Agenda for EPA CPSC Quarterly Teleconference

Room 4140 EPA East or CPSC 5RP room 105

https://global.gotomeeting.com/join/ Ex. 6 Personal Privacy (PP)
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2018 January 16 @ 10:00 am

1. Order and Introductions (All)

2. CPSC Updates
   - ✓ Flame Retardants (Kris Hatlelid)
   - ✓ Phthalates (Kent Carlson)
   - ✓ Revised Labeling for Methylene Chloride Products Use on Bathtubs (John Gordon)
   - ✓ CPSC Chemical and Emerging Material Prioritization Tool (Treye Thomas)

3. EPA Updates
   - ✓ Update on Initial Ten Chemicals
   - ✓ Addressing consumer exposures of initial ten chemicals--coordination with EPA and CPSC on sharing exposure data and collaborating on assessments
   - ✓ Ongoing Activities on PBTs
   - ✓ Next Steps on Prioritization

4. Follow Up/Next Steps (All)

5. Next Meeting (All)

1-16-2018 EPA CPSC Meeting invitation list

	CPSC	EPA
1	Babich, Michael	Parsons, Doug
2	Chen, Xinrong	Henry, Tala
3	Carson, Kent	Doa, Maria
4	Hatlelid, Kristina	Canavan, Sheila
5	Gordon, John	Wong, Eva
6	Thomas, Treye	Nguyen, Nhan
7	Layton, Adrienne	Selby-Mohamadu, Yvette
8	Hooker, Eric	Wolf, Joel
9	Thaler, Alice	Kramek, Niva
10	Ashraf, Maliha	Krasnic, Toni
11	John Boja	Jarmul, Stephanie
12	Mary Tora	Llord, Tyler
13	Afflerbach, Carol	Feustel, Ingrid
14	Synnott, Stephanee	Wheeler, Cindy
15	Pollitzer, Patricia	Corado, Ana
16	Boniface, Duane	Fehrenbacher, Cathy
17	Ferrante, Jacqueline	
18	Matheson, Joanna	
19	Scorpio, Cheryl	
20	Himmelfarb, Scott	
21		
Total	20	16

CPSC meeting summary

1. Flame retardant, Kristina Hatlelid
a. 7/1/ 2015: CPSC received petition from various stakeholders; requested CPSC to initiate regulatory to ban children's products, furniture, mattresses, and the casings surrounding electronics that contain non-polymeric, additive organohalogen flame retardants (OFRs) as a class of chemicals
b. 5/24/ 2017: CPSC staff briefing package; recommended that the Commission deny the petition based on insufficient toxicological and exposure data (varying toxicity among chemicals, not a single class; lack of data connecting exposure from the 4 types of products to risk)
c. 9/ 20/2017: Commission voted to grant the petition and directed staff to convene a Chronic Hazard Advisory Panel (CHAP) to assess the risks to consumers' health and safety from the use of OFRs, as a class of chemicals, consistent with the Federal Hazardous Substances Act
d. Ongoing: Commission further directed staff to complete a scoping and feasibility study in cooperation with the National Academy of Sciences of the direction given by the Commission on 9/20/2017 to convene a CHAP
e. Staff will provide links to related documents

2. Phthalate, Kent Carlson
A short presentation was given regarding the CPSIA (2008), section 108, various regulatory milestones, and the current CPSC phthalate final rule (see slide deck). Commenters noted that a petition has recently been filed with the 5th circuit court challenging the phthalate final rule (Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates) and that CPSC staff briefed the Deputy Assistant Administrator EPA of OCSPP, Nancy Beck, and others regarding the phthalate final rule.

3. DCM, John Gordon
a. On July 7, 2016, the Halogenated Solvents Industry Alliance (HSIA) petitioned CPSC to amend the Statement of Interpretation and Enforcement Policy regarding labeling of household products containing DCM.
b. The revised Statement would give prominence to acute hazards. The information on the chronic hazard would remain.
c. On June 2, 2017 The Commission voted unanimously (5-0) to grant the petition.
d. We plan to transmit the briefing package to the Commission in the spring of 2018.
e. A new report of a death potentially from DCM exposure has been reported in Charleston SC. Doug Parsons from EPA has shared the relevant information with OSHA and CPSC.

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f. EPA asked if the labeling would apply to all products containing DCM or just paint strippers. Staff let them know that the new language would apply to paint strippers
g. EPA asked if the language would just be for bathrooms. Staff let them know that the language would apply to all small spaces.

4. Chemical prioritization tool and emerging material, Treye Thomas
a. CPSC staff is developing a chemical and emerging material prioritization model through an interagency agreement with DOD ACE
b. CPSC has developed a beta version of an exposure model with NIST.
c. CPSC staff requests that EPA staff forward any incidents involving Spray Polyurethane Foam insulation. This was done by Carol Hetfield, but she has retired. We also want to maintain the interagency working group on Spray foam developed by EPA.

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CPSC Phthalates Update

Consumer Product Safety Improvement Act CPSIA (2008)

- Effective February 2009
- Permanent Ban
  - Children's toys and child care articles
  - >0.1% dibutyl phthalate (DBP), butyl benzyl phthalate (BBP), & di(2-ethylhexyl) phthalate (DEHP)
- Interim Ban
  - Children's toys that can be placed in a child's mouth and child care articles
  - >0.1% diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), & di-n-octyl phthalate (DNOP)
- CHAP on Phthalates & Substitutes
- Third Party Testing, Certification (§102)

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CPSC Phthalates Update

- Section 108(b)(2)(A) requires the Commission to appoint a Chronic Hazard Advisory Panel (CHAP) to study the effects on children's health of all phthalates and "phthalate alternatives" as used in children's toys and child care articles.
  - CHAP appointed; first meeting April 2010; seven public meetings; six public teleconferences; public and invited expert testimony
- Section 108(b)(2)(C) directs the CHAP to recommend to the Commission whether any phthalates or phthalate alternatives other than those permanently prohibited should be declared banned hazardous substances.
  - CHAP report and recommendations published online on July 18, 2014
  - https://www.cpsc.gov/chap

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CPSC Phthalates Update

- Section 108(b)(3)(A) requires the Commission to "determine, based on such report, whether to continue in effect the [interim] prohibition . . . , in order to ensure a reasonable certainty of no harm to children, pregnant women, or other susceptible individuals with an adequate margin of safety . . ."
- Section 108(b)(3)(B) requires the Commission to "evaluate the findings and recommendations of the Chronic Hazard Advisory Panel and declare any children's product containing any phthalates to be a banned hazardous product under section 8 [of the CPSA], as the Commission determines necessary to protect the health of children."
  - Notice of Public Rulemaking NPR approved by Commission on 12/17/2014
  - https://www.cpsc.gov/Newsroom/Video/commission-meeting-decisional-matter-phthalates-notice-of-proposed-rulemaking

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CPSC Phthalates Update

- Four Public Comment Periods
  - **NPR** 12/30/14 to 03/16/15.
  - **NPR Extension of comment period** 03/20/15 to 04/15/15.
  - **Staff NHANES analysis (2005/2006 to 2011/2012 data)** 06/23/15 to 08/07/15.
  - **Staff NHANES analysis (2013/2014 data)** 02/22/17 to 03/24/17.
  - All public comments and new information were addressed in a staff briefing package
- Staff presented the briefing package to the Commission
  - 10/11/2017
  - https://www.cpsc.gov/Newsroom/Video/briefing-matter-phthalates-part-1
  - https://www.cpsc.gov/Newsroom/Video/briefing-matter-phthalates-part-2
- The Commission decided/voted to approve the briefing package
  - 10/18/2017
  - https://www.cpsc.gov/Newsroom/Video/decisional-matter-phthalates

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CPSC Phthalates Update

CPSC Regulatory Limits for Ortho Phthalates

- >0.1% DEHP, DBP, or BBP in children's toys and child care articles
- >0.1% DINP in children's toys that can be placed in a child's mouth and child care articles
- Remove the interim prohibition in children's toys that can be placed in a child's mouth and child care articles on DnOP and DIDP
- April 25, 2018 - >0.1% DINP, DIBP, DCHP, DPENP, or DHEXP in children's toys and child care articles

TSCA Work Plan for Chemical Assessment List (2014 update)
EPA determined that this compound is no longer in commerce

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CPSC Phthalates Update

CPSC project currently assessing hazards of 6 plasticizer alternatives (toxicity reviews)

- ATBC, DINCH/DINX, DEHA, DEHT, TOTM, and TXIB

TSCA Work Plan for Chemical Assessment List (2014 update)

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CPSC DCM Update

- The U.S. Consumer Product Safety Commission (CPSC) regulates hazardous household substances under the Federal Hazardous Substances Act (FHSA).
- Cautionary statements are required for household substances meeting the definition of "hazardous substance" under the FHSA, whether the hazard is acute or chronic.

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CPSC DCM Update

- On July 7, 2016, the Halogenated Solvents Industry Alliance (HSIA) petitioned CPSC to amend the Statement of Interpretation and Enforcement Policy regarding labeling of household products containing DCM
- The revised Statement would give prominence to acute, rather than chronic, hazards.
- The information on the chronic hazard would remain.

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CPSC DCM Update

- Updates were provided by several CPSC offices
  - Health Sciences
  - Human Factors
  - Epidemiology
  - Economics
  - Compliance
  - Office of General Council

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CPSC DCM Update

- On June 2, 2017 The Commission voted unanimously (5-0) to grant the petition (HP 16-1) and direct CPSC staff to draft a Policy Statement that addresses labeling for acute hazards from inhalation of methylene chloride vapors from paint strippers.

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CPSC DCM Update

- Currently we are working on labeling language and preparing a Commission briefing package
- We plan to transmit the briefing package to the Commission in the spring of 2018.

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EPA meeting summary

1. Initial Ten Chemicals, Cathy Fehrenbacher
   EPA is current working on the scope or problem formulation of the initial 10 chemicals, then the problem formulation documents will be released for interagency review.

2. EPA and CPSC share exposure data and collaboration on assessments, Cathy Fehrenbacher
   a. EPA uses several different tools for TSCA chemical regulation; Cathy Fehrenbacher shared the link for models and tools for assessing chemicals under TSCA with CPSC.
   b. EPA uses a category approach for new chemical regulation and the document entitled chemical categories is publically available. This EPA new chemical category approach is mainly based on chemical structure similarity. The OFR petition asks CPSC to ban OFR as a whole class; CPSC is looking for similar regulatory case studies from other regulatory agencies for class or category regulation. CPSC thought that the EPA chemical category approach might serve as an example for CPSC OFR regulation.

3. Ongoing Activities on PBT, Cindy Wheeler
   a. EPA presented an interagency briefing on PBT on 8-2-2017 and CPSC engaged in this activity.
   b. EPA hosted a webinar on PBT on 9-7-2017. This webinar provided some background information on PBT and explained the process for gathering use and exposure information for the five PBT chemicals.

4. Next Steps on Prioritization, Cathy Fehrenbacher
   a. EPA had a public meeting on 12-11-2017 on developing possible approaches for identifying potential candidates for prioritization under amended TSCA. The prioritization approach will be released no later than June 2018.
   b. EPA will identify the 20 high-priority and 20 low-priority chemicals no later than March 2019. Several phthalates of interest to CPSC are listed in the 2014 work plan chemical list. The new TSCA requires at least 50% of the high-priority chemicals must come from the TSCA work plan chemical list.

Notes: the EPA meeting summary is prepared by Xinrong Chen based on the meeting notes and the follow up communication between Xinrong Chen and Cathy Fehrenbacher.

EPA and CPSC follow up items from call on January 16, 2018

1. Flame retardant information provided by Kristina Hatlelid

Petition (July 1, 2015):
https://www.cpsc.gov/s3fs-public/pdfs/PetitionHP151RequestingRulemakingProductsContainingOrganohalogenFlameRetardentsJuly12015.pdf

Public meeting after receipt of the petition (December 9, 2015) (series of 3 videos):
https://www.cpsc.gov/Newsroom/Video/petition-requesting-rulemaking-on-products-containing-organohalogen-flame-retardants

https://www.cpsc.gov/Newsroom/Video/petition-requesting-rulemaking-on-products-containing-organohalogen-flame-0

https://www.cpsc.gov/Newsroom/Video/petition-requesting-rulemaking-on-products-containing-organohalogen-flame-1

Staff briefing package regarding the petition(May 24, 2017):
https://www.cpsc.gov/s3fs-public/PetitionHP15-1RequestingRulemakingonCertainProductsContainingOrganohalogenFlameRetardants.pdf?aTsa_sSaCiSMf1Z_2CfvISjMHFEdWKZ7

Public meeting after completion of the staff briefing package regarding the petition (September 14, 2017) (series of 2 videos):
https://www.cpsc.gov/Newsroom/Video/commission-meeting-organohalogen-flame-retardants-petition-oral-presentations-panels

https://www.cpsc.gov/Newsroom/Video/commission-meeting-organohalogen-flame-retardants-petition-oral-presentations-0

Commission decision on the petition:
https://www.cpsc.gov/s3fs-public/Minutes_of_Commission-Meeting_September-20-2017-Petition_HP_15-1_Organohalogen_Flame_Retardants.pdf?vBwPee3oztjVKAWUq1k4QLtEJMPJCFL2

Commission FY18 Operating Plan (FR activities at page 16 under chemical hazards rulemaking activities):
https://www.cpsc.gov/s3fs-public/FY18OpPlan.pdf?7NnTYe9rXrbsPiOV.mF2A4vyionxCanX

Recent FR-related contractor reports:
https://www.cpsc.gov/s3fs-public/FR-exposure-assessment-contractor-report-18-09282016-with-cover.pdf?miFGGrplONrzWVCDOIQSOY1lTeGzQvWi

https://www.cpsc.gov/s3fs-public/Flame%20Retardant%20Assessment%20Database.pdf?OWp8TiyzZHz3r2iTA4TmEms75JzahTU5

https://www.cpsc.gov/s3fs-public/Environmental%20Concentrations%20and%20Consumer%20Exposure%20Data%20for%20Selected%20Flame%20Retardants.pdf?wI1XZOItAFgOqb2mJ.jPBVtfdYlkYs_Z

https://www.cpsc.gov/s3fs-public/pdfs/CPSC%2520Staff%2520Statement%2520on%2520Toxicology%2520ExcellenceRiskAssessmentsReportExposureDataSelectedFlameRetardants.pdf

https://www.cpsc.gov/s3fs-public/pdfs/TCEP-contract-report-with-cover-letter.pdf

https://www.cpsc.gov/s3fs-public/pdfs/CPSCStaffStatementToxicologyExcellenceRiskAssessmentsReportExposureDataTCEP.pdf

2. DCM incident in South Carolina
Doug Parsons shared the incident information with CPSC (Michael Babich, John Gordon, and Xinrong Chen) in a 1-17-2018 email.

3. Spray Polyurethane Foam
Treye Thomas and Adrienne Layton will follow up with Cathy Fehrenbacher regarding the data sharing issue for the Spray Polyurethane Foam project.

4. Request from CPSC to visit EPA to review certain CBI information
Doug Parsons shared the TSCA CBI Manual with CPSC in a 1-26-2018 email. The Manual at 2.3, page 25, explains the processes that have to be undertaken for CBI access of other federal agencies. For clearances purposes, CPSC should determine if the purpose is for limited materials where the benefit is largely OPPT's, and there is no need for the CPSC staffers to take CBI back or discuss specifics of CBI. The alternative approach is to have the CPSC staffers cleared through the CCD or RAD DCO. EPA and CPSC have scheduled a CBI follow up call on 2-28-2018 to discuss further.

5. EPA to keep CPSC informed of timing for interagency review of problem formulation documents.