EPA Meeting on HBCD Use

Meeting Time /Date /Location	
Date	**[MACROBUTTON InsertDateField]1/23/2017**
Time/Location	**11:00 – 12:00 pm (EST)/1201 Constitution Ave NW, Room 4225**
Dial-in	**Ex. 6 Personal Privacy (PP)**
Meeting ID	

Agenda

Introductions	All
Background on TSCA Requirements on First Ten Chemicals	Sue Slotnick
Use Information of HBCD[1]:	All

Attendees:

Pat Casano – General Electric
Mark Herwig – General Electric
Scott Lesnet – HMI Corporation
Dave Panning – BIFMA (Business and Institutional Furniture Manufacturer's Association)
Marie Gargas – Plastics Industry Association
Ed Smith – General Manufacturers Association
Alissa Cordner – Whiteman College
Heather Stapleton – Duke University
Avery Lindeman – Green Science Policy Institute
Alex Stone – Washington State Dept. of Ecology
Saskia Van Bergen - Washington State Dept. of Ecology
Holly Davies – Washington State Dept. of Ecology
Stacy Tatman – Auto Alliance
Katie Holcum – Ford Motor Company, Auto Alliance
Dan Selke – Mercedes-Benz USA LLC, Auto Alliance
Teri Kline – General Motors, Auto Alliance
Jim Walle – General Motors, Auto Alliance
Jane Essmann – General Motors, Auto Alliance
Bing Xu – Ford Motor Company, Auto Alliance
Marsha – Ford Motor Company, Auto Alliance
Laurie Poll – Auto Suppliers
Chris Sydney – Auto Alliance
Brandy Lapere – Auto Alliance
Janan Rabiah – Association for Contract Textiles

EPA:

Sue Slotnick
Randy Yakal
Nhan Nguyen
Eva Cappuccilli
Shayna Sellars
Majd El-Zoobi
Eva Wong

[1] HBCD is a member of the Cyclic Aliphatic Bromide Cluster, which is on the First Ten list of chemicals selected by EPA.

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EPA Meeting on HBCD Use

Julie Shannon
Ameul Kennedy
Kathy Anitol

Background on TSCA Requirements on First Ten Chemicals – Sue Slotnick, EPA:

These meetings are to collect use information in preparation for a public meeting in February 2017 on the initial ten chemicals to be evaluated under TSCA reform. EPA is meeting with various stakeholders to gather relevant information about chemical uses and conditions of use and will draft dossiers on the uses of each chemical. The dossiers will be made public and are intended as a starting point for a discussion informing scoping documents to be published in June 2017.

Chemical Use Information:

Sue Slotnick, EPA: A problem formulation document was published in August 2015, which includes uses gathered from our Chemical Data Reporting (CDR) database, literature, and uses found in other countries. EPA found the amount of HBCD used in textiles is around 2%. HBCD was only found to be used in textiles for floormats and headliners in vehicles. In 2008, the European Union found HBCD used in home furnishings, including drapes, mattresses, and other furniture/items. We don't know if there are historical uses of HBCD in the U.S. HBCD has, however, been found in household dust. We don't know where it comes from in houses. Australia reported using HBCD in packaging. There have also been studies from a university in South Korea on HBCD use in plastic ware. The State of Washington found HBCD through testing of protective gloves and the filling of a bean bag chair.

Alex Stone, Washington State Dept. of Ecology: A picture of these products is provided on our product testing base. The protective glove Sue described is a work glove. It is marketed as heat resistant, so it is not a consumer product.

Sue Slotnick, EPA: The Ecology Center, an NGO in Ann Arbor, MI, did testing of flame retardants in children's car seats. Out of 25 seats tested, they found two had bromine chemicals that are believed to be from the use of HBCD. The different parts of the car seats that were tested can be found on [HYPERLINK "http://www.ecocenter.org/"]. A product sold at Home Depot, called Insulfoam, is an example of a consumer use that the EPA knows.

Katie Holcum, Auto Alliance: The Auto Alliance submitted comments in response to the flame-retardant cluster[2] last year. The auto industry has been working to phase out HBCD. Primary uses of HBCD are in service part type applications. If a specific part in a vehicle breaks, we must make replacement parts available to customers. Typically, we have parts available for the past 10-15 years. Even though HBCD may have been phased out of current production, we must maintain certain parts so our customers have access to them.

Sue Slotnick, EPA: When you say "auto industry," who does that include?

Katie Holcum, Auto Alliance: I am speaking on behalf of the Automotive Manufacturers. The Auto Alliance includes 12 of the automotive manufacturers in the U.S.: BMW Group, Fiat Chrysler Automobiles, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America, and Volvo Car USA. There is another association called Global Automakers, which represents another set of auto makers.

Dan Selke, Auto Alliance: The Auto Alliance represents 77% of the market, meaning 77% of vehicles sold in the U.S. When you include Global Automakers, it is 99%. Tesla is the only manufacturer that does not belong to either trade group.

[2] Docket IDs: EPA-HQ-OPPT-2015-0068; EPA-HQ-OPPT-2014-0730; EPA-HQ-OPPT-2015-0081; and EPA-HQ-OPPT-2014-0491

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EPA Meeting on HBCD Use

Sue Slotnick, EPA: In 2011, major automakers communicated to their suppliers that there were certain chemicals they did not want to have in their products. Katie, when you say you have phased out of HBCD except in replacement parts, does that mean there is a prohibition that all companies have against using certain parts that have HBCD?

Katie Holcum, Auto Alliance: Just because a chemical is on GASDL (Global Automotive Substances Declarable List), that doesn't mean it is banned globally. It is a signal to our suppliers of all the various regulatory requirements. We can still manufacture products with these chemicals in the U.S. if there's not a law against it. We don't always tell our suppliers to phase out globally. Some automakers may phase it out, but not all automakers do.

Sue Slotnick, EPA: What is the status of HBCD? Is it only used in replacement parts?

Katie Holcum, Auto Alliance: The Auto Alliance's goal is to phase out HBCD. It has almost been phased out, based on our survey of automotive companies about a year and a half ago.

Teri Kline, GM and Auto Alliance: We would feel more comfortable if we could check again. We can do the survey again to get new information.

Sue Slotnick, EPA: Do you have any information on what alternative flame retardants have been used to replace HBCD?

Katie Holcum, Auto Alliance: We'd have to check into that. Typically, the suppliers make the chemical selection. They decide which alternatives to use in many cases. We may not have that information but we'll see what we can find.

Laurie Poll, Auto Suppliers: Auto Suppliers submitted comments on this in 2015. We are also in the process of phasing out HBCD. We can double check with our members to make sure that is still the case and I can also ask them about the replacement for HBCD.

Katie Holcum, Auto Alliance: Do you know what the testing method was for the brominated materials done by the Eco Center?

Sue Slotnick, EPA: There is a report online describing the technique used for testing for HBCD.

Katie Holcum, Auto Alliance: Do you know if the testing was done on more recent vehicles?

Sue Slotnick, EPA: It was not vehicles, just children's car seats.

Heather Stapleton, Duke University: I did some of the testing for the Eco Center. XRF (X-ray fluorescence) technology was used to screen for elements and they detected bromine in some of those. A subset of those materials was sent to my lab where mass spectrometry analysis detected HBCD in some of those samples. Duke University has independently tested infant car seats and HBCD was identified in the polystyrene liner of one seat and in the upholstery of another. In the fabric, HBCD was found at around 2% by weight (20 mg/g) and under 1% by weight in the liner.

Alex Stone, Washington State Dept. of Ecology: All sampling done by the Ecology Department has a quality assurance project plan. We found HBCD in 2 samples. Washington State uses XRF to screen samples. Details of our methodology can be found on our documentation database online.

Dan Selke, Auto Alliance: Even though we are removing HBCD, it is not necessarily a 1-for-1 swap. Vehicles are heavily regulated by the National Highway Traffic Safety Administration (NHTSA) for safety performance requirements. By removing a chemical, it can affect the safety performance for different things on the vehicle. Because of this issue, NHTSA is reevaluating how tests should be done on flammability in vehicles. This is impactful for the entire industry if HBCD is used in the vehicle somehow.

Bing Xu, Ford Motor Company, Auto Alliance: There are some replacement parts produced 10-15 years ago that still have HBCD. Those are the things to worry about because replacement parts in the market are not part of the prohibition.

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EPA Meeting on HBCD Use

Dan Selke, Auto Alliance: NHTSA also regulates us with recalls. Manufacturers must be able to produce parts for any kind of recall on a vehicle for the past 15 years. It would be very cost-prohibitive to reinvent these parts if a chemical is removed. Many car companies don't just do it for 15 years, but for the life of the vehicle. This means it could be much longer than 15 years.

Sue Slotnick, EPA: There is a docket available for public comments on HBCD. You can submit any information you'd like until March 1, 2017. You may also call or email me. Now let's move on to talk about textiles.

Scott Lesnet, HMI Corporation: HMI Corporation has been working to rid our products of fire retardants. Two years ago, the state of California passed SB 1019, which requires manufacturers of upholstered furniture to label their products with whether it contains any added fire retardants. Currently 99% of the industry uses no fire retardants in the foam materials. The fire retardants found in textiles are limited to vinyls and some performance textiles. Performance textiles often have antimicrobials and stain repellents embedded in a polymer when they are applied. Most normal textiles do not have fire retardants. HMI asked textile manufacturers and treaters which chemicals were used as fire retardants, and the primary material was antimony trioxide. I don't recall seeing HBCD in any of the responses. From the associations, we can find out if those materials are used in any products today. Plastic parts are still not regulated, so most manufacturers do not specify if fire retardants are added in plastic components. If HBCD is used in those components, there's a chance it could transfer over. Recycled content is also problematic. In a survey, HMI found that no company is currently testing recycled infeeds for the presence of fire retardants at any time. Our suppliers are not testing their recycled infeed for the presence of any particular chemical. There's no way to know where recycled materials come from, so knowing what is in the material is next to impossible. Most of our suppliers are domestic. It would be easy for us to do a simple questionnaire to ask: *Do you use HBCD? What is the average percentage used? What percent of your total output has HBCD in it?* We would have more difficulty getting supplier-level formulation details.

Dave Panning, BIFMA: BIFMA has 300 member companies and I have not heard of HBCD in discussions with them. In BIFMA's surveys with the upholstered furniture industry, HBCD is used minimally as a flame retardant if at all.

Ed Smith, General Manufacturers Association: There is not a good sense of if or when HBCD is used in aircraft. There are extremely rigorous performance requirements, far more than auto or consumer products would have to meet. There are usually no easy substitutes for aviation because high altitudes and low temperatures provide different conditions. The certification process is so rigorous and it is very expensive to find alternatives that meet the performance requirements.

Pat Casano, General Electric: Like the auto industry, GE does not tell suppliers how to make our products. We give them performance specifications and ask suppliers to meet them. We often don't know what is in our products. We can tell our immediate supplier we don't want a specific substance in our products. However, there are often many suppliers feeding into a product, so our request to not use a chemical may not go through the entire supply chain. Did you talk to other chemical manufacturers? I know you can find HBCD isomers at low concentrations in some electronics, typically bound up in a matrix so there is little or no exposure. Have you talked to electronics industries, both in the consumer and aircraft industry?

Mark Herwig, General Electric: Anything electronic has the possibility of containing low concentrations of HBCD. This is not a guarantee, as there are other forms of flame retardants out there besides HBCD.

Sue Slotnick, EPA: In 2011 when EPA was first learning about the uses of HBCD, we worked with the American Chemistry Council (ACC). They explained the supply chain is very long for a chemical, from manufacturer down to end use. The submission they made is in the docket for the 2015 regulation.

Alex Stone, Washington State Dept. of Ecology: Listening to the conversation, I keep hearing "we don't know what is in our products." Does that mean you don't sell any products in the European Union? Their REACH legislation requires that manufacturers know what chemicals are in their supply chain. The automotive industry is known to contain a large and

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detailed database that contains all the chemicals used in their products. Since we are dealing with a PBT, whether there is any immediate exposure during use is not relevant. If it gets out into the environment, we'll be dealing with it for the next 50-100 years. I'm finding the information being provided to EPA by the auto industry not valid, current, accurate, or helpful.

Pat Casano, General Electric: What legislation says is not always reflective of reality. The REACH regulation is just being implemented. You'll hear manufacturers saying they don't know everything that is in what is purchased from suppliers. The supply chain just doesn't have that information yet.

Mark Herwig, General Electric: With respect, what Alex said about REACH is incorrect.

Ed Smith, General Manufacturers Association: The EU has an exemption for transportation.

Saskia Van Bergen, Washington State Dept. of Ecology: The Department of Ecology is currently doing a study with children's upholstered furniture and tents. We found one chair had bromine in the back coating. We will get results soon.

Marie Gargas, Plastics Industry Association: The Plastics Industry Association is in an interesting position because we have material suppliers all the way down to the brand owners. I have requested information from our members. Some members are not sure what chemicals are in the supply chain and some distributors say it is all a matter of where they get their supplies from. I'm not aware of any product line besides what has already been mentioned here.

Dan Selke, Auto Alliance: This Thursday, January 26th, there is a Society of Automotive Engineers (SAE) Government Industry Meeting in DC at the Washington Convention Center. Topics will include TSCA implementation, flame retardants, and the NHTSA issue about flammability. It is free to government employees with a government ID.

Wrap Up:

Sue Slotnick, EPA: Thank you very much for participating. We appreciate you taking the time to talk with us. Any information you'd like to provide can be submitted to the docket. As discussed, the Auto Alliance will complete a new survey to find information on uses and alternatives of HBCD. The Auto Suppliers will also check on the status of HBCD uses and alternatives with their members. HMI Corporation will do a questionnaire to their suppliers to get a sense of HBCD use.