyurethane Foam (SPF) with Unreacted Methylene Diphenyl Diisocyanates (MDI) as a Priority Product under the Safer Consumer Products (SCP) Program. I am concerned that the proposed listing is not supported by science and ultimately ignores the impact on small business as well as the likely elimination of jobs and existing businesses in California.

Spray polyurethane foam has a multitude of uses and is an integral component in green building due to its ability to seal air leaks and lower the usage of home and office heating and cooling systems. The use of SPF reduces emissions, produces energy cost savings for home and building owners, and helps the state reach its zero net energy targets for buildings. California itself is home to three manufacturers of SPF, who provide necessary insulation and weatherization products for industries such as the wine, agriculture, and cold storage industries, as well as to contractors for home insulation and roofing.

Builders and contractors are able to exceed today's building code requirements and provide additional benefits to their customers because of SPF products. SPF products are of equal significance to the agricultural sector, as this listing will directly impact product quality and electricity costs of agricultural producers. These industries and many others will be at risk of wide-spread adverse harm as a result of this regulation.

The Department has declined a proposed partnership with the industry to advance worker training that industry believes would have resulted in tangible benefits to human health and safety. This training may have alleviated safety concerns without damaging the reputation of the product and potentially discouraging home builders, insulation applicators, contractors, and consumers from utilizing a proven energy efficient building material.

While the DTSC findings point to the presence of a chemical and the increasing use of SPF as evidence of potential harm, the California Department of Public Health's surveillance of work-related asthma indicates that, since 1993, there have been a total of ten cases reported associated with Methylene Diphenyl Diisocyanates, none of which relate specifically to SPF. DTSC's own Green Chemistry regulations state that a product-chemical combination may only be listed as a Priority Product if it determines the listing would meaningfully enhance protection of public health and the environment. They also direct DTSC to focus on products that are truly high-priority products because of the potential of "significant and widespread adverse impacts."

The Department of Toxic Substances Control has not demonstrated that Spray Polyurethane Foam systems present the potential for widespread or significant adverse impacts by the standard of its own regulations. This chemical combination is well-studied and is already subject to strong regulatory controls and stewardship programs. The Central Valley—with its food producers, cold storage companies, small business manufacturers, local roofing, and wine tank insulation contractors—will be adversely affected by the DTSC's prioritization of SPF with higher energy costs and the loss of working class jobs.

I respectfully request that the California Department of Toxic Substance Control **rescind the listing of Spray Polyurethane Foam with Unreacted Methylene Diphenyl Diisocyanates as a Priority Product** under the Safer Consumer Products Program.

Please do not hesitate to contact me with questions or to discuss this matter further.

Sincerely,



Jim Patterson
Assemblyman, 23rd District