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ADVOCATING FOR A CIRCULAR ECONOMY



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January 14, 2020

Department of Toxic Substance Control (DTSC)
Attn: Safer Consumer Products (SCP) Program
1001 I Street
Sacramento, CA 95814

Submitted via online portal

Re: Support of the Proposal to Regulate Treatments Containing PFAs for Use on Converted Textiles or Leathers as Priority Products Under the Safer Consumer Products (SCP) Regulations

Dear Safer Consumer Products (SCP) Program:

The California Product Stewardship Council (CPSC) and the organizations who have signed this letter, **strongly support listing treatments containing perfluoroalkyl or polyfluoroalkyl substances (PFAS) as Priority Products** for use on converted textiles or leathers such as carpets, upholstery, clothing and shoes, under the SCP regulations. California has a responsibility to protect residents from toxic and bioaccumulative chemicals entering the market and they effectively stop the cost-effective recycling of these products due to their toxicity.

The evidence presented in the DTSC proposed product listing shows textiles with added PFAS pose human health hazards, especially given the proximity to the human body and widespread use in the textiles industry. Additionally, the application process of these chemicals poses an acute exposure via inhalation by workers and consumers applying the chemicals themselves.

However, PFAS can be added at multiple steps in the global supply-chain, including during the fiber, fabric, and garment manufacturing stages. Limiting the scope to PFAS added to the converted textile creates a loophole to add the chemical coatings earlier in the supply-chain. **We recommend expanding the definition to include all PFAs added topically, no matter where in the supply-chain it is added to the textile or treated leather.** We would also like to see inclusion of treatments used post-conversion on products not defined as a textile, leather, or other soft goods, such as [ski wax](#).

The undersigned organizations are very concerned with PFAS and will stay involved during the SCP regulatory process to ensure the public has limited exposure to this chemical class, which contains known hazardous chemicals.

We have a few recommendations to increase immediate impact:

1. Given the volume of research showing the hazardous traits and potential exposure to PFAS in converted textiles and leathers, we recommend informing the public of the toxicity by working with authorized agencies to implement immediate labeling requirements for products with PFAS that are entering the market before the regulatory process concludes. Lack of state action is leading to local jurisdictions implementing policies to protect human health and safety against PFAS, as was recently done by the Woodland Unified School District [implemented a ban on carpet with PFAS](#).
2. Ask for a formal request for Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, to require PFAS on all Safety Data Sheets (SDS) for all products, especially with products with historical use of PFAS, such as carpet.
3. Ensure that testing methods used by manufacturers include the entire class of PFAS.
4. If DTSC allows for third-party certification for “PFAS Free” products, describe the minimum criteria to qualify a third-party certification program. We recommend creating a database of authorized third-party certification organizations and a database of brands that violate the regulations.

Once the SCP enters the regulatory process, we recommend banning use of PFAS for treating textiles and leather at any stage of the supply-chain. We support extended producer responsibility (EPR) for many hard-to-manage products, so the producers deal with the downstream impacts and costs of their product design and chemistry decisions and we want to see EPR included in the regulatory options on all products containing PFAS as long as they are allowed to be sold.


Thank you again for the opportunity to protect human health and safety in California. PFAS need to be addressed immediately as they are an impediment to achieving a circular economy.

Sincerely,

Clean Water Action



Doug Kobold, Executive Director
California Product Stewardship Council



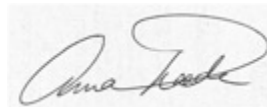
Bill Allayaud, California Director of
Government Affairs
Environmental Working Group



Heidi Sanborn, Executive Director
National Stewardship Action Council



Andria Ventura, Toxics Program Manager



Anna Reade, Staff Scientist
Natural Resources Defense Council