

FLEXIBLE VINYL MATTERS

FALL 2016



INFORM, ADVOCATE, ACT
WWW.FLEXVINYLALLIANCE.COM

The Flexible Vinyl Alliance (FVA) is a coalition of over 90 companies representing the full value chain of the flexible vinyl industry from resin supply to compounding, manufacturing and retail. The FVA is further affiliated with 900 additional businesses through its allied trade relationships.

CA Proposition 65: New Labeling Requirements Pending

On September 2, 2016, California's Office of Environmental Health Hazard Assessment (OEHHA) issued a final rule amending Article 6 of the regulations implementing Proposition 65.

The final rule imposes new Proposition 65 warning language that, in some cases, will require disclosing one or more Proposition 65-listed chemicals that resulted in the warning. The final rule clarifies that an abbreviated warning, without naming any listed chemical(s), will be permitted when a company provides an "on product" warning for consumer products, defined to include food. The new warning requirements are effective on August 30, 2018, although either the old or new regulatory warnings may be used during the two-year

transition period.

If this sounds confusing, it is. This is a complex matter relating to the liability that PVC product-makers face from "bounty-hunter lawsuits" when shipping product to California retail shelves, with or without warning labels. There are more than 900 chemicals on the Prop 65 red list, including most phthalates.

Contact Kevin Ott for a briefing on this matter or for referral to counsel. Also, note that SPI offers a Prop 65 Liability Protection Program. More information is at

<http://advance.captus.com/spi/default.aspx>



In The News

Vinyl Saves Lives: Update on PVC Blood Bags

As vinyl companies face increasing scrutiny about the relative safety of phthalates as "chemicals of concern," it is important to remember some of the essential medical uses for PVC. More than 40 percent of single-use medical devices are PVC. Blood bags are one example.



According to the American Red Cross, 4.5 million Americans would die each year without life-saving blood transfusions and approximately 32,000 pints of blood are used each day in the United States. Just one pint of donated blood can help save as many as three people's lives.

Those pints of blood are stored in single-use, sterile, affordable and reliable PVC blood bags. From the 1950's to now, PVC has been a widely selected material for blood storage. Why? The primary reason is PVC's optimal permeability to oxygen. Without it, blood platelets do not survive.

Bags must also be heat resistant to withstand sterilization and must not burst in the centrifuge or tear when handled, stored and shipped. It must be translucent to check fluid levels.

Furthermore, PVC is cost efficient and relatively easy to fabricate and integrate with medical tubing. PVC is a material for life. Go to www.pvcmed.org to learn more.

ADVOCACY IN ACTION

VI Launches Sustainability and Positive Messaging Platform

The Vinyl Institute (VI) has announced the formation of the Vinyl Business and Sustainability Council (VBSC), a self-funded business council that advances the vinyl industry's efforts in addressing sustainability and related advocacy, communications and technical issues in North America. VBSC members will work together to develop and implement best practices in sustainable development and innovation leading to continuous improvement throughout the vinyl industry.

"With 10 billion people expected to inhabit our planet by 2050, and the underlying need to do more with less in light of depleting natural resources, vinyl has the opportunity to be the material of choice for many market segments served by our industry," said Cristian Barcan, Vinyl Institute's VP of Sustainability and Executive Director of the VBSC.

VBSC membership is open to all interested companies associated with the vinyl industry who are committed to working toward a more sustainable future for the industry, including distributors, recyclers, end-product and equipment manufacturers, brand owners, retailers, resellers, end-users, collaboration driven non-profit organizations, vinyl product associations and Vinyl Institute members.

More information about the VBSC and membership eligibility can be found at:

<http://vinylinfo.org/VBSC>

Industry Coalition Responds to FDA Phthalates Petition

On September 19, the Ortho-Phthalates Coalition, comprised of several FVA members and allied trade groups, filed comments with the US Food and Drug Administration (FDA) on the matter of the Food Additive Petition (FAP) which seeks to de-authorize existing FDA clearances for several common plasticizers. There are more than 9,000 comments posted at <https://www.regulations.gov/document?D=FDA-2016-F-1253-0002>

The Coalition comments, prepared by law firm Keller and Heckman, followed a face-to-face meeting with the FDA, held September 13. The Ortho-Phthalates Coalition comments addressed several important elements of what is believed to be a flawed Petition submitted by a group of several environmental concerns in April. The petition potentially impacts more than a dozen separate food additive regulations that permit the use of ortho-phthalates in a wide variety of food-contact applications, ranging from adhesives to can coatings. The FAP is the latest in a series of petitions filed by the same groups seeking to remove a number of chemicals currently approved by the FDA for use in food-contact applications. The ortho-phthalate petition is, by far, the largest and most aggressive petition the group has filed to date.

For a copy of the one-page Issue Brief on this matter, or to request a copy of the Coalition comments please contact Kevin Ott of FVA.

EPA Meets with Industry Stakeholders to Discuss Fees Under New TSCA - Final Rule Pending

On September 13, SOCMA attended a second EPA consultation meeting soliciting industry input on the new Toxic Substances Control Act (TSCA) provision to collect fees. New TSCA requires fee collection to be at the lower of 25% of annual budget of the toxics office or \$25M. EPA hopes to have a draft rule to submit to the White House Office of Management and Budget (OMB) by mid-October and a proposed rule by the end of December. A final rule can be expected in June 2017. There will be another opportunity in December to comment when the proposed rule comes out.

SOCMA and FVA members are encouraged to submit any feedback on fee collection under new TSCA as soon as possible. SOCMA plans to submit additional comments to EPA over the next week. For information, contact Dan Newton at SOCMA at 202-721-4158.

Important Dates

SPI Fall Food Packaging Summit

October 26 - 28, 2016

Charleston, SC

www.plasticsindustry.org



GreenBuild 2016

Expo: October 5 - 6, 2016

Conference: October 5 - 7, 2016
Los Angeles, CA

<https://greenbuildexpo.com>

Election Day

November 8, 2016

Polls Open 6 AM - 7 PM

Out of Town or

Traveling?

Download and Mail

Your Absentee Ballot



Membership

For more information and to join:

The Flexible Vinyl Alliance is an advocacy network with over 200 registered and active members that have flexible vinyl interests and who represent the industry's full value chain. The FVA helps to educate and connect companies to state and local issues with potential business impact. Membership is free of charge.

Kevin Ott, Executive Director

Email: kott@flexvinylalliance.com

Phone: 202.721.4125

www.flexvinylalliance.com