



CAL DOOLEY
PRESIDENT AND CEO

August 13, 2012

Ms. Inez Moore Tenenbaum
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum,

On behalf of the American Chemistry Council, I am writing to request your engagement on the Consumer Product Safety Commission's (CPSC) ongoing review of phthalates to ensure the transparency and integrity of both the review process and its outcome.

As you know, the CPSC is overseeing the Chronic Hazard Advisory Panel (CHAP) on Phthalates review of certain phthalates and phthalate alternatives as required by the Consumer Product Safety Improvement Act (CPSIA). The CHAP's report will inform CPSC rulemaking that could have a significant impact on many industries that produce or utilize phthalates in products such as flooring, wall coverings, roofing, and wire and cable.

Many of these enterprises are small businesses, for whom interpreting and complying with federal regulations is a significant burden. Small businesses were particularly affected by the CPSIA, and a CPSC review that fails to take these broader implications into account could have even greater repercussions for small business in other key sectors, particularly building and construction. Furthermore the CPSC review of phthalates could influence chemical management and federal risk assessment policy more broadly, which could be significant for many other segments of our economy.

Because the CHAP's report and the Commission's subsequent rulemaking could be so consequential, it is critical that the panel's review be fully transparent; consider input from all stakeholders; and undergo an independent peer review that comports with the Office of Management and Budget's (OMB) Information Quality Bulletin for Peer Review from 2005. The Bulletin outlines standard practices for peer reviews of Highly Influential Scientific Assessments by the federal government.

Based on this OMB guidance, the CPSC should ensure that the CHAP review will include:

- Public comment on the draft assessment report before it is sent to an independent, external peer review panel;
- A requirement that peer reviewers be provided with and assess all the background data, studies and perspectives provided to the CHAP, including information from previous CPSC reviews.



We believe several additional steps are needed to promote the openness, objectivity and integrity of the independent peer review process and its findings:

- Management of the peer review process should be overseen by an entity that is independent to the group which oversees the CHAP.
- The public should have an opportunity to submit comments and supporting information directly to the peer review panel.
- The framework that the CHAP is using to assess cumulative risk should be made available for public review and comment, and the framework should be a priority issue for examination by the peer review panel.

Phthalates are some of the most tested substances in commerce. They have been reviewed by multiple regulatory agencies in the U.S. and Europe, including the CPSC. In fact, the CPSC conducted a CHAP on a widely used phthalate referred to as DINP in 2001, affirming its safety in consumer products. The CPSC reaffirmed the safety of DINP again in 2002, 2003, and 2007ⁱ.

ACC and our members support the science-based regulation of chemicals and are committed to responsible product stewardship. We are proud that the products of chemistry are among the most thoroughly evaluated and regulated substances in commerce, and we continue to support ongoing research into the safety of specific chemicals, including phthalates.

We hope that you will use your authority to ensure the transparency, objectivity and integrity of the CHAP process and the CPSC's rulemaking so consumers, the scientific community, public health advocates and industry can have confidence in the outcomes.

I look forward to meeting with you later this month. Please let me know if we can provide you with any additional information as the CPSC proceeds with this important review.

Sincerely,



Cal Dooley

ⁱ *The 2001 CHAP on diisononyl phthalate (DINP) determined that DINP in consumer products does not present an increased risk for cancer, reproductive or developmental effects. The 2001 CHAP concluded that "[f]or the majority of children, the exposure to DINP from DINP-containing toys would be expected to pose a minimal to non-existent risk of injury". ACC's High Phthalates Panel and its members have emphasized during the CHAP process that safe exposure levels have been established by government regulatory bodies for DINP, and that exposure to these phthalates in the general population is 100 to 1,000 times lower than these levels.*