



February 3, 2017

Barbara A. Lee, Director  
California Department of Toxic Substances Control  
1001 I Street  
Sacramento, California 95814

*Via electronic submission to SaferConsumerProducts@dtsc.ca.gov*

Re: Comments of the Vinyl Institute on DTSC Draft Alternatives Analysis Guide

Dear Ms. Lee:

The Vinyl Institute (VI)<sup>1</sup> is pleased to submit the following comments on DTSC's Draft Alternatives Analysis (AA) Guide to address our concerns with the Draft AA Guide.

#### **General Comments**

1. The VI supports the comments of the American Chemistry Council (ACC) submitted in their separate response to the subject request for comment.
2. The VI strongly supports following the principles established in The National Academies 2014 Framework<sup>2</sup> on selection of chemical alternatives.

#### **Specific Comments**

3. The example on page 24 with respect to polyvinyl chloride food wrap should be removed. It incorrectly states:

“For example, when looking for alternatives to phthalates in a polyvinyl chloride food wrap, a different material such as low density polyethylene may be considered that may serve the same function as protecting the food and have the same flexible features.”

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<sup>1</sup> The VI is a U.S. trade association representing the leading manufacturers of PVC Resins, vinyl chloride monomer, and vinyl additives and modifiers. VI's mission is to advocate the responsible manufacture of vinyl resins, lifecycle management of vinyl products, and promotion of the value of vinyl to society.

<sup>2</sup> National Academies, “A Framework to Guide Selection of Chemical Alternatives”, October, 2014



Our understanding is that phthalates have not been used by U.S. producers of vinyl food wrap for nearly 2 decades. This type of misinformation propagates the unsubstantiated notions surrounding vinyl products claimed by many activists who continue to use decades old information.

4. Example 3-2 on pages 36-37 should be removed because the information presented is incorrect, misleading, and simplistic. This is the very type of erroneous comparison that U.S. manufacturers believe proper AA procedures will eliminate. If anything, Example 3-2 serves as an example of what an unacceptable AA would look like. Please consider these specific comments on this example supporting its removal from the document:
  - a. Example 3-2 suggests the use of heavy metal stabilizers, and flame retardants in the base product and Alternative A. This is counter to the data found in a comprehensive analysis conducted by University of Michigan's Ecology Center of 65 flooring samples from five different national retailers in seven different states. The April, 2015 report<sup>3</sup> corroborates the lack of use by U.S. and most offshore manufacturers of toxic heavy metal stabilizers lead and cadmium, which were systematically replaced by U.S. flooring producers nearly two decades ago. None of the samples tested exceeded the CPSC limit of 100 ppm lead as required in the CPSIA and most samples were found to have either trace amounts or zero lead. With respect to flame retardants, a consistent performance standard should be applied across the substitution analysis. The base product and Alternative A are portrayed as containing flame retardants while Alternatives B & C do not. Any flame retardants used in flooring are added to meet a specification, and it is unlikely that Alternatives B & C could meet the same fire performance that the Base Product and Alternative A could meet or are designed to conform to.
  - b. Example 3-2 suggests that recycling at end of life is only available on a small experimental scale. Again, this disregards the fact that the flooring industry had been the leader in post-consumer recycling for decades. Hundreds of millions of pounds of vinyl flooring have been recycled since the early 1990's. The depiction that no recycling is available for alternatives or that recycling is small or experimental is factually

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<sup>3</sup> <http://www.ecocenter.org/healthy-stuff/reports/vinyl-floor-tiles>



incorrect and does a disservice to those dedicated facilities available around the country that many flooring producers have commercially operated for decades<sup>4</sup>.

- c. Example 3-2 suggests that post-consumer recyclate may be toxic. Again, this misinformation is not supported by the results found in the Ecology Center's April, 2015 report. Given the large amount of post-consumer recycling by the U.S. flooring manufacturers, one would expect different analytical results for heavy metals found in the flooring samples.
- d. Example 3-2 suggests issues with phthalate ingredients. After carefully scrutinizing detailed information submitted by Resilient Floor Covering Institute to California's Office of Environmental Health Hazard Assessment, approval was granted for Significant Use Determination (SUD) for diisononyl phthalate (DINP) for use in flooring below prescribed limits<sup>5</sup>. While many flooring manufacturers offer alternatives that do not contain phthalates, it is clear from the SUD approval that exposure to certain ingredients can meet established no significant risk levels.
- e. The quality of data that Example 3-2 employs does not stand up to the rigor expected in Appendix 11 for the three quality metrics – *reliability*, *validity*, and *plausibility*, further justification that the examples mentioned in this letter should be removed.
- f. Useful information on sustainable flooring products by U.S. manufacturers was disregarded by the Healthy Building Network report and is publicly available.
  - i. U.S. flooring manufacturers collaborated in creating a product category rule and environmental declaration for their products which provides significant environmental and health information that can be used in an example<sup>6</sup>.
  - ii. As examples, many U.S. manufacturers have publicly available information on their websites<sup>7</sup> for vinyl based flooring and biobased flooring products that comport with the information presented above.

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<sup>4</sup> <https://www.armstrongflooring.com/commercial/en-us/sustainability/floor-recycling-program.html>

<sup>5</sup> <http://oehha.ca.gov/proposition-65/crn/issuance-safe-use-determination-exposure-residents-diisononyl-phthalate-vinyl>

<sup>6</sup> [http://productguide.ulenvironment.com/productDocuments/1798/15/RFCI\\_101.1\\_EPD\\_HeterogeneousVinylFlooring%20DOTP%20201501014.pdf](http://productguide.ulenvironment.com/productDocuments/1798/15/RFCI_101.1_EPD_HeterogeneousVinylFlooring%20DOTP%20201501014.pdf) ,  
[http://productguide.ulenvironment.com/productDocuments/1798/15/RFCI\\_104.1\\_EPD\\_VinylTileLVTSVT%20DOTP%20201501014secure.pdf](http://productguide.ulenvironment.com/productDocuments/1798/15/RFCI_104.1_EPD_VinylTileLVTSVT%20DOTP%20201501014secure.pdf)



Thank you for the opportunity to submit these comments. Please do not hesitate to contact me with any questions.

Sincerely,

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<sup>7</sup> <https://www.armstrongflooring.com/commercial/en-us/sustainability/product-certifications.html#EPD>,  
<https://www.manningtoncommercial.com/sustainability/epds/>,  
<http://www.tarketna.com/sustainability/environmentalresponsibility>