Comments of Breast Cancer Prevention Partners and Clean Water Action

Two Component Spray Polyurethane Foam Systems with Unreacted Methylene Diphenyl Diisocyanate.

Submitted via Cal Safer (November 12, 2019)

Thank you for the opportunity to comment on the Abridged Alternatives Analysis Report on Two-Component Spray Polyurethane Foam Systems with Unreacted Methylene Diphenyl Diisocyanate (MDI).

Breast Cancer Prevention Partners and Clean Water Action support the Safer Consumer Product Program's work to challenge responsible entities to reduce or eliminate toxic chemicals in the products consumers buy and use, workers are exposed to, and that end up in our environment. Our organizations have been involved with the Safer Consumer Products Program (SCPP) since its inception and are strongly committed to its success. We view this comment opportunity as an important juncture in the development of the process of Alternatives Analyses (AA).

Breast Cancer Prevention Partners (BCPP) is a national organization that works to prevent breast cancer by eliminating our exposure to toxic chemicals and radiation linked to the disease. We translate the growing body of scientific evidence showing the link between breast cancer risk and chemical exposures from the environment and consumer products into public education and advocacy campaigns that protect our health and reduce breast cancer risk.

Clean Water Action works to win strong health and environmental protections by bringing issue expertise, solution-oriented thinking and grassroots people power to the table in order to protect our environment, health, economic well-being and community quality of life.

The purpose of the Alternatives Analysis process is to create safer products by having companies identify, evaluate and compare one or more alternatives to hazardous chemicals in the identified Priority Product. To be truly useful, an AA should provide a robust and thorough analysis of all options available to reduce hazardous exposures, from simply eliminating the chemical from the product to the use of alternative safer materials or processes. A simple examination that is overly narrow and premised only on the existing business model is likely to reify the existing product design, formulation or production process; defeating the purpose of the AA. Unfortunately, this abridged Alternatives Analysis report of the American Chemistry Council's Spray Foam Coalition (ACC-SFC) does just that by choosing to omit from consideration already existing alternatives provided by other (dissimilar) materials.

Scope of alternatives considered

The ACC-SFC's AA takes the position that because production of spray polyurethane foam is the business model of the companies involved, ACC-SFC will only consider whether any other form of SPF will meet the goal of reducing exposure to MDI. The abridged AA report then comes to the conclusion that "A functionally acceptable and technically feasible alternative is not available for low-pressure SPF, open-cell SPF, closed-cell SPF, or roofing SPF…." [p. 58].

This reasoning is akin to saying because I have a driver's license, the only option for transportation I will consider is driving a car.

While the Priority Product under consideration is clearly the spray polyurethane foam, the *purpose* of the product is its use as insulation, roofing, sealing, and filling of voids and gaps. This AA does not examine other materials that can fulfill that same function; nor does it articulate **under what conditions, in exactly which applications, and for what reasons the alternative materials** named in the DTSC Revised Priority Product Profile (September 2014) **do not constitute viable alternatives**.

The DTSC Revised Priority Product Profile, September 2014, named the following alternatives for insulation:

Cellulose (recycled paper)
Natural Fibers (e.g., straw, hemp, cotton)
Plastic Fibers (from recycled plastic milk bottles made with polyethylene terephthalate (PET), and polystyrene thermoplastic)
Phenolic foam
Rock and slag wool
Fiberglass

Another material not mentioned in the DTSC Revised Priority Product Profile is sheep's wool. See for instance https://naturalwool-insulation.com/.

While none of these alternatives would provide a "drop in" substitute for all spray foam functions, the AA could have, and our view should have, analyzed in which applications and circumstances these other materials could be substituted for spray polyurethane foam, thereby reduce hazardous exposures. Further, the AA did not provide any justification as to why these other materials are unsuitable; instead, the materials were dismissed out of hand. The AA also did not consider options to reduce the level of unreacted MDI in spray polyurethane foams or other ways to reduce exposures to workers and consumers. The result is a perfunctory review that provides little added value to SCPP's goal. By contrast, a thorough detailed comparison of the strengths and weaknesses of other materials relative to SPFs would have been a constructive contribution.

Additional Arguments

The ACC-SFC's Alternatives Analysis report argues that performance and cost are critical elements for an initial AA and should be an early consideration within the process; however they were unable to include this analysis due to lack of information on potential spray foam alternatives [page 20]. From our perspective, lack of information on alternative foams makes it all the more important to undertake a full comparison of the alternative materials, which the ACC-SFC elected not to do.

Finally, contrary to the ACC-SFC's position, the lack of already commercialized alternatives to MDI for foams is not a reason to shut the AA process down, especially since in order to become commercialized, the suppliers of new materials must work with foam manufacturers to develop new products and markets. Foam insulation producers should work with material innovators in this field to fully explore foam-compatible materials under development, when and how it might come to the market, and the potential of making their finished product safer in order to stay on the market in California.

Conclusion

The use of Alternative Analysis to identify safer materials and processes for consumer products sold in California is a core and unique aspect of the Safer Consumer Product Program. As such, it is critical that the early AAs submitted to the Program set a high standard for the process moving forward.

Given the inadequacy of the abridged Alternatives Analysis report submitted by the American Chemistry Council's Spray Foam Coalition, the Safer Consumer Products Program should either require the responsible entities to do a full Alternatives Analysis or move directly to a regulatory response. For

example, SCPP could propose a regulation which sets a limited period, e.g. five years, within which responsible entities must develop or identify a less toxic alternative or they lose access to the California market. Public health and protecting our environment must be prioritized even when that presents a challenge to industry, requiring them to innovate new safer alternatives to hazardous chemicals.

Thank you for your consideration of these comments and we look forward to continuing to work with the Safer Consumer Products Program to improve environmental and public health protections from harmful chemicals in consumer products.

Respectfully submitted:

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