



SWD URETHANE

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

Dear Ms. Lee

RE: DTSC's Proposal to List Unreacted MDI in SPF as a Priority Product

This letter serves to communicate SWD Urethane's opposition to the Department of Toxic Substance Control's proposal to list unreacted Methylene Diphenyl Di-Isocyanate (MDI) in Spray Polyurethane Foam systems (SPF) as a priority product pertaining to the Safer Consumer Products regulation.

Under the purview of the DTSC is the responsibility to identify, gather substantiating data and determine whether a material/chemical(s) or systems have the potential for widespread or significant adverse impacts in one or more exposures. The evidence that DTSC has provided to date has not only failed to meet the criteria of their very own mandate but they have also been provided with industry science-based data that effectively contradicts the assertions that unreacted MDI in SPF systems should be under consideration in this process.

Consideration should be given to the peer review associated with the DTSC's Technical Report where Dr. B. Nemery, MD, PhD asserts that the terms "Significant" and "Widespread" are not entirely appropriate in the context of this document, casting further doubt on the validity of DTSC's process and selection of SPF.

The California Department of Health (CDPH) reported 23 cases of work-related asthma cases over a 15-year period that were reported to be a result of isocyanate exposure, for all isocyanate uses. In a state that has a population in excess of 40 million, it is glaringly difficult and simply illogical to associate the terms "significant" and "widespread" to this statistic. Additionally, this represents isocyanate exposures in all business sectors and is not specific to SPF, which by way of comparison is the smallest consumer of isocyanates.



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The DTSC's inclusion of SPF containing unreacted MDI as a Priority Product has blatantly rejected seven plus years of collaboration between The American Chemistry Council (ACC), its member companies, the Environmental Protection Agency (EPA), National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA) and the Consumer Product Safety Commission (CPSC). This effort provided numerous science based data points demonstrating that SPF is safe and shows its inherent benefits to all consumers in terms of energy efficiency, improved indoor air quality and a cost effective solution that aligns neatly as a key component to meet California's aggressive energy goals.

Diisocyanates are very well studied and as such regulatory limits have been established for MDI, the diisocyanate used in SPF. A recent US OSHA National Emphasis Program (NEP) on isocyanates concluded after 3-years. OSHA concluded the program because the OSHA inspections failed to find the overexposures they feared existed.

The SPF industry has invested a tremendous amount of time and financial resources focusing on product stewardship and industry training. The industry is regulated and the evidence clearly points to the fact that the regulations that are currently in place serves not only the SPF industry but more importantly the consumers of our products. The DTSC's proposal would only serve to duplicate regulations in place and induce a great deal of financial burden on our industry when there is no scientific evidence to support a significant and widespread potential problem.

In conclusion, SWD Urethane opposes the DTSC's proposal to list unreacted MDI in SPF as a Priority Product under the Safer Consumer Products regulation. There has been no evidence brought forth to establish that there is a significant and widespread potential exposure issue, which must be identified at the genesis of this process. The data clearly shows information to the contrary.

I question and am unsettled as to the validity of a process that fails to follow its own regulations and we respectfully request the withdrawal of the proposal to list unreacted MDI in SPF as a Priority Product under the Safer Consumer Products regulation.

Sincerely,
Paul Warren
Building Scientist/ Codes and Engineering Manager
SWD Urethane