



**INSULATION CONTRACTORS ASSOCIATION OF AMERICA**

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Dr. Julia Gress

Safer Products and Workplaces Program

Department of Toxic Substances Control

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Sacramento, CA 95812-0806

**Transmitted via SCP Information Management System, CalSAFER at**

**<https://calsafes.dtsc.ca.gov/>**

**Re: ICAA Written Comments Related to the Proposed DTSC Listing of  
Spray Polyurethane Foam Systems with Unreacted Methylene Diphenyl  
Diisocyanates as a Priority Product Under the Safer Consumer Products  
Regulations**

Dear Dr. Gress:

ICAA is a 40-year old membership organization representing residential and commercial thermal insulation contractors and their insulation suppliers. Our member contractors install all types of building insulation. Thank you for the opportunity to express our views on this matter. It is ICAA's position that the proposed listing by DTSC of spray polyurethane foam systems containing unreacted methylene diphenyl diisocyanates as a Priority Product to the Priority Products List under the Safer Consumer Products Regulations is not necessary.

### Rationale

1. The goal of the SCP program to significantly reduce adverse health and environmental impacts of chemicals used in commerce is commendable; however, DTSC has not presented any compilation of occupational illnesses and injuries in building insulation installation, which would bear witness to an incidence of “work related asthma” and “workdays lost” as noted in DTSC’s regulatory notice.<sup>1</sup>
2. In fact, federal OSHA regulations and manufacturers’ stewardship programs have guided the SPF industry, which has complied with regulatory requirements that, among other things, mandate worker information on the safe use of SPF products. Employers and workers utilize engineering controls and work practices and implement a Hazard Communication Program and a Respiratory Protection Program. With effective work practices, any potential exposure is controlled.
3. Also, the OSHA National Emphasis Program to evaluate overexposures of isocyanates was terminated in 2016, because OSHA did not find many overexposures of isocyanates.<sup>2</sup>
4. The insulation industry employs 54,000 Californians in manufacturing, distribution, and installation.<sup>3</sup> These employees work for what would qualify as

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<sup>1</sup> DTSC, Title 22 California Code of Regulations, Public Notice and Comment Period, Department Reference Number: R-2016-04, Office of Administrative Law Notice File Number: Z-2017-0307-2

<sup>2</sup> OSHA National Emphasis Program on Isocyanates, 2013 - 2016

<sup>3</sup> *The Contributions of Insulation to the U.S. Economy in 2016*, American Chemistry Council

certified small businesses under the California definition of small businesses.<sup>4</sup> These employees and their employers would be subject to significant adverse employment and economic risk should SPF systems containing unreacted MDI appear in the Priority Products List.

5. There seems to be limited evidence to support the inclusion of spray polyurethane foam containing unreacted MDI to the Priority Product Listing. Many everyday construction materials and household products would be included according to the same criteria. In fact, diisocyanates ranked 25<sup>th</sup> in a reporting of work-related asthmagen exposures reported in California workplaces, or lower than 24 other asthmagen exposures. The report *Asthma in California: A Surveillance Report, May 2013* sourced data from 1993 – 2008.<sup>5</sup>

In summary, existing controls and regulations ensure that workers are sufficiently protected, properly informed, and adhering to good work practices. Insulation contractors should have the freedom to provide an array of insulation materials. Thus, the proposed regulation is redundant and unnecessarily burdensome. Please contact me if you have any questions or need additional information. Thank you for this opportunity to provide commentary.

Sincerely,

Ferrell Drum

President

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<sup>4</sup> See State of California, Department of General Services Procurement Division eligibility requirements for small business certification

<sup>5</sup> *Asthma in California: A Surveillance Report, May 2013*, California Department of Public Health, Environmental Health Investigations Branch