CHLORINATED PARAFFINS INDUSTRY ASSOCIATION

1250 Connecticut Avenue, NW • Suite 850 • Washington, DC 20036

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Department of Toxic Substances Control
Safer Products and Workplaces Program
1001 I St
Sacramento, CA 95814

Submitted Via: https://calsafer.dtsc.ca.gov/cms/commentpackage/?rid=12737

Re: Comments on Draft 2018-2020 Priority Product Work Plan

The Chlorinated Paraffins Industry Association (CPIA)[1]- is submitting these comments in response to the Department of Toxic Substances Control's (DTSC) draft 2018-2020 Priority Product Work Plan (the "Draft Work Plan"). Specifically, CPIA is responding to the inclusion of the generic term "chlorinated paraffins" under the product category "Building Products and Materials Used in Construction and Renovation" ("Building Products"). CPIA is concerned with the overly broad and undefined nature of this chlorinated paraffins (CPs) listing in the Draft Work Plan and also with a number of the CP listings in the Candidate Chemicals and Chemical Groups List prepared by DTSC.

Chlorinated paraffins(CPs) or chloroalkanes (CAs) include a wide range of substances that have different properties. In the U.S., commercial CPs have generally fallen into the following categories:

- Short-Chain Chlorinated Paraffins (SCCP), C10-C13 chloroalkanes
- Medium-Chain Chlorinated Paraffins (MCCP), C14-C17 chloroalkanes
- Long-Chain Chlorinated Paraffins (LCCP), C18+ chloroalkanes
- Very Long-Chain Chlorinated Paraffins (vLCCP), C21+

SCCPs are no longer manufactured or used in the U.S. MCCPs, LCCPs and vLCCP continue to be manufactured and used in the U.S. in applications such as flame retardants, secondary plasticizers and lubricant additives for metalworking fluids. CPs may be used in some building product applications, though given the nature of these applications and the properties of CPs themselves there appears to be little potential for exposure or release.

U.S. EPA Review and Regulation of CPs

U.S. EPA has long history of reviewing and regulating CPs. In the early 1980's EPA developed an extensive testing program on a wide range of CP substances and subsequently conducted several risk assessments in the late 1980's which culminated in use/control programs by certain

[1] CPIA is a nonprofit corporation whose purposes includes the sponsoring and conducting of programs to expand the knowledge of health, safety and environmental data regarding the manufacture, processing, distribution, use and disposal of chlorinated paraffins. CPIA members include Dover Chemical, Inovyn, and Qualice LLC.

industries and the placement of SCCP on the Toxics Release Inventory (TRI) in 1993. In 2009, EPA sought the elimination of manufacture and import of SCCP, which was not contested by the CP industry. EPA also recently required that all other CP substances – those in the MCCP, LCCP, and vLCCP range - go through an extensive review under the PMN program. EPA approved these CP substances for use as "a flame retardant and plasticizer in PVC and polymers; a flame retardant, plasticizer and lubricant in adhesives, caulks, sealants, and coatings; an additive in lubricants including metalworking fluids; a flame retardant and plasticizer in rubber; a flame retardant and waterproofer to textiles." CPIA believe that these reviews and regulatory actions have ensured that these chemicals are well controlled in the U.S. SCCP has been eliminate from the marketplace and there are controls on the manufacture and use of MCCP, LCCP and vLCCP.

Canadian Review of Chlorinated Paraffins

Health Canada and Environment and Climate Change Canada have also recently reviewed the entire range of CP substances and similarly approved the ongoing use of MCCP, LCCP and vLCCP whilst prohibiting the manufacture and use of SCCP in Canada.

CPIA notes that DTSC has referenced Canada PBiT as the authoritative listing for a number of CP substances (see Table 1 below – downloaded from DTSC website). While CPIA does not question that these substances are on the Canada PBiT list, we believe that this list, which was published in April 2008, does not reflect recent testing and other data which were submitted to Canada in 2010 and 2011. Further, it does not reflect the ultimate regulatory decisions that Canada reach on CPs, published in various notices in 2012 and 2013. The use of Canada as an authority should therefore reflect the current regulatory status of CP's in Canada, which permits the ongoing use MCCPs, LCCPs and vLCCPs.

Importance of CPs in Building Products

MCCP, LCCP and vLCCP are used in only a few types of building products, including certain polymer products, intumescent coatings and bead applied, moisture-cure, one component polyurethane foam insulating sealant formulations (OCF sealants), as detailed in the American Chemistry Council the Center for the Polyurethanes Industry Spray Foam Coalition's (CPI) comments. In these products, CPs act as both flame retardants and secondary plasticizers.

CPs are not water-soluble chemicals nor are they volatile. They are intended to remain in the polymer matrix of the coating, sealant or building product and are not expected to be released to environment or to the indoor air. These CP substances perform important safety functions by reducing the fire risk in buildings and building products. For example, intumescent coatings protect steel structures in buildings during fires decreasing the potential for structural failure and increasing the time for rescue and fire suppression.

Table 1: Chlorinated Paraffins Identified on DTSC Candidate Chemicals and Chemical Groups List (**reproduced from DTSC**)

DEPARTMENT OF TOXIC SUBSTANCES CONTROL					
INFORMATIONAL LIST OF CANDIDATE CHEMICALS AND CHEMICAL GROUPS					
See the Candidate Chemicals List web page for background, exclusions, definitions of terms and authoritative list names					
Hazard Traits and Authoritative Lists are in alphabetical order, and not listed in relation to each other					
Chemicals without a hazard trait and authoritative lists are Chemical Group names, not Candidate Chemicals					
(Report generated on Tuesday, February 27, 2018 PST)					
Candidate Chemical Name	**CAS RN**	**Potential Exclusion**	**Group Name**	**Hazard Traits**	**Authoritative Lists**
Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins)	85535-84-8	NONE	Chlorinated Paraffins	Bioaccumulation; Carcinogenicity; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs; CECBP - Priority Chemicals [3,4]; EC PBTs; OSPAR Priority Action Part A; WA PBTs
Chlorinated Paraffins	No CAS RN	NONE			
Chlorinated Paraffins (C12, 60% Chlorine)	108171-26-2	NONE	Chlorinated Paraffins	Carcinogenicity	IARC Carcinogens - 2B; NTP 13th RoC - reasonable; Prop 65
Paraffin waxes and Hydrocarbon waxes chlorinated	63449-39-8	NONE		Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs
Alkanes, C10-21, chloro	84082-38-2	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs
Alkanes, C10-22, chloro	104948-36-9	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs
Alkanes, C14-17, chloro	85535-85-9	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs

Alkanes, C18-20, chloro	106232-85-3	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs
Alkanes, C18-28, chloro	85535-86-0	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs
Alkanes, C6-18, chloro	68920-70-7	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs
Alkanes, C6-C28 chloro-factions	No CAS RN	NONE			
Alkanes, chloro; Chloroparaffins	61788-76-9	NONE	Alkanes, C6-C28 chloro- factions	Bioaccumulation; Environ. Persistence; Toxicity undefined [1]	Canada PBiTs

1. The authoritative list on which this chemical appears may not identify a specific hazard trait as defined in Chapter 54 of Title 22 of the California Code of Regulations, but does indicate a general toxicity.

Concerns with DTSC Candidate List

DTSC has placed a number of CP substances on its Candidate Chemicals and Chemical Groups List ("Candidate List"; see Table 1 above) based on information from various "Authoritative Lists." In addition, it appears that DTSC has created a chemical group called "Alkanes, C6-C28 chloro- factions". CPIA notes the following concerns with these CP listings:

- Many of these CP substances are no longer manufactured or used in the U.S. CPIA has identified these chemicals with a grey background. These substances include SCCPs, Alkanes C_{10}-C_{13}, chloro, Alkanes C_{10}-C_{21}, chloro, Alkanes C_{10}-C_{22}, chloro and Alkanes, C6-18, chloro.

- The "Alkanes, C6-C28 chloro- factions" is not a practical or realistic grouping of CP substances. It is overly broad in terms of chemicals, some of which are not produced in the U.S., chemical characteristics, toxicology data, etc. The CP categories presented at the beginning of these comments are well understood to be generally aligned with commercial CP substances and are used by regulators globally.

- The use of Canada PBiTs as an authoritative listing for anything outside of the SCCP range (alkanes C_{10}-C_{13}, chloro) should be reconsidered given Canada's more recent reviews of CPs. See previous comments above.

Conclusions/Recommendation

Given the very broad range of chemicals, and thus chemical characteristics, across all CPs, CPIA believes it is inappropriate for DTSC to note this category in the Draft Work Plan. Further, CPIA is not aware of any final authoritative listing for many CP products that would justify the DTSC targeting them for reduction/elimination in Building Products

CPIA recommends that DTSC either drop the "chlorinated paraffin" entry from the Draft Work Plan or change this entry to SCCP (Alkanes C_{10}-C_{13}, chloro), which is the only class of CP that has been authoritatively listed for removal from products.

Please contact me at (202) 419-1504 or at ajaques@regnet.com if DTSC has any questions or concerns regarding these comments.

Best Regards,

Andrew M. Jaques, CPIA Executive Director