

We believe that the DTSC is aware of the fact that it erred in its product profile because it updated the product description to delete references to HDI and TDI in product formulations that were made available at the second and third public workshops that were held this spring. Unfortunately, no effort was made to correct the information contained in DTSC's Product Profile or other resources on its website. This inaction has compounded DTSC's mistakes and has continued to drive consumers to make design choices that make it difficult to achieve the substantial improvements in energy efficiency and sustainability of buildings we would all like to see. Effectively, potential customers are de-selecting spray foam and abandoning efforts to control the air leakage of their buildings because other solutions are impractical. This is particularly troubling because this is not in their best interests, not in the best interests of the State or the country and because the decision that was made was based on extremely flawed information.

Beyond believing that the DTSC has erred in selecting Spray Polyurethane Foam as a priority product, we believe that the process by which it was selected was flawed and it urgently needs correction. There must be a path provided for errors to be identified and quickly corrected. The DTSC also needs to provide an off-ramp to the Priority Product selection process for products that were incorrectly profiled and identified. Your agency must also be aware that the a process of questioning the safety of one product and not posing the same or similar standards of scrutiny to other competing technologies distorts the market and unfairly penalizes the product that is under review. Given this risk, there is an extra standard of care that should be given to fairness and control of the messaging coming from your agency.

There clearly is a lack of understanding in your agency as to the importance of our products and their benefits. SPF in general and Icynene SPF in particular is a unique product with many benefits:

1. It is both Insulation and Air Barrier: Fibrous insulations particularly, but also all other insulations that do not air seal, require installation methods, details, other materials and construction sequencing changes to achieve a continuous air seal. There is a way of looking at competing products from a consumer protection viewpoint; without an effective and continuous air seal (something that is rarely achieved), all other insulation technologies are defective and do not achieve the performance in the field that laboratory tests would suggest. Spray foam is the only product that routinely delivers the field performance that laboratory tests suggest.
2. SPF allows Moisture Control strategies to be planned and effectively installed in buildings: Open cell SPF can be installed in areas where the ability to diffuse moisture out of an assembly is required (i.e. to promote drying.) Closed cell SPF can be installed where a barrier to water vapor is required. Both products control air leakage so as to limit a major cause of concealed condensation in buildings. Closed cell SPF can also be used below the Base Flooding Elevation in Flood Zones and is recognized by FEMA as having unique qualities in terms of low water absorption.
3. By controlling moisture problems, SPF contributes to a healthy indoor environment by helping to avoid environments that result in mold problems in buildings. Typically, mold spores require three factors to prosper and spread. Moisture, temperatures above 40F, and a food source. All Icynene SPF products sold in California have been tested and found to be not a food source for mold. This combined with the ability to control surface temperatures and the reduced potential for concealed condensation result in fewer risks in terms of mold.
4. All Icynene Spray Foams have been tested and found to meet the stringent VOC requirements of the Collaborative for High Performance Schools (CHPS 01350) such that they have been deemed acceptable for use in Schools and Offices. (See <http://www.chps.net/dev/Drupal/node/445>). Our products were tested locally in the State of California, at Berkeley Analytical Laboratories, and they get re-tested every two years. These tests confirm that Icynene Spray Foam Products, formed by the reaction of our raw materials, do not pose ongoing issues of Spray Polyurethane Containing Unreacted Diisocyanates as inferred in the DTSC Product Profile. Further we have also had third parties test both cut and uncut samples of several of our spray foam systems and found no unreacted diisocyanates on surfaces in less than 5 minutes after spray. So the testing we are aware of indicates no ongoing issues of Unreacted Diisocyanates on surfaces or in the air. (I am also attaching several reports and publications that detail the nature, extent and results of testing our products.)

5. There are numerous other benefits that are associated with SPF Foam that are in the briefs put forward by ACC-CPI and the SPFA and our SPF products can lay claim to those benefits as well, including but not limited to:
 - a. Added structural strength
 - b. Resistance to water and smoke intrusion (in wildfire areas)
 - c. Improved acoustic separation
 - d. Reduced transfer of plumbing and mechanical noises
 - e. Improved ease of air sealing complex assemblies
 - f. Improved durability
 - g. Improved comfort for occupants.

These benefits add value to consumers while simplifying construction, improving job-site efficiency and making high performance buildings more affordable. Further, because the manufacture of Spray Foam happens on site, more than half the labor required to produce it is local.

The de-selection of SPF products drives consumers to products that:

- Are generally not manufactured locally,
- Offer a limited subset of the performance benefits outlined above,
- Have their own set of environmental challenges and health risks.

It is also particularly troubling that DTSC materials make alarming statements such as our products are suspected to cause cancer+when the country's leading authority on such issues, the Federal Department of Health and Human Services publishes a list of Substances Reasonably Suspected to Cause Cancer+under its National Toxicology Program, and MDI, the backbone ingredient in SPF, is NOT on their list. (See the latest version of the NTP list appended hereto.) Interestingly, Styrene and Glass Fibers, two of the materials DTSC presented as alternatives to SPF, ARE on that list.

The DTSC also appears to engage in wild speculation as to the instances of occupational asthma caused by spray foam suggesting it is in the range of 15% of workers when data obtained from the Center for Disease Control (CDC) suggests the impact is minimal and on the decline. Again, it is interesting that among the leading causes of asthma reported by CDC is inhalation of dust, a fact that is clearly not considered in terms of DTSC recommendations of fibrous insulation products as alternatives to Spray Foam. Anyone who has installed fibrous insulation is aware of its ability to create dust in the work area.

Throughout most of the construction industry, laborers installing insulation are among the lowest paid workers on the job-site. Skills-training is minimal and quality suffers. In the Spray Foam industry, laborers are comparatively better trained, better paid and are given detailed training on the use of our products as well as Building Science and Codes so as to apply the products safely and effectively. This stands as a model of how the construction industry needs to evolve to meet the ever-increasing standards for energy efficiency and building performance. The model is not perfect and we are always working to improve it, but, compared to what is available elsewhere, it is outstanding. On that basis alone, the DTSC should be encouraging the use of Spray Foam not discouraging it.

The Spray Foam Industry has been proactive- engaging with federal and state agencies tasked with worker safety, safety of occupants, and product stewardship before our products were dominant in the industry. Rather than commending and supporting our industry for its initiatives, the DTSC seems intent on penalizing us for trying to stay at the forefront of these important issues. Oddly, DTSC representatives even appeared to suggest that these initiatives are proof that the priority listing of SPF products is justified.

Having been thrust into the Safer Consumer Products Regulation process, it does indeed appear that not enough thought has been given to operating fairly and openly in the collection of information, verifying the accuracy of information, and correcting mistakes in a timely manner. Our industry urgently needs action to correct and undo the damage that has been done.

We respectfully ask that removing Spray Polyurethane Foam from the draft list of Priority Products be given your immediate attention.

Yours truly,

A handwritten signature in blue ink that reads "Howard C. Deck". The signature is written in a cursive, flowing style.

Howard C. Deck
President and CEO
Icynene Corp.