



October 21, 2014

Miriam Barcellona Ingenito
Acting Director
Department of Toxic Substances Control
CalEPA
1001 "I" Street
Sacramento, California 95812

Re: Comments Concerning the Draft Priority Product Work Plan

Dear Director Ingenito:

On behalf of the International Fragrance Association North America (IFRA North America) and its members, we appreciate the opportunity to comment on the Department of Toxic Substances Control's (DTSC) Safer Consumer Products Draft Priority Product Work Plan (Work Plan).

IFRA North America is the principal trade association representing the interests of the U.S. fragrance industry. Our members create and manufacture fragrances for personal care, home care, industrial and institutional use as well as home design products, all of which are manufactured by consumer goods companies. Our Association also represents companies that source and supply individual fragrance ingredients, such as essential oils and other raw materials, which are used in perfumes and fragrance mixtures.

Background & Overview

Over the past several years, the fragrance industry has been a committed stakeholder engaged in the process of the development of the Safer Consumer Products regulations through written and direct communications with DTSC leadership and active participation in industry groups such as the Green Chemistry Alliance (GCA). Most recently, IFRA North America invited DTSC staff and other California policy makers to provide additional education about fragrance ingredients found in consumer products.

We recognize and appreciate DTSC's objective to provide industry and other stakeholders predictability and additional information surrounding the election of certain product categories and classes of chemicals with the publishing of the Work Plan. In this vein, we have several

suggestions concerning the approach suggested in the Work Plan. We would also like to address the constructs of the fragrance industry's globally recognized safety program that was discussed at the recent fragrance workshop held at CalEPA in August. This workshop was done in an effort to encourage the Agency to maintain an open dialogue with the industry and leverage the vast amount of research already developed on fragrances and their ingredients.

The Fragrance Industry Robust Safety Program Should be Utilized

The fragrance industry is committed to integrity of the ingredients used in perfumery. The fragrance industry uses both natural and manmade ingredients in formulating scents. Working together, the Research Institute for Fragrance Materials (RIFM) and the International Fragrance Association (IFRA) develop Standards for safe use of fragrance materials in various applications. As referenced by DTSC in the Work Plan, the industry has voluntarily self-restricted the use of almost 300 fragrance ingredients through these IFRA Standards. Additionally, IFRA Standards are anchored in best research and science available and are a requirement for all members of IFRA. Similarly to the event held in Sacramento, the Association communicates relevant findings with regulators so reasonable conclusions concerning fragrance safety can be achieved. As a result, IFRA Standards have been referenced and adopted by multiple regulatory authorities around the world. We strongly encourage DTSC to leverage the knowledge, research and risk management measures (i.e., Standards) that are being developed through RIFM and IFRA. We remain committed to being a partner in this process.

Process Surrounding the Selection of Specific Chemicals in Priority Products Should be More Transparent in Order to Provide Greater Predictability

While the Work Plan is helpful in identifying broad categories of products of interest to DTSC, the chemical classes associated with those product categories were wide-ranging and not specific. As such, there are limitations in trying to determine whether the fragrance industry could be affected as DTSC evaluates Priority Product and Chemical Combinations. While we understand that priority chemicals will be derived from the Candidate Chemicals List and the Priority Products will be identified from the Product Categories provided in the Work Plan, it is unclear how the Agency will select specific Product and Chemical combinations going forward.

Relatedly, while we understand the Candidate Chemical List is in flux, we encourage DTSC to focus only on those chemicals in the current (September 26, 2014) version in order to provide greater certainty for those industries potentially affected.

IFRA North America encourages DTSC to provide more transparency surrounding the prioritization process and over the next three years, focus on those chemicals listed in the September 26 updated Candidate Chemicals List. A step-by-step process should be developed that will clarify how DTSC will identify priority product chemical combinations. This is critical for predictability from a commercial standpoint. It is unclear from the Work Plan and workshops if DTSC will proceed in this manner and we would request clarification on this issue.

Volatile Organic Compounds Should Not Be Identified as Candidate Chemicals

In Table 4 of the Work Plan – Potential Candidate Chemicals in Cleaning Products – volatile organic compounds (VOCs) are listed. DTSC should be aware that the California Air Resources Board (ARB) is currently undertaking a significant effort to request consumer and commercial product information on VOC content in order to inform future regulatory activity. IFRA North America recommends that DTSC remove VOCs from the Work Plan. We would encourage DTSC to leverage the knowledge that OEHHA gains through these efforts to inform future decisions on chemicals to be named as a Priority Chemical. This would also ensure that regulatory duplication does not result which would affect standardization and harmonization in California and beyond.

The Protection of Intellectual Property Should Be Recognized

IFRA North America noted with concern the statement on Page 8 of the Work Plan referencing that some ingredients including fragrances are not required to be disclosed on the label. IFRA North America is concerned that consideration of public disclosure of ingredients in identified consumer products is premature. While we recognize and appreciate consumer interest in the materials used in manufacturing scents for consumer products, the lack of disclosure is not one of the seven screening criteria outlined in the Regulations. Consideration of this would be more appropriate in determining a regulatory response after a Chemical of Concern in a Priority Product has been assessed.

To support this drive for increased transparency, the fragrance industry has taken a number of steps to provide more information about fragrance ingredients used in scented products. The International Fragrance Association (IFRA) – representing the fragrance industry worldwide – published in 2010 an alphabetized list of ingredients used by IFRA affiliated members. This list represents the comprehensive perfumers' palette used for creating fragrances. Regular publication of an in-use inventory of fragrance ingredients is available on the web at www.ifraorg.org. This inventory or "perfumers palette" facilitates public awareness and discussion regarding materials used in scented products.

This initiative enhances the transparency of the North American communication initiative, also launched in 2010, whereby manufacturers of cleaning products, air care products, automotive care products, polishes and floor maintenance products voluntarily disclose ingredients in these products. The initiative is led in the United States by the Consumer Specialty Products Association and the American Cleaning Institute and in Canada by the Canadian Consumer Specialty Products Association.

Protection of intellectual property is critical to the success of industries highly invested in research and development. Legal protections for CBI through trade secrets and patents confer economic benefit to the creator. For multiple reasons, patents are often not a viable measure of protection for fragrance blends. Instead, fragrance houses rely on trade secret status to preserve their technical innovations and other CBI. In addition to the negative business impact,

the duplication of fragrances by marginal operators could result in the use of questionable materials, causing adverse consequences for consumer safety.

Conclusion

IFRA North America encourages the Agency to continue its outreach and engagement with industry representatives as it identifies specific product-chemical combinations and finalizes the Work Plan.

We appreciate your consideration of our comments and would be happy to provide more information or discuss any of this in detail. If you have questions, please do not hesitate to contact me at shartigan@ifrana.com or 571-317-1505.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Hartigan".

Suzanne Hartigan, Ph.D.

Director, Science Policy and Regulatory Affairs

IFRA North America