

In the Matter Of:

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

WORKSHOP

May 07, 2014

Reported By: Sharon Lancaster CSR No 5468

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STATE OF CALIFORNIA
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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DTSC WORKSHOP ON
PROPOSED INITIAL PRIORITY PRODUCTS
MAY 7, 2014

REPORTER'S TRANSCRIPT OF PROCEEDINGS
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Sacramento, California 95814

Reported by: Sharon Lancaster, CSR 5468

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4 ANDRE ALGAZI

5 LISA QUAGLIAROLI

6 GINA SOLOMON

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ANN GRIMALDI

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MITCH FINE

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DAN LAURENTS

40

STACY ANN TAYLOR

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1 Sacramento, California Wednesday, May 7, 2014

2 (12:32 p.m.)

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4 P R O C E E D I N G S

5 MR. SCHUMACHER: Good afternoon. Welcome to our
6 first workshop on the proposed initial Priority Products
7 list.

8 Okay. First, the basic -- most of you may know
9 this, but if you don't, the restrooms are to your left,
10 outside the back doors. Also, if you did not pick up a copy
11 of the agenda, please do so at the table where you signed
12 in. Please do get a name tag. We will have small group
13 discussions, and it's easier if we have names. And in a
14 small group, it's nice to be able to say, "Hello, Donald.
15 What would you like to say?" rather than "you."

16 VOICE FROM AUDIENCE: I don't think your mic is
17 working.

18 MR. SCHUMACHER: Maybe I need to be closer to it.
19 Sorry about that.

20 Okay. So, as I was saying, if you did not get a
21 name tag, please do so, because we have small group
22 discussions later on, and we would like to be able to have
23 your name in order to talk with you, dialogue with you, and
24 it's easier if we have a name. Okay? All right.

25 So I'd like to introduce Karl Palmer, who is the

1 Branch Chief in charge of this process, who will be talking
2 a little bit later on about some of the ETLs of the
3 regulatory process for Safer Consumer Products.

4 And also, next to him is Andre Algazi, who is in
5 charge of the Priority Products process as well. These two
6 gentlemen right over here.

7 Okay. After 35 minutes or so with the overview,
8 we will allow time for clarifying questions and some general
9 comments on the process itself. If you would like to speak
10 about a particular product, we'll save that discussion for
11 the individual small discussion groups which will be a
12 little bit later on.

13 Okay. Karl.

14 (Overhead slide presentation shown.)

15 PRESENTATION BY KARL PALMER

16 Mr. PALMER: Thank you, Nathan. I want to thank
17 Nathan and our public participation staff here today who are
18 going to be facilitating our breakout sessions as well.

19 I also want to introduce Dr. Gina Soloman, who is
20 our Deputy Secretary For Science and Health at California
21 EPA, who is joining us today.

22 So I'm going to do a few things in my next half an
23 hour or so. I'm going to talk about the purpose of these
24 workshops. I'm going to give an overview of the process
25 we're in to select Priority Products and move forward into

1 rulemaking. And then I'm going to give some background --
2 which is very important -- on our regulations.

3 The regulations that we adopted last year both
4 guide us in authority and the process in picking these
5 products and going through the Alternatives Analysis
6 process, and ultimately in decision making both for those
7 people who are regulated by those rules and for us at DTSC
8 as well. And then I'm going to go over next steps and
9 timeline so folks know where we're going when.

10 So what's our goals today? First and foremost for
11 DTSC, we're here to listen and to understand. We have
12 announced the focus of three potential Priority Products
13 that we would like to adopt in rule in moving forward in
14 this new program.

15 And we recognize there are a lot of affected
16 stakeholders here today who have a lot of concerns, a lot of
17 information that might be helpful to us, and so we want to
18 hear from you what those concerns are. We want to hear
19 about data that we should consider. We want to be better
20 informed.

21 We also want to share with you our process that
22 we're going through, how it goes, how we make decisions and
23 the rationale for what we picked, as well as where we're
24 going to be going. We want to make sure that people
25 understand the framework which is embodied in the

1 regulations and the process and the timelines that are
2 applicable.

3 And it's very important to us that we spend the
4 next, you know, few hours today and the near term and the
5 next few weeks to get information that we can digest to
6 inform us, to refine the information moving into rulemaking.
7 We'd really like to, before we go into formal rulemaking,
8 get as much information as we can, have that dialogue with
9 all of you so that we're all on the same page, and then when
10 we get to formal rulemaking, that will be, hopefully, more
11 expeditious and efficient.

12 So let me just briefly lay out the process. We're
13 in the first box on the left; we're in the first workshop.
14 There's going to be three workshops. We'll talk a little
15 bit more about that in a minute.

16 We're obviously going to be meeting with folks who
17 have interests in what we're doing. We're going to be
18 collecting comments from people -- you can send comments in
19 to us, look at our Web page -- and get lots of, hopefully,
20 information that we can then, you know, look at and move to
21 the next box and, essentially, continue our research on
22 these products.

23 As we get new information, we'll probably have
24 questions we may want to ask you individually or
25 collectively, and we'll refine the documents that we have

1 put out already to make sure that they are accurate and
2 appropriate and support our rulemaking effort. So that's
3 the dialogue process we're in.

4 And once we get to formal rulemaking, of course,
5 everyone will have another opportunity to participate
6 formally in providing comments to the Department, which we
7 will answer each one of those formally. And at the end of
8 that comment period, we'll have a hearing and move forward
9 on rulemaking. So that's an overview of the dialogue and
10 the information exchange we hope will happen here in the
11 near term.

12 So, next steps.

13 Well, backing up just a little bit. In March, we
14 announced our initial draft Priority Products. That's why
15 you're here. We then are now starting our first workshop.
16 We're going to have two more workshops, one on the 28th of
17 this month in Oakland and one on June 4th in Los Angeles.
18 The information is on our Web page.

19 We'll then -- as I said, kind of this discernment
20 process of getting more information, evaluated and obtaining
21 data, refining the materials that support our rulemaking.
22 And, hopefully, later this year we will be coming up with a
23 formal rulemaking, and we'll put out a public notice in
24 which you'll have an opportunity to comment, and we'll go
25 through that very formal process, and all of the separate

1 pieces of that process, including CEQA, doing an economic
2 analysis, et cetera.

3 Ultimately, once we adopt the Priority Products in
4 rule, that is when the regulatory clock starts ticking for
5 those people who will be required to consider doing an
6 Alternatives Analysis. And in the scheme of time frames,
7 since formal rulemaking can't take more than a year, if we
8 go out for our rulemaking mid-to-late this year, then a year
9 from then we'll be done, and that's when the clock starts.
10 So mid-to-late 2015 is when the first actual regulatory
11 requirement would be initiated.

12 So, backing up a little to talk about the
13 regulations, the purpose of the regulations and what our
14 framework is. In 2008, the California legislature passed a
15 law that gave the Department the responsibility and the
16 authority to implement regulations, to do a couple of major
17 things. And one was to put in place a comprehensive process
18 to looking at solutions for minimizing risks from toxic
19 chemicals in consumer products.

20 And when I say "comprehensive," that's important,
21 because unlike some other laws and other regulations which
22 are very focused on very specific setting a standard or a
23 rule, this is a very different framework that we've adopted.

24 And our framework -- and I'll go into more
25 detail -- is really looking at two things: How can we

1 minimize hazard to result in reduced risk, and how can we
2 ensure that in that process that we don't inadvertently move
3 to a regrettable substitution. We might restrict or change
4 something, only to adversely affect some other aspect that
5 wasn't considered maybe in a different endpoint, like we
6 might reduce toxicity in one thing, but increase the burden
7 on some eco impact. So the process is designed to consider
8 all those things and, hopefully, move forward to making
9 decisions that minimize risk.

10 And, again, how is this different than many of the
11 rules that we and DTSC have already and other regulatory and
12 environmental organizations?

13 The fundamental question that we're asking in this
14 progress is: Is it necessary?

15 The chemical that we're talking about, in the
16 specific consumer product we're talking about, when we look
17 at that, the question is: Do you need to use that chemical
18 in your product to make it work? Can you remove it? Can
19 you find a different chemical, an alternative, that has a
20 lower hazard impact, which would then result ultimately in
21 lowering risk?

22 And we're not making -- we're not predetermining
23 the answer. And as I go through how the regs work, you'll
24 see that our Alternatives Analysis process is designed to
25 help answer this question. And we're not going into any of

1 these -- even for any of these three products predetermining
2 what the outcome might be.

3 So I'm going to summarize broadly how our
4 regulations work. We looked at the realm of thousands of
5 chemicals in the environment and in commercial use. We
6 selected a certain number of those candidates as candidate
7 chemicals. We then identified products -- we looked at the
8 realm of products that might contain one or more of those
9 chemicals, and then we decided on our first set of what we
10 call Priority Products, consumer products that contain one
11 or more of those chemicals.

12 Once we've done that and we adopt those in rule,
13 then the people who manufacture those products will be
14 looking at the Alternatives Analysis process that we lay out
15 in our regulations, and they will use that process to make
16 decisions about how they might modify their product to make
17 it safer. At that point, they'll give that analysis to
18 DTSC, and we'll take a look at it and determine if there's
19 an appropriate -- what the appropriate regulatory response,
20 if any, comes from evaluating that Alternatives Analysis.

21 That's the big picture framework. I'm going to
22 through each of these rather briefly to give you some
23 context to the big picture.

24 So candidate chemical identification. What we did
25 in our regulations was we identified 23 different lists that

1 were developed by other authoritative bodies, some here in
2 California, like the Prop 65 list, some in the EU,
3 et cetera. Of those 23, eight of them were really focusing
4 on exposure pathways. Are these chemicals in the
5 environment, either in the water, or the air or in human
6 bodies?

7 The other 15 lists were looking at the specific
8 hazard traits of those chemicals: Do they cause cancer, are
9 they an endocrine disrupter, might they be a neurotoxin?
10 The graphic here, the smaller blueberries, if you will, are
11 identifying some of those hazard traits, and the larger
12 grapes are the exposure potential list.

13 Note that there are many chemicals that were
14 excluded from -- in the legislation -- from our purview,
15 which include pesticides and dangerous drugs. And there's a
16 total of about 1100 chemicals on the broad list that is
17 embodied in this menu of 32 lists.

18 So, for the first round of selection, we narrowed
19 the list even further from the chemicals that you saw before
20 to say that of the chemicals that we chose, that chemical
21 had to be on at least one of each of the hazard trait lists,
22 the blueberries on the left, and the exposure lists, the
23 grapes on the right. And when you do that overlay, you get
24 about 153 chemicals and groups of chemicals that were on our
25 menu for selecting the first Priority Products.

1 So now that we've done that, then how do we pick
2 which Priority Product we nominate?

3 Broadly speaking, our regulations provide two main
4 criteria. The first one being that there is potential
5 exposure of that candidate chemical in that product, and
6 that that potential exposure can contribute or cause
7 significant or widespread adverse impacts either to people
8 or to the environment. Extremely large categories.

9 There are some more refined categories factors in
10 there. And I won't go through all of these. But they
11 really focus on the chemical characteristics of each
12 chemical, its hazard traits, its environmental and toxic
13 endpoints. We do single out sensitive subpopulations,
14 things like women, children. Workers, we consider a
15 sensitive subpopulation based on their long-term exposure to
16 products. We also look at the potential exposure based on
17 the widespread use of that product in commerce and in our
18 homes, our houses, our workplaces, and throughout the
19 product lifecycle.

20 I highlighted on here that we also consider the
21 availability of information. This is an important note for
22 today, is that as you've looked at what we call the "product
23 profiles" that we put out, that contains most of the
24 information that we considered in making these decisions.
25 And, as some of you pointed out and probably will, there may

1 be other information we should consider. So that's relevant
2 because we want good, reliable information in our decision
3 making.

4 We also considered other regulatory programs in
5 terms of how are some of these products regulated, to what
6 extent, do they line up with what we're concerned about or
7 not, and are there gaps that might result from the lack of
8 breadth of some of those other regulations. So -- and we
9 also considered are there known feasible alternatives.

10 One thing I want to point out is that there is no
11 specific algorithm that says: This is how you get chosen.
12 There are a multitude of factors that I just highlighted.
13 There's not a whole lot of weighting. And what we did was
14 look through those factors and weigh them against each other
15 and look at the overall goal and come up with our first
16 candidates.

17 So we like to say that we use no "st's" in our
18 selection process; no most, worst, best, least, because the
19 fact that these first three products were chosen doesn't
20 mean that they are the only ones that could have been chosen
21 or that they might be better or worse than another product.

22 And to that point is, the process that we use was
23 we basically collected a lot of information, looked through
24 the scientific literature, what was available to us
25 publicly, we talked to our peers in this building and

1 throughout state government and environmental and health
2 organizations.

3 When I would have presentations like this, I would
4 ask, you know, is there something we should look at? And we
5 didn't get a lot of suggestions in that mode.

6 Then we also looked again back to those factors:
7 Is this product in wide use? Is there a potential for harm
8 here? And are there sensitive subpopulations that might be
9 especially affected?

10 VOICE FROM AUDIENCE: Can I ask a question?

11 Will this presentation be made available?

12 MR. PALMER: Yes. Yes.

13 VOICE FROM AUDIENCE: Thank you.

14 MR. PALMER: Just a side note, we have a court
15 reporter here today. So we're documenting all of this, and
16 we will in the breakout sessions, too. And we'll make all
17 of that available. We're doing that for our own use because
18 we want to make sure we don't miss anything. And it also be
19 available for you, should you want to look back at what was
20 said today.

21 So most of you already know the three products
22 we've chosen: Children's foam padded sleep products with
23 TDCPP, paint strippers with methylene chloride, and spray
24 polyurethane foam systems with unreacted diisocyanates. And
25 we'll go into that in much more detail in the breakout

1 sessions on these.

2 I wanted to also highlight that moving forward --
3 these are just the first three products we are choosing.
4 We're going to continue this process in a cycle, and there
5 is a three-year work plan that we will be developing this
6 year. We will be having a workshop sometime this summer --
7 we haven't scheduled it yet -- and we'll be looking at
8 categories of potential Priority Products that will then be
9 used in the queue for what comes next. And that will give
10 us an opportunity to have discussion with potentially
11 impacted people, collect information and send signals to the
12 market about what we're looking at.

13 A little bit about the Alternatives Analysis
14 process. The main objective of doing an Alternatives
15 Analysis, as I said earlier, was to answer that question:
16 Is it necessary? Is there a safer alternative? Have we
17 gone through and looked at alternatives and ensured that
18 we're not making a choice that will result in a regrettable
19 substitute?

20 And that sounds simple. But there's a lot of
21 layers and a lot of things to consider in that process. And
22 our regulations very specifically identify the various
23 factors that need to be considered in the process which we
24 expect people to go through.

25 Ultimately what it does, when you go through that

1 process, you use the manufacturer/designer of that product,
2 then it will be a tool used in decision making and you'll
3 communicate to us, and then we will look at that to see if
4 we think there needs to be a regulatory response. That's
5 the broad picture.

6 Specifically, in the statute there were 13
7 criteria that the legislature said we need to consider in
8 this Alternatives Analysis process. And you'll note -- I'm
9 not going to go through all of these -- but this is unique
10 to this process and this framework, as opposed to just
11 looking at one specific factor like impact on air or water.
12 We're doing that, as well as looking back to the genesis of
13 the product through its materials extraction, the
14 transportation of those materials, the manufacture, the
15 impact on greenhouse gases, the use of energy, the economic
16 impacts, ultimately the impacts on people, on sensitive
17 subpopulations, and the final resting place if you have a
18 product that ultimately gets thrown away, what happens to it
19 then.

20 So this is a very broad menu, and we're going to
21 be working to refine that this summer in terms of giving
22 people guidance on how to go through that regulatory
23 process.

24 And so how do you do it? I'm not going to spend
25 much time on that. We're in the process of developing a

1 guidance document, which will assist practitioners to
2 conduct an Alternatives Analysis. There will be lots of
3 tools, approaches, methodologies, samples, pilot projects
4 that will inform people about how to make decisions in that
5 process. And there's a lot of flexibility.

6 The regulations allow that you can modify your
7 process if you already have an existing process -- and many
8 businesses do -- in terms of how you make business decisions
9 and product design. If you just need to add some other
10 tasks on that process to meet the regulatory requirements,
11 you can do that. And as well as there are other ways you
12 can fast track that process by maybe just removing the
13 chemical of concern or, you know, coming to us and saying we
14 want to go right to a regulatory response. So there are
15 options, and we'll be having workshops this summer,
16 Webinars. Stay tuned.

17 Ultimately, what are the Department's
18 responsibilities for a regulatory response and what are our
19 options?

20 They range from us not doing anything, saying,
21 great job, nice work, move forward, to saying, you know, we
22 need more information to evaluate your analysis and to see
23 if your recommendation is appropriate. Or you might be
24 required to provide information to consumers of that product
25 on safety or do additional safety measures.

1 Ultimately, we can either prohibit or restrict the
2 sale of that product, and we can also require an end-of-life
3 stewardship program be put in place or further research to
4 be done. So there is a broad array of options, and they are
5 going to be dependent on the analysis that we're given. And
6 they won't be uniform for the whole sector, it depends --
7 you could have two different outcomes from two different
8 manufacturers, depending on what their proposal is.

9 So, the road ahead. Today we're talking about the
10 Priority Products, and we're moving and collecting
11 information to give to rulemaking this fall. We'll also be
12 concurrently working on our three-year work plan and
13 developing Alternatives Analysis guidance. A lot going on.

14 I also wanted to highlight that we're actively
15 building a data management system that will utilize the Web
16 as a portal for information to be provided to us and to be a
17 repository for information for the public, so that you can
18 search information that's public information that's been
19 given to us. You can look at other Alternatives Analyses,
20 for example. So we're actively working on that.

21 Ultimately, it's everyone's goal here to protect
22 people and the environment. And we appreciate your coming
23 today, and we hope that you use this time well. I want to
24 highlight that this is just the beginning of the discussion;
25 we have two other workshops. You can send us data,

1 information, comments, letters. We'd like to get comments
2 before the end of June, so we can move forward. So I
3 encourage you to do that. Look at our Web page, sign up.
4 You can send us emails at this address. And I appreciate
5 your time, and I'm looking forward to the breakout sessions.

6 But before that, we're going to have a brief time
7 to allow folks to give us some comments. And, again, this
8 isn't a hearing, that isn't a formal comment period. I
9 would encourage you to, in this short time we have, to stay
10 at a high level of big picture things. And if there's
11 things down in the weeds on your specific Priority Product,
12 it's probably best to address that in the breakout sessions.
13 And I'm not sure how many people want to talk, but we have a
14 limited amount of time.

15 So I'll let Nathan take over. Thank you.

16 MR. SCHUMACHER: We have two floating microphones.
17 So, the two ladies have them. So feel free.

18 First, clarifying questions?

19 Yes, the gentleman in yellow right here.

20 Please state your name and the affiliation.

21 STATEMENT BY BOB BRAEMER

22 MR. BRAEMER: Yes, thank you.

23 I'm Bob Braemer. I'm senior engineer with the
24 California Building Industry Association. And I'll be
25 attending the afternoon breakout session on spray foam.

1 Sort of a general 30,000-foot level question. I
2 understand completely California's administrative process.
3 I've been doing this for three-plus decades, mostly with
4 building standard development and adoption. This is sort of
5 my first time with the DTSC.

6 But having said that, I'm looking at the press
7 release that was issued on this. And you indicate, although
8 there's no predetermination, you'll be starting the
9 regulatory process -- the formal process at the end of the
10 year, and that will take a 12-month period under OAL.

11 However, you go to say, "Spray foam systems
12 containing unreacted diisocyanates for home and building
13 insulation."

14 Now, CBIA, who I represent, does not manufacture
15 the chemicals, we do not manufacture spray foam insulation
16 prior to its installation. What we would do is we put
17 together the homes that the consumer buys.

18 First off, I wasn't aware that the installed spray
19 foam insulation had unreacted diisocyanates. But more
20 importantly, the press release that went out, although it
21 says DTSC is not banning the product, the manner in which
22 the press release was sent out and is written sort of puts a
23 cloud over the product, as it does the other two products.

24 And it kind of concerns me that, you know, we're
25 at a point right now, particularly with the development of

1 the Energy Commission's updated the standards that are
2 taking effect in July, and, more importantly, those that
3 they are embarking on for January 2017, we're supposedly
4 going to see a rather skyrocketing application of spray foam
5 insulation.

6 The problem here is, if I was a builder and I read
7 this press release, wouldn't I sort of back away from this
8 product very quickly?

9 MR. SCHUMACHER: Karl?

10 MR. PALMER: Well -- Bob?

11 MR. BRAEMER: Yes.

12 MR. PALMER: Thank you.

13 Well, I think that it's hard for us to determine
14 what is happening in the market or control that. We're
15 using our responsibility to identify products that we think
16 merit a look and concern and that are appropriate for going
17 through this process.

18 To your point about communication, certainly we
19 are -- it's important to us that accurate information gets
20 out. And I recognize that it's difficult to describe the
21 regulatory process -- it's lengthy and detailed -- in a
22 manner which, you know, doesn't translate well. So, you
23 know, all I can say is we'll do our best.

24 Part of this process is getting good information
25 so that we can make sure that our information on the Web is

1 accurate. And one of the things we want to do is learn
2 about who is affected and stakeholders so that our -- when
3 we produce documents, whether it's a fact sheet or a press
4 release, that we understand who the audience is and that we
5 effectively communicate to the audience in a factual and
6 appropriate manner.

7 MR. ALGAZI: Karl, can I chime in really quick?

8 And we didn't -- we are asking at the breakout
9 session, if the way the product is defined is not clear,
10 that's something we would like to talk about. We're not
11 intending to capture cured foam with this listing, but the
12 product that's sold.

13 MR. BRAEMER: Okay. That's good to know. I'll be
14 going to the afternoon session. So thank you.

15 MR. SCHUMACHER: Okay. This gentleman over here.
16 Yes.

17 STATEMENT BY GENE LIVINGSTON

18 MR. LIVINGSTON: I'm Gene Livingston. And I'm
19 here on behalf of the American Cleaning Institute. And my
20 comments are more general and not just necessarily with
21 respect to these three products, but future products as
22 well.

23 And one of the things that struck us, I guess, is
24 that as you went through the prioritization factors in the
25 product profiles, you listed a lot of information, and I

1 think in a desire to be inclusive, you listed a lot of
2 information that you would look at it and say, well, that's
3 pretty flimsy. And it kind of gives the appearance that it
4 doesn't take much to become a Priority Product.

5 And it occurred to me that perhaps it would be
6 helpful, when you summarize the factors that you considered,
7 the prioritization factors, if you focused on those that
8 really caused you to choose that product as a Priority
9 Product. That would signal to the rest of us about what you
10 consider to be more important, what it really takes to make
11 something a Priority Product, rather than just a list of
12 facts that are less compelling than probably what you really
13 relied on.

14 And then I also want to respond to one of the
15 questions that you put out.

16 MR. SCHUMACHER: Well, can we have an answer to
17 that first, and then we'll go to your second part? Okay?

18 MR. PALMER: Answer to part one. Thank you, Gene.

19 We'll consider -- that's a good point. What we
20 were trying to do was mirror, to some extent, the categories
21 in the regulation. But your point is well taken.

22 MR. SCHUMACHER: Yeah, go ahead.

23 MR. LIVINGSTON: All right.

24 The second point is the description of the
25 products. And it's important, I think, for manufacturers

1 and retailers and so on if you can use the GS1 brick
2 categories as much as you can. And you did that with a
3 couple of them. But with the sleep products, there was no
4 reference to the bricks, although there are bricks for a
5 number of those products.

6 And so the more certainty -- and I think this is
7 something you recognize. And I wanted to support your
8 question and your desire, perhaps, to move into more
9 definitive description there. Thank you.

10 MR. SCHUMACHER: Thank you, sir.

11 STATEMENT BY PAUL DUFFY

12 MR. DUFFY: My name is Paul Duffy, with Icynene
13 Corporation. And Thank you for the presentation.

14 The process that you laid out seems to drive
15 pretty strongly towards a rulemaking at the end of the
16 process. And I can understand why you've laid out all
17 aspects of the process and how it works. And then you've
18 indicated -- as other folks have indicated here -- that
19 there are lots of chemicals that are on your list that are
20 potential for regulation.

21 My question to you is: Have you given thought not
22 only to the on-ramps to this process, but the off-ramps to
23 this process? If, in fact, the information is provided in a
24 satisfactory fashion, the questions are answered, where and
25 how does a manufacturer find themselves on the off-ramp

1 versus, you know, going further down through the process?

2 MR. PALMER: I'm not sure which "process" you're
3 offering -- I mean, within the Alternatives Analysis process
4 there are multiple off-ramps and choices, everything ranging
5 from just taking the chemical out to customizing --

6 MR. DUFFY: Well, if in fact the product has been
7 mischaracterized as having ingredients that are not there,
8 is that an off-ramp? Are there off-ramps in terms of some
9 of our workplace procedures or --

10 MR. PALMER: I think what you're talking about is
11 refining the definition of what's captured in the
12 regulation, in part, perhaps.

13 MR. DUFFY: Perhaps.

14 MR. PALMER: Yes, we're here to refine that and
15 get it right. So, as Gene highlighted, we're trying to
16 describe each of these products using the global system.
17 That doesn't fit for everything.

18 I'll give you another example. Methylene chloride
19 in paint strippers, and we had in the title as well, surface
20 cleaners. In our mind, the surface -- that was not those
21 surface cleaners already regulated by ARB and where
22 methylene chloride is already banned, but some other niche.
23 And we're going to refine that to make that clear that we're
24 not talking about the methylene chloride in paint strippers.

25 So, yes, we are going to try and get the specifics

1 so that we not only meet the criteria in the EPA, which is
2 clarity, number one, but that we're -- everyone is sure what
3 we're talking about throughout the process.

4 MR. DUFFY: I mean, we feel like there is a
5 dialogue that we're willing to engage in. But at some
6 point, we would like a more fulsome understanding of our
7 products so that we can basically clear up the inaccuracies
8 that seem to exist in the information that we've been
9 provided so far.

10 MR. PALMER: And we want to hear that from you.
11 So you can tell us today in the breakout session. You can
12 send us information and data clarifying your perspective,
13 and we will consider that moving forward. That's why we're
14 here.

15 MR. SCHUMACHER: And you also have until June 30th
16 to get any additional comments in to us, as well.

17 Yes, sir? Right there.

18 STATEMENT BY KURT RIESENBERG

19 MR. RIESENBERG: Good afternoon. Kurt Riesenber
20 with SPFA, representing the spray foam industry. I'm the
21 Executive Director of the Spray Polyurethane Foam Alliance.

22 I have something about -- a very brief statement
23 here to offer in terms of observations. And you're welcome
24 to respond to it, if you like.

25 In terms of SPFA and the spray foam industry,

1 we're very disappointed with the still mysterious process
2 utilized by this California state department to produce the
3 proposed regulation and supporting documents. The documents
4 were replete with errors and inaccurate and misleading
5 information regarding our technology. These inaccuracies
6 persist on your Website today, despite our credible
7 objections.

8 Our industry's competition are capitalizing upon
9 this by disseminating what is typically and perceptibly
10 reliable state-originated information. Customers are being
11 intimidated and misled and businesses within the state and
12 the country are being significantly and negatively impacted
13 today.

14 Your process and information is preemptively
15 leading to hundreds of small and medium-sized high
16 performance businesses and the families that rely upon those
17 businesses for their livelihood to lose their customers.
18 This is a direct result of your approach to this failed
19 process.

20 Words used to describe the situation have ranged
21 from simply inexpiable to criminal. This has represented an
22 abject failure from the day you chose to include spray foam
23 but exclude the industry, broad and reliable scientific data
24 and the open discussions that could have gotten you to where
25 you wanted to be, while preventing all of this drama.

1 SPFA insists that the incorrect information
2 contained in your documents be immediately corrected and the
3 inaccurate documents be removed from your Website until the
4 corrections are implemented.

5 We also insist that short of you being able to
6 dismiss SPF from your STP scope immediately, you work to
7 expedite this failed process to mitigate any further
8 state-sponsored damage to this industry.

9 SPFA stands ready to assist in whatever capacity
10 to extricate us and the Department from the embarrassment
11 that you have constructed. Thank you.

12 MR. PALMER: Thank you, Kurt.

13 What I will say is, one, thank you for your
14 comment, and we look forward to more specific comments on
15 what you feel are the errors. We're committed to having
16 accuracy. So if there are errors in the documents, we'll
17 fix them.

18 And as we move forward, we -- in evaluating all
19 the data and information given to us, we will be packaging
20 that on the Web and trying to make it clear what the data we
21 have, what our decision making is, where we're moving and
22 people's perspectives.

23 So, thank you for your input.

24 MR. RIESENBERG: I do appreciate that. I'll be
25 looking forward to participating in the workshop this

1 afternoon.

2 We have submitted, as an industry, a 30-page
3 document highlighting the brunt of those errors. And the
4 point of my comments were such that this conversation, if it
5 had happened six months ago or 12 months ago, we wouldn't be
6 sitting here having to have this type of conversation today.
7 And that's the reference to the "failed process" that I was
8 making. Thank you.

9 MR. SCHUMACHER: Right there in the purple. Yes.

10 STATEMENT BY ANN GRIMALDI

11 MS. GRIMALDI: Good afternoon. My name is Ann
12 Grimaldi of Grimaldi Law offices. I'm here on behalf of
13 three clients interested in the process. A general comment,
14 which I will explore further in the breakout session, and it
15 has to do with product description.

16 DTSC has published a different documents, fact
17 sheets, product profiles, other -- the agenda, even, for
18 today's meeting, and there are inconsistencies in the way
19 the products are described; some are subtle and some are
20 not.

21 And it is imperative that the Department
22 consistently use the same and, hopefully, precise
23 description of the Priority Products at issue, so that the
24 members of the regulated community do not have to question
25 whether they're in or out.

1 So I will explore that further in the breakout
2 session. Thank you.

3 MR. SCHUMACHER: Thank you.

4 The gentleman in the back.

5 Further back, please, first. Mary Sue? First.
6 I'm sorry. We'll come to you next.

7 STATEMENT BY MITCH FINE

8 MR. FINE: Thank you.

9 My name is Mitch Fine. My company is Armstrong
10 Foam Roofing, and I have a question regarding the process.
11 I was at the hearing -- or meeting approximately a month
12 ago, where the Green Ribbon Science Panel was meeting and
13 deliberating regarding this process.

14 And my question is: Why was the Green Ribbon
15 Science Panel assembled -- it looked like from the best and
16 the brightest minds across the country -- regarding this
17 process and the identification of the Priority Product, and
18 then from 2011 to 2014 not consulted or part of the
19 identification process?

20 And the follow-up to that is: Will the
21 deliberations and consultations or NGO or stakeholders that
22 were part of the identification process between that period
23 that the public record goes dark, will any of those
24 deliberations be made public so that we can get a little bit
25 better understanding of how the selection was made?

1 Thank you.

2 MR. PALMER: So two points, Mitch.

3 On the Green Ribbon Science Panel, I think the
4 practical answer to what was happening with the Green Ribbon
5 Science Panel is we were busy working on finalizing the
6 regulations, so for a good chunk of time the Green Ribbon
7 Science Panel wasn't active. They're a body which is there
8 to advise us and, specifically, our director on the
9 implementation of the rules.

10 And so we did raise the issue at the last Green
11 Ribbon Science Panel meeting about Alternatives Analysis and
12 described what we're doing. And I believe at the next
13 meeting we're going to be discussing our methodology, at
14 least briefly, on the selection of Priority Products.

15 On the second point, was -- remind me of the
16 second point. Oh. Yes, we will -- we have received a
17 Public Records Act request which asked us who we talked to,
18 and that will be public.

19 And I'll just say that it wasn't -- there was no
20 formal -- you know, I've spoken to many of you here over the
21 last year about our process. And generally when I talk
22 about selection, I'd ask people, you know, "Do have any
23 suggestions?" But it wasn't a real formal analytical
24 process. We did talk to our sister agencies, because we
25 wanted to ensure we were in concert and understood their

1 regulatory authorities and responsibilities and didn't
2 overlap. But, yes, that will be all public.

3 MR. SCHUMACHER: No, this gentleman first and then
4 her. You're next. This person first.

5 STATEMENT BY RANDALL FRIEDMAN

6 MR. FRIEDMAN: Good afternoon. Randall Friedman,
7 with the United States Navy.

8 I would ask, as a general comment, the observation
9 is we don't really have a traditional product. If anything,
10 our product is national defense. So I think it puts us in a
11 very different category, yet we are still subject to these
12 issues.

13 I would just, in going forward, ask you to
14 recognize that we have some unique needs in terms of
15 worldwide applicability of our, you know, high-performance
16 jets, ships that have to spend eight, nine, ten months out
17 in a harsh environment, and we have to be consistent around
18 the world in how we service them and how we inspect them in
19 terms of refurbishment. So we certainly need that
20 consideration in your process.

21 And, also, we'd like for you to recognize that we
22 have our own process that's been in place for many years.
23 We are looking -- we are constantly looking at product
24 substitution, safer alternatives. But those have to be
25 done, again, consistent with the worldwide mission with

1 high-performance equipment. And then when implemented, they
2 need to be implemented worldwide consistently and not in a
3 single state.

4 So I know your director was in San Diego some time
5 ago and saw firsthand the type of work we're doing, the
6 product substitution, and we certainly would ask that you
7 consider that. And we look forward to working with you on
8 this.

9 MR. PALMER: Thank you.

10 I'd just highlight that like the Navy and Armed
11 Forces, there are other businesses that have very specific
12 specifications that are critical to the performance and
13 marketability of their product. Those are considered in our
14 Alternatives Analysis process because they are a factor to
15 consider. We're not trying to make anyone make a product
16 that doesn't work or can't be sold. And as far as
17 substitution, again, the process accommodates all the things
18 you're concerned about for everyone.

19 STATEMENT BY DARYL OVERHOFF

20 MR. OVERHOFF: Daryl Overhoff from Dow Chemical.

21 Thanks again for providing an overview of the
22 process. And I specifically want to ask a question about
23 the process prior to rulemaking.

24 You mentioned that two of the key criteria that
25 are used for inclusion include products that have the

1 potential for exposure to the candidate chemical, as well as
2 this exposure potential has the potential to contribute or
3 cause significant or widespread adverse effects. You also
4 mentioned where you pulled that data was largely public
5 sources.

6 As we move through the process prior to
7 rulemaking, which is going to include workshops as well as
8 what you described as additional research, Q and A, as well
9 as refinement, my question is whether any additional data on
10 exposure or adverse effects relating to Priority Products
11 and the chemicals of concern that are contained within them,
12 if new data is made available, will that be used to refine
13 the scope of the Priority Product or even remove the
14 Priority Product from further consideration?

15 MR. PALMER: Thank you.

16 Well, certainly we'll consider whatever data is
17 provided to us. And I would presume what we would do with
18 it, potentially, if there was enough information that would
19 sway us either to modify it or change the rule, we could do
20 that. Certainly, we have discretion. We want to know.

21 MR. SCHUMACHER: Yes. Go ahead.

22 MR. HERRO: Cyril Herro. I just want to provide
23 some context and --

24 MR. SCHUMACHER: I'm sorry. Your name and your
25 affiliation?

1 STATEMENT BY CYRIL HERRO

2 MR. HERRO: Sorry. Cyril Herro. I'm with
3 Meritage Homes.

4 And prior to this getting contentious -- which I
5 can see it's about to do -- I did want to provide some
6 context, because I know that sometimes everybody is
7 extremely well intended, and, as you can see, there's going
8 to be a lot of scientific fact that contradicts some of the
9 positions you've taken.

10 I'm one of the top ten largest homebuilders in the
11 country. I build 1200 homes a year in California. I'm
12 probably also one of the largest consumers of polyurethane
13 spray foam in the residential application.

14 I'm also, for the last four years, the USEPA's
15 Sustained Excellence Award for Energy Star homebuilders.
16 We're one of the most energy efficient homebuilders in the
17 country. We have led our entire industry forward in trying
18 to reduce pollutants.

19 I'm a biologist, a chemist, and a chemical
20 engineer, you know, so I've spent my same life -- as I'm
21 sure all of you have -- in trying to create innovation and
22 change in the industry.

23 And it does undermine -- and I want to be delicate
24 about this -- but it does undermine a lot of the efforts in
25 trying to do the right thing when press releases and

1 positions get taken about what I think was intended to be a
2 small category of diisocyanates, and it gets broad brushed
3 into an industry that may be misrepresented and does reduce
4 the public's trust in an industry that is actually trying to
5 derive really substantive benefits.

6 And so I do want to give that context because I'm
7 sure you're about to get a lot and passionate and technical
8 data. But also, as going forward, perhaps if there's an
9 industry reach-out prior to these public offerings, prior to
10 the publications, because that information can be said in a
11 way that does get twisted by people who don't want the
12 change, who aren't trying to -- you know, there's a lot of
13 economics involved on both sides of the table. But a lot of
14 those economics are to prevent things going forward. And
15 they have just as much public influence and leveraging to
16 try to prevent the use of one chemical over another for
17 their own financial gain. And that is definitely going on
18 in the marketplace.

19 You know, I build 6,000 homes a year. And your
20 press release got brought to me in seven different markets
21 within 24 hours. And so there is a significant impact to
22 the marketplace, and I do want to caution you about, you
23 know, how that gets perceived in the public. Because I know
24 the intention, but the reality is it gets used as, oh, now
25 here's evidence before you that's been gathered that's

1 something's bad on the market.

2 MR. SCHUMACHER: Okay.

3 THE REPORTER: We need to go off the record. I've
4 lost power to my computer.

5 MR. PALMER: Thank you. We're going to take a
6 short break for our court reporter.

7 (Brief pause off the record.)

8 MR. PALMER: Thank you.

9 MR. SCHUMACHER: Yes, thank you for your comments.
10 Someone else on this side? No?

11 MR. PALMER: Response to his comment?

12 Well, I'll say I understood. We've heard from a
13 lot of people about the impacts in the market based on
14 people's understanding of what it is or is not that we're
15 trying to do. And, again, we're hearing that it's important
16 how we say what we're saying, and we will look at that very
17 closely moving forward.

18 STATEMENT BY MARSHA LEVINSON

19 MS. LEVINSON: Hi. This is Marsha Levinson. I'm
20 from Behr Material Science. We both manufacture materials
21 used in spray foam as well as a system for spray foam.

22 The chemistry that we're in is being scrutinized
23 by a number of federal agencies right now, OSHA, EPA, et
24 cetera. We've been working on this for many, many years.

25 Your listing of chemicals which met both criteria

1 was 150 to 160 products, and yet you chose as one of your
2 initial products to be one chemistry which is already under
3 scrutiny on a federal level.

4 Could you comment on why you chose that?

5 MR. PALMER: We chose the product based on the
6 factors which were the potential exposure, the hazard traits
7 of the chemical, and we think what is a significant
8 potential harm.

9 Now, if your question is, how do we consider what
10 EPA is doing -- well, our process is very different from
11 EPA's process. If they do a risk assessment, they're
12 looking at -- well, I won't comment on EPA and what they can
13 and do do or don't do.

14 But our process is broader than one regulatory
15 framework. We're looking at all the impacts across --
16 potentially, across the lifetime of that product. So it's
17 not like -- and OSHA, for example, in California is looking
18 at workers that they regulate; they're not regulating what
19 happens in the home or by someone who's an independent
20 contractor. So there are other aspects. They're
21 complimentary, in my view. But we weren't trying to go
22 against what EPA is doing. I think it's consistent in some
23 sense.

24 MR. SCHUMACHER: In the back there. Okay.

25 Yes, sir. Go ahead.

1 STATEMENT BY WILL LORENZ

2 MR. LORENZ: Yes. My name is Will Lorenz, with
3 General Coatings. We manufacture spray foam in California.

4 My question is about the process. Does every
5 prioritization Product listed have to go all the way through
6 Alternative Analysis and then finally through rulemaking?

7 Is there no -- as the gentleman from Icynene said,
8 no off-ramps before that process in the evaluation, or once
9 you've listed it, it's a two- or three-year process before
10 it's fully evaluated, and the market can now just take the
11 impact negatively until it's resolved?

12 MR. PALMER: So, process. There's nothing to
13 prevent anyone right now from looking at our regulations and
14 looking at the Alternatives Analysis process and doing work
15 along that same vein.

16 The regulatory clock won't start until we adopt
17 those Priority Products in rule, which would be a year-plus
18 from now. And that is when we would actually capture.

19 So in your process, if you, for example, came up
20 with an alternative that didn't meet our criteria, you would
21 not be subject to our regulation; if you could do that
22 before the reg came into place.

23 Once it is in place, within the Alternatives
24 Analysis process in our regulations there are various
25 off-ramps, if you will, that allow you to not do the

1 full-blown analysis but to move either straight to doing R&D
2 because you think there is no alternative and you can
3 demonstrate that, or you might do a modified or abridged
4 A.A. as well.

5 So there are some options, and I can go through
6 that in more detail in the breakout session, if you want.

7 MR. SCHUMACHER: Anyone else?

8 Okay. Just a second. Let me get the mic over to
9 you.

10 Your name?

11 STATEMENT BY STACY ANN TAYLOR

12 MS. TAYLOR: Yes, good afternoon. My name is
13 Stacy Ann Taylor. I am a director of product stewardship
14 for Henry Company. We're based in El Segunda, California.
15 We make, among other things -- we make many building
16 products, but among other things, we have a small spray foam
17 manufacturing operation in California.

18 What I wanted to know, quite frankly, was going
19 forward, just in terms of process that we have been talking
20 about, in your next steps, do you plan to talk more about,
21 you know, why you picked -- how do I phrase this?

22 Why you picked, I guess, these particular products
23 as opposed to, for example, products that touch the skin on
24 a daily basis, personal care products that we all use, that
25 we use for ourselves, we use for our animals, and things of

1 that nature? Do you plan to sort of elaborate more on that?

2 Because I have been involved with this process
3 pretty much since its inception. I've attended many DTSC
4 hearings. I now live in the state of California, since
5 we're based here. And, quite frankly, I am very, very
6 surprised that you chose these particular products, when
7 during this process you all harped on many, many occasions
8 about the need to explore products that, for example,
9 perhaps impact our waterways in a negative manner, personal
10 care products that touch the skin or that are ingested.

11 Are you going to talk more about why you sort of
12 veered away from that direction that I believe you've talked
13 about fairly clearly at these hearings?

14 MR. PALMER: Well, I don't think we veered away
15 from our overall mission and concern on all those things you
16 mentioned. And, in fact, when we start our three-year work
17 plan process, many of those things are going to be on the
18 table.

19 I think when you through at the three products we
20 chose, one of the things that isn't really there is a
21 significant environmental impact. And so I think we'll be
22 considering that as a category, or some variation of that,
23 in the work plan process.

24 But, again, we didn't have one algorithm that
25 stated we're going to get the best or the most or this,

1 that. We looked at a whole bunch of different alternative
2 choices, and these were the three that rose to the top for
3 now. And we're viewing this as a long-term process that
4 we'll be looking at other things, and it was important that
5 we start with ones we thought were good candidates.

6 So we're moving forward on these. But with
7 respect to the other ones, we will be having discussions
8 about what's to come.

9 MR. ALGAZI: I would just add, we did look at
10 some personal care products in trying to choose our first
11 three. We were constrained a bit by the smaller list of
12 chemicals that we're starting with and, in some cases, data.
13 So we did choose things for which we had data, for which the
14 chemicals were on the short list that had both a hazard
15 trait and exposure potential. So, as Karl said, the work
16 plan will likely continue to reflect the priorities that
17 you've mentioned.

18 MR. SCHUMACHER: Yes, sir. In the blue shirt.

19 STATEMENT BY GARY TALBOT

20 MR. TALBOT: Thank you. My name is Gary Talbot.
21 I'm owner of Five Star Performance Insulation here in
22 Sacramento. We do spray foam from here to Lake Tahoe and
23 through the Cental Valley.

24 I'd like to just reiterate with several of the
25 others that made some comments earlier in the fact that it

1 appears to me that there wasn't a lot of thinking process
2 that went into this press release and the impact it has had
3 on businesses involved in my industry.

4 I can tell you this right now, that within 24
5 hours of that press release my business was impacted. My
6 business is impacted every day because of this press
7 release. I'm disturbed that the words "banned" were even
8 used.

9 I make a suggestion -- I'm bringing up these
10 comments so that you do feel my pain. We have not procured
11 any new equipment because of this, we are not hiring any
12 more people because of this at this present point in time,
13 and I don't know -- hopefully, we won't have to reduce the
14 workforce.

15 But when in this process you look at other
16 products, not just necessarily what I'm involved with, but
17 others as well, that you really consider what you say before
18 you say it, because it does make a difference. And right
19 now, what you've said in the process has had a negative
20 effect on taxpayers in this state already.

21 So, I'm hoping through this process that we
22 improve, that you reevaluate some of the things and add some
23 new ideas and thoughts to this. But it just -- to me, I'm
24 blown away that we look at you and expect good stuff. And
25 what we see is that: Oh, we didn't think about that. We

1 didn't talk about the people that were involved in this or
2 the industry as a whole. And I would think that was
3 probably the first step in the process.

4 But I'm not here to, you know -- there are some
5 good things here. We've been involved -- we've been green
6 before it was cool, I mean, years ago. So we all want to do
7 a good job. We all want to use products that are going to
8 make people's lives improve, healthier. And we reduce
9 energy cost and demands every single day we're out there.
10 And the foam industry has a major impact on doing that and
11 getting to net zero, which is the goal of the state.

12 So I just want to make that suggestion to just --
13 we -- in today's instant news, Internet and everything else
14 involved in it, that we're very sensitive to what gets out
15 there.

16 But, again, I appreciate the opportunity that
17 we're able to interject some new information and have a
18 dialogue today, because we're with you, we want to improve
19 things, we want to make it better. Thank you.

20 MR. PALMER: Thank you.

21 MR. SCHUMACHER: By the way, sir, are you going to
22 be able to stay for the small group discussion?

23 MR. TALBOT: Oh, I wouldn't miss it for anything.

24 MR. SCHUMACHER: Okay. Good. I'm glad you're not
25 going to miss it. That's good.

1 Yeah, we have time for only one more, one more
2 person. You're it.

3 STATEMENT BY RANDY FISHBACH

4 MR. FISHBACH: Randy Fishbach, the Dow Chemical
5 Company.

6 When the Green Ribbon Science Panel convened about
7 a month ago, the DTSC made a presentation, you know, to sort
8 of kick off the meeting, and the DTSC suggested -- actually
9 said that the one thing they would do different -- or want
10 to do different in the future, in creating the three-year
11 work plan, is to understand the market better and understand
12 the manufacturers better and the products better.

13 And I'm just wondering if the DTSC has considered
14 how they might do that. Can we expect more transparency in
15 the discussion over the potential Priority Products or -- I
16 get asked in my company -- you know, I'm the government
17 affairs guy for California. I get asked by headquarters,
18 you know: Did I see this coming? Did I know what products
19 would be picked? And I said, no, I had no idea. Maybe I
20 just didn't have my ear to the ground.

21 But will there be more dialogue with manufacturers
22 and more understanding in the marketplace? How do you
23 propose to do that?

24 MR. PALMER: Thanks, Randy.

25 Yes, we will be coming out with a draft Priority

1 Products list and a framework for a workshop. So there will
2 be a very open discussion about that -- I'm sorry, for the
3 work plan.

4 And the criteria in our regulations call for our
5 categories to be identified. So we'll be looking for input
6 on, you know, what does that mean?

7 Personal care products was identified earlier, and
8 that's an extremely broad category, which there's a lot of
9 different subcategories. And that's true in many
10 industries. So, yeah, we'll have an open dialogue about
11 that. We need to get that done before the 1st of October,
12 so that will be happening this summer. And so that will be
13 an opportunity for people to give us suggestions, to ask us
14 questions as well.

15 And that will be an ongoing process as well, is
16 that will be -- it's not just the next three years, it's the
17 following three years. And after the second year, we'll
18 update it and also identify in our regulations that allow a
19 petition process that people can ask us to add things to the
20 list as well, whether a Priority Product or specific
21 chemical.

22 MR. SCHUMACHER: Okay. Now we'll head into the
23 10-minute break. During this time, however, all of us need
24 to move from here to three different rooms. On your agenda,
25 you'll see where you'll be going.

1 Marsha, right here, is the person who will be
2 escorting the persons to 3-10, that's the "stripper" room,
3 so to speak. Also, very soon Mary Sue will escort people to
4 2-30, and that's where the children's foam sleeping products
5 discussion will take place. And I will escort people to
6 Room 5-50, where we'll talk about spray foam systems.

7 Feel free to use the restroom, to do other things
8 you might want to do. But you have about ten minutes.
9 We'll reconvene at 1:45. Also, please take all of your
10 stuff with you, since we won't be returning to this room.

11 (TIME ENDED: 1:36 P.M.)

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REPORTER'S CERTIFICATE

I, SHARON LANCASTER, CSR NO. 5468, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken before
me at the time and place therein set forth;

That the aforementioned proceedings were recorded
stenographically by me and were thereafter transcribed under
my direction;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

Dated: June 3, 2014.

Sharon Lancaster

SHARON LANCASTER, C.S.R. NO. 5468

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