



Flexible Vinyl Alliance

Comments of the Flexible Vinyl Alliance to:

State of California Department of Toxic Substances Control (DTSC) in Regard to Candidate Chemicals as Related to Vinyl Flooring:

Rationales for Non-Consideration for Priority Listing

November 6, 2017

The Flexible Vinyl Alliance (FVA) is a coalition of trade organizations, materials suppliers, compounders, formulators, molders and fabricators, who are currently concerned with regulatory and legislative attempts to debate, limit or “de-select” flexible vinyl products in commerce. The FVA provides science-based messaging and advocacy on the proven safety and utility of flexible vinyl (aka “PVC”), a material used in a wide range of health care, recreational, military, automotive, building, flooring, construction and packaging applications. “Flexible” vinyl products are those products that use *plasticized* PVC in order to achieve various degrees of flexibility, tensile strength, clarity, durability, abrasion resistance, endurance and engineered properties.

We are writing to inform the DTSC of the merits and safety of flexible vinyl flooring, a proven building and construction material that has evolved into a \$2.5B North American market, inclusive of materials, retail sales and installation, representing thousands of jobs for American workers.

The resilient flooring industry is part of a larger flexible vinyl industry which makes life saving blood bags and medical tubing, protective coating on wire and cable, wall coverings, roofing, automobile interiors, and food packaging. The flexible vinyl industry generates over \$20 billion in annual sales; provides 250,000 jobs in 47 states; and is an important part of the plastics industry that employs 1.1 million Americans directly, many in California.

BACKGROUND:

“Vinyl flooring” is included in the 2015-2017 Priority Products Work Plan (“PPWP”) as an example under the “Building Products: Painting Products, Adhesives, Sealants and Flooring” product category (see 2015-2017 PPWP Section 4.2.1, Table 1 and Section 4.7, Table 8). This listing is based on the identification of phthalates as a Candidate Chemical of concern in building products (see 2015-2017 PPWP Section 4.2.1, Table 2) and DTSC’s belief that phthalates in vinyl flooring may result in exposure with the potential to have a “significant or widespread adverse impact.” The phthalates identified as candidate chemicals all fall within the group “ortho-phthalates.” See DTSC Candidate Chemicals List, available online at <http://www.dtsc.ca.gov/SCP/CandidateChemicals.cfm>

FVA VIEW:

FVA would respectfully submit to the State that flexible (or “resilient”) vinyl flooring products which are in some cases “plasticized” with ortho-phthalates are inherently safe, durable, and essential in residential,

commercial and health care settings. This is not only the opinion of FVA, but is in fact backed up by the fact that:

- Manufacturers take product safety seriously;
- the State of California has granted a Safe Use Determination for vinyl flooring; and
- Independent consumer advocate testing speaks to the safety and value of vinyl flooring.

Manufacturers Focus on Product Safety and Performance

The manufacturers of phthalates invest significant resources to study and test their products, to provide scientific information in a transparent manner, and to fully communicate about safe exposure levels of phthalates used in commercial products. Phthalates used in vinyl flooring are not a "hidden danger" --- phthalates have been thoroughly studied and reviewed by a number of government scientific agencies and regulatory bodies world-wide, over the course of four decades, and these agencies have concluded that phthalates used in commercial products do not pose a risk to human health at typical exposure levels. Additionally, phthalates do not migrate out of products easily. Phthalates are used in vinyl flooring specifically for the many performance benefits they provide, such as resistance to extraction and evaporation and durability. In addition, vinyl flooring and other vinyl surfaces are easy to clean and disinfect in health care settings.

The State of California Has Granted a Safe Use Determination (SUD) for Vinyl Flooring Containing DINP

In February of 2014, after carefully scrutinizing detailed information submitted by the Resilient Floor Covering Institute (RFCI) to California's Office of Environmental Health Hazard Assessment (OEHHA) approval was granted for Safe Use Determination (SUD) ortho-phthalate for diisononyl phthalate (DINP) for use in flooring below prescribed limits. DINP is a thoroughly studied compound that enhances the flexibility, resiliency and long-lasting performance of vinyl flooring.

To reach its safe use determination (SUD), OEHHA experts reviewed documentation for four types of vinyl flooring – heterogeneous, homogeneous, vinyl tile and vinyl composition tile – and studied DINP exposure via skin absorption, inhalation and ingestion for both flooring installers and end-users. According to the agency, exposure to DINP in vinyl flooring is below the proposed "safe harbor level," or level of exposure that would trigger a Prop 65 warning and poses no significant risk to installers and end users.

While many flooring manufacturers do offer product alternatives that do not contain phthalates, it is clear from the SUD approval that exposure to certain ingredients is well-below established no significant risk levels (NSRLs).

Independent Evaluations of Vinyl Floors Speak to Performance, and Safety

Consumer Reports, in its own 2015 safety evaluation of phthalates in vinyl floors, seen here: <https://www.consumerreports.org/video/view/home-garden/news/4397736200001/vinyl-flooring-safety-questions-answered/> speaks to the value and safety of this flooring product. In terms of safety, CR ran lab tests on 17 flooring products containing 13 types of phthalates to see if phthalates could be transferred to hands by wiping, or become airborne, as a result of product use and abrasion. CR reports that "very little phthalate comes out in the air or on the wipes themselves" even though significant

amounts of phthalates were present in the tested flooring products. CR goes on to say that vinyl product performance, durability and aesthetics recommend this product for various rooms in your home, and resists foot traffic wear, scratches and dents.

Concluding Remarks:

DTSC regulations require that any product-chemical combination identified as a Priority Product must meet *both* of the following criteria (see 22 CCR 69503.2(a)):

- There must be potential public and/or aquatic, avian, or terrestrial animal or plant organism **exposure to the Candidate Chemical(s) in the product**; and
- There must be the potential for one or more exposures to contribute to or cause **significant or widespread adverse impacts**.

Exposure to Candidate Chemicals (*i.e.*, ortho-phthalates) in vinyl flooring, in our view, does not cause significant or widespread adverse impacts. Manufacturers are acutely aware that the safety of their products are a primary priority. Additionally, OEHHA's issuance of Safe Use Determinations for these products underscores the fact that vinyl flooring is a safe product, in line with limits prescribed in the SUD, and can be deployed safely as a building product.

Finally, reputable independent testing of vinyl flooring products, specifically targeting migration of phthalates to skin or air, reveals that this matter is not a cause for health concerns.

FVA stands behind science and regulatory action demonstrating that ortho-phthalates in vinyl flooring products do not create any unacceptable risk, and therefore do not need to be prioritized in future State Priority Product Work Plan(s).

Thank you.

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