



Flexible Vinyl Alliance

September 11, 2014

The Honorable Elliot F. Kaye
Chairman
U.S. Consumer Products Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: Report of the Chronic Hazard Advisory Panel (CHAP) on Phthalates and Phthalate Alternatives: July 2014

Dear Chairman Kaye:

We are writing on behalf of the more than 200,000 workers in the flexible vinyl products industry supply-chain concerning the potential Federal policy ramifications of the recent "CHAP" Report concerning the continued use of phthalates in children's articles and toys.

As background, the Flexible Vinyl Alliance (FVA) was formed in 2009 as an independent coalition of more than 900 business concerns including trade organizations, raw materials suppliers, compounders, formulators, molders and fabricators representing the full value chain of the flexible polyvinyl chloride (PVC) product market, which in the United States represents a \$20B endeavor. The undersigned are supporters and members of FVA.

As you are well aware, the Consumer Product Safety Improvement Act of 2008 (CPSIA) called on your commission to take action on phthalates and phthalate alternatives to ensure a reasonable certainty of safety for consumers potentially exposed to these chemicals, especially children. While the intent of this letter is not to argue the scientific complexities contained in the lengthy CHAP report, we *do* respectfully take issue with the general methodology of the Report and the apparent lack of regulatory options or a comment period *prior* to the CHAP Report findings being released on July 18. To now take this un-vetted report as the basis for developing regulatory policies on phthalates seems to us to be taking an approach that builds policy on false foundations. The impact of these decisions will weigh heavily on an industry that relies on access to safe and affordable ingredients and chemicals as the bases for critical product applications.

It is the concern of the FVA, and of its partners, that the CHAP Report is precedent-setting, and appropriate regulatory speed bumps should be put in place to ensure that we do not allow rationality to take a back seat to an embedded, predisposed perception that phthalates are, in and of themselves, chemical "bad actors." Nothing could be further from the truth: flexible vinyl has a long track record as a safe, affordable durable and sustainable material. Vinyl additives, such as phthalates, have been studied closely by independent scientists, the federal government and industry, and used safely for more than 50 years. Valid risk assessments, inclusive of dose and exposure, peer-reviews, reproducibility, weight of evidence and the size and scope of studies, all matter when assessing chemical safety. The dose, not the chemical, makes the poison. We fear this is lost on the public. It is important to realize that, even though this report targets the specific application of children's toys and child care articles that can be placed in the mouth, there is little doubt that these recommendations will spill over to other "concerned" bodies and a wide range of applications.

In light of the Report, we encourage you to promote **a measured and thorough regulatory response** concerning the continued affordability and availability of common plasticizers deemed essential and safe ingredients in the commerce of flexible vinyl applications and product categories, which number in the thousands,

inclusive of military articles, medical devices, automotive parts, marine fabrics, PVC-jacketed wire and cable, commercial roofing, industrial flooring, wall coverings, myriad recreational products, and toys.

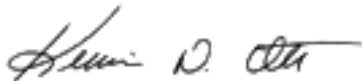
And, such a “rush to judgment” that we counsel you to reject, is evident in the letter of August 1, 2014 that you received from Congressional House Members Henry A. Waxman, Frank Pallone, Jr., and Jan Schakowsky, stating that *“the CHAP’s findings are alarming.....and that although the statute requires CPSC to act within 180 days, we urge you to move forward....without delay.”* A careful reader of the CHAP report would **not** find the conclusions “alarming” -- the CHAP did recommend lifting the restriction on DIDP -- a recommendation we can agree with, and made other recommendations which we would like to see scrutinized during a comment period; but, there is certainly no cause for “alarm” as posited in the Congressional letter of August 1.

We would, in fact, counsel an opposite tact: take into account the science, risk assessments and exposure data (e.g. Centers for Disease Control NHANES Data), which if properly applied would reveal the safety and efficacy of these chemicals, and calm the politically-driven, “chemo-phobic” hysteria, perhaps to a degree. To that end, if the CHAP had used more current NHANES data it would have derived a different outcome -- that there is no significant cumulative risk associated with phthalates and the restriction for DINP should *also* be lifted.

In closing, Mr. Chairman, we cannot allow Good Science to take a back seat to our mutual industry/government goal to provide safe products to our consuming public. To that end, we must abide by risk-based chemical regulation, where “exposure matters” and dose and duration are central to the research. This, coupled with peer review, reproducibility, weight of evidence and study size and quality all matter. As has been said, it is virtually impossible to prove the absolute safety of anything, not even a glass of water.

We look forward to working with you in the months ahead and encourage the CPSC to provide an opportunity for public comment on the CHAP report prior to initiating the federal rule-making process. Thank you for your attention to our concerns.

Sincerely,



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