



THE **ADHESIVE AND SEALANT** COUNCIL

SECURING THE FUTURE®

June 30, 2014

Deborah Raphael, Director
California Department of Toxic Substance Control
1001 I street
Sacramento, CA 95814

Re: Comments on the DTSC Priority Product Profile for “Spray Polyurethane Foam Systems Containing Unreacted Diisocyanates,” June 2014

Dear Ms. Raphael:

The Adhesive and Sealant Council (ASC) appreciates the opportunity to submit comments to the California Environmental Protection Agency’s Department of Toxic Substances Control (DTSC) regarding the “Spray Polyurethane Foam (SPF) Systems Containing Unreacted Diisocyanates” Priority Product Profile issued March 2014. ASC is a North American trade association representing 129 manufacturers of adhesives, sealants and the suppliers of raw materials to the industry. Within our membership are companies that both formulate professional SPF products (high and low pressure SPF systems) as well as one component foam products (foam in a can) that are common in Do-It Yourself markets. We also have supplier members that manufacture the raw materials that go into the formulas of SPF and OCF products.

From the outset ASC and our members have been troubled by the DTSC’s selection of polyurethane spray foam products as an initial candidate for regulation under the Safer Consumer Product Rule particularly given the product’s contributions to helping the state achieve its energy efficiency greenhouse gas reduction goals. During the Department’s May and June workshops, numerous representatives from small and medium-sized home builders and SPF installers have detailed some of the negative economic impact imposed on their operations because of the incomplete, inaccurate and otherwise unscientific information that was included as part of this Priority Product Profile.

Let me provide some examples of the inaccuracies, misstatements and unsubstantiated suppositions that riddle this document:

- Throughout this document the Department references many polyurethane applications that have absolutely nothing to do with spray polyurethane foam (SPF) systems—references to adhesives, coatings, truck bed liners are completely out of scope and should be withdrawn from this document to avoid future confusion for both regulators and the regulated community.
- MDI and its oligomers are the only polyisocyanates used in SPF systems. Yet throughout the document DTSC, both directly and through implication, inaccurately makes references to the presence of HDI and TDI as a minor component or as residual constituents in SPF systems. The inaccuracies in these statements are so basic that it can't help but raise questions about the fundamental validity of the entire Priority Product profile.

Recognizing this egregious error, the Department removed certain references to HDI and TDI from areas of their website but has failed to make any change to the Priority Product profile document. Until the DTSC either eliminates these erroneous references to HDI and TDI or removes the entire document from their website, the blatant mischaracterizations remain a part of the record and can be used or quoted by any misinformed person or organization that chooses to visit the DTSC website now and in the future. It is imperative that the Department remove all references to HDI and TDI throughout the existing Priority Product Profile document immediately or remove the entire document from the website.

- Similarly DTSC has defined the priority product in such a way as to lump together multiple chemistries and different application systems (aerosol one component foam systems v.s. SPF spray foam systems). The Department has failed to recognize various application systems represent different exposures and therefore the amount of risk to those using these products. For example, one component foam (OCF) systems are not delivered as spray but are applied as a "beaded foam" and thus do not result in airborne exposures.

With OCF products, dispensing cans are filled at manufacturing facilities and the components begin reacting immediately thus already reducing the amount of unreacted isocyanates. Once the material is expelled from the can, it reacts extremely quickly. Evidence of this can be demonstrated by the fact that the expelled foam almost immediately forms a thin layer of film or skin. The film is a result of the formation of polymer chains that are physically tacky. When the surface is tack-free the material is considered reacted and sufficient strength to resist damage from touch; thus tack-free time will directly correlate to cured material.

Various studies completed by manufacturers have demonstrated that airborne concentrations of MDI in OCF systems are non-detectable. The data from these same studies suggests that the dust from these applications does not contain unreacted chemicals when properly applied.¹

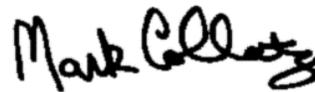
While the possibility to exposure to MDI is non-detectable, manufacturers of these products comply with precautionary labeling requirements in accordance with Federal Trade Commission/Consumer Product Safety Commission and Federal Hazardous Substances Act.

These comments note just some the inaccuracies in this document. Many others were detailed during the three DTSC workshops held in May and June. Given the myriad of misstatements and the general lack of understanding by the Department about SPF products in general, ASC would suggest that the DTSC reconsider its selection of spray polyurethane foam as an initial candidate for consideration under California's Safer Consumer Products regulations.

Furthermore as the Department moves forward with the implementation of the regulation, ASC would urge that a more transparent process be created in the development of future Priority Profile documents. For example, the Department could consider developing an external advisory committee, made up of experts familiar with the products under review, to evaluate future Priority Product profiles documents for accuracy **before** they are made public. To do otherwise only draws out the process as impacted industries must begin by correcting misstatements and inaccuracies before they address any of the substantive questions of the Department.

If you have any questions or require any further information, please contact me at mark.collatz@ascouncil.org or at 301/986-9700 ext. 112

Best regards,



Mark Collatz
Director of regulatory Affairs

¹ Fishback, T. (2012) Polyurethane Foam Sealants, Presented at ACC Workshop on TDI/MDI for EPA Staff. ACC Headquarters, Washington, D.C., February 15 Available on the EPA MDI Chemical Action Plan Docket: EPA_HQ_OPPT-2011-0182.