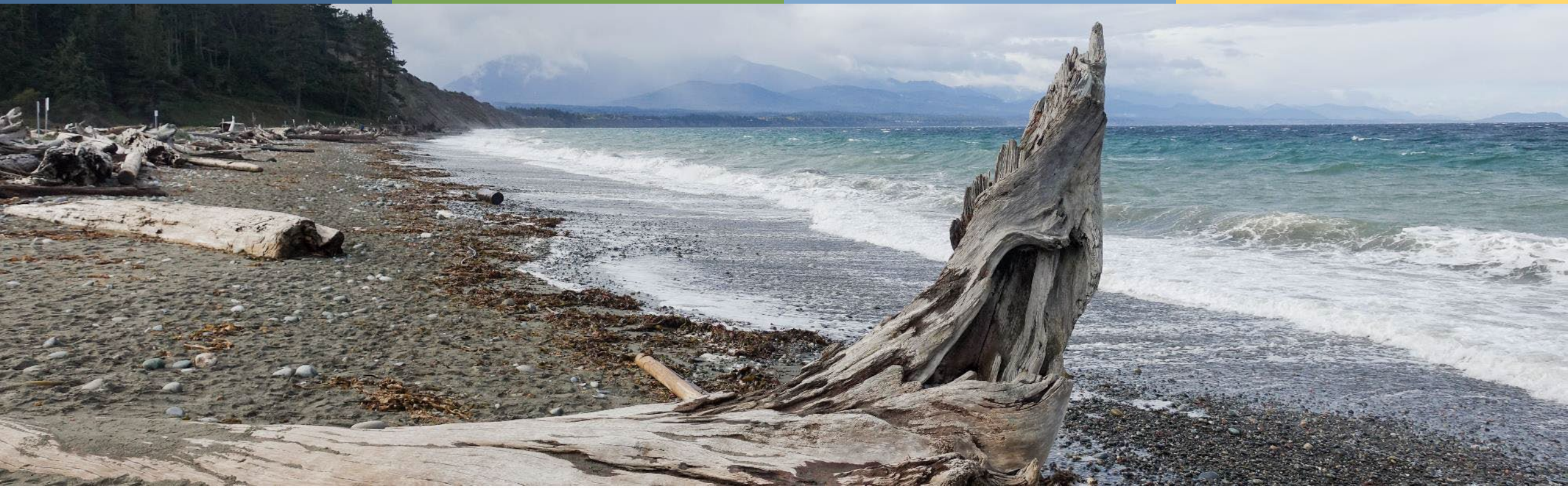


Phthalates Action Plan – starts at 1:00 p.m. PDT

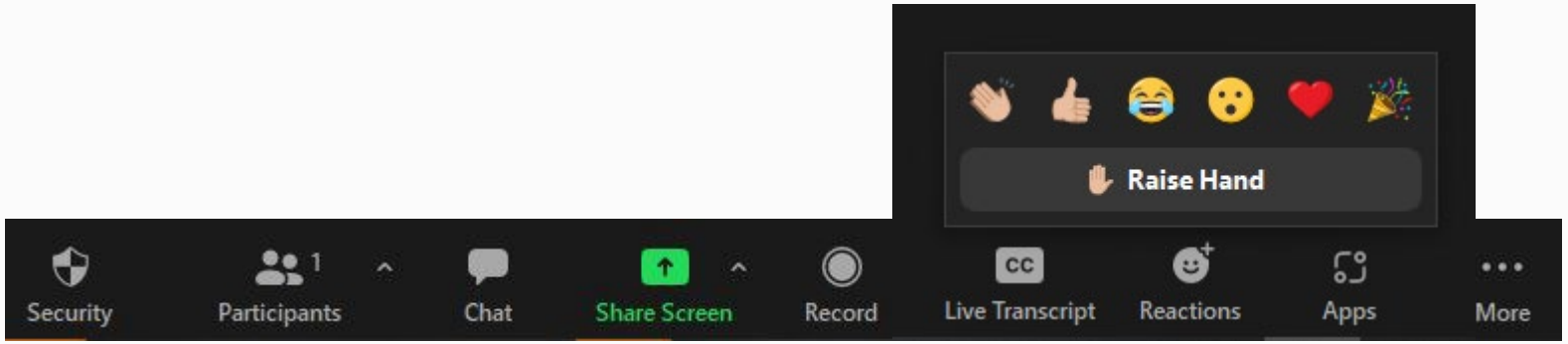
Advisory Committee Meeting
November 3, 2022

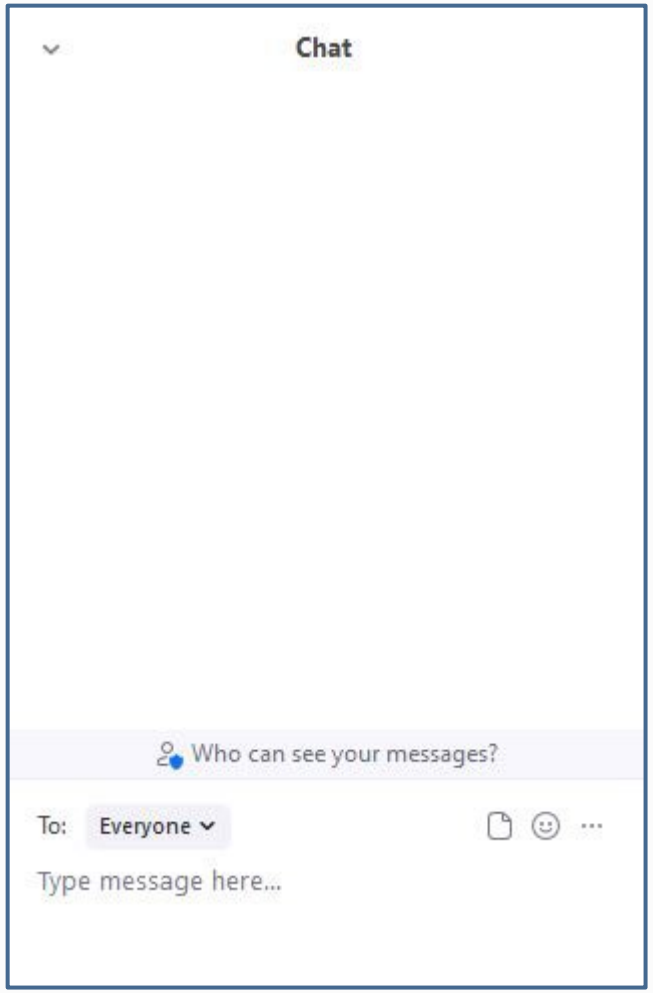
DEPARTMENT OF ECOLOGY
State of Washington

Washington State Department of Health

Zoom meeting logistics

- Technical issues send to **host** in chat
- Questions or comments send to **everyone** in chat
  - We will address along the way and during discussion.
- During discussion, raise hand to share verbal input or questions





Today's agenda

1. Introductions and updates
2. Preliminary draft recommendations — Presentations
3. Content of the draft and final action plans
4. Next steps
5. Public input and questions

Part One: Introductions and updates

Project Team

Department of Ecology

- Hazardous Waste and Toxics Reduction Program
- Solid Waste Management Program
- Environmental Assessment Program
- Air Quality Program

Department of Health

- Office of Environmental Public Health Sciences
- Office of Drinking Water

Washington Department of Fish and Wildlife

- Toxics Biological Observation System

Advisory Committee

Will any new members please introduce yourselves?

We look forward to your comments on the preliminary draft recommendations.

Plan development timeline

2022 Aug. – Sept.

- AC Review
- Finalize scope 8/9/22
  - Management signoff
- Draft recs.

2022 Oct.

- Review recs. with AC (meetings)
- Draft AP

2022 Nov. – Dec.

- Draft AP

2023 Jan. – Feb.

- Economic analysis
- Editing
- AC review
- Management review of draft (early 2023)

2023 Mar. – Dec.

- Issue Draft AP
- Public comment March/April
- Revisions from comments
- Final management review/signoff
- Final AP

Please send any comments/recommendations to our online comment site by November 9, 2022.

What you'll see today

- A series of presentations that contain **Preliminary Draft Recommendations** for "upstream" sources (the *final* draft recommendations will be in the draft AP — published Spring 2023).
- Presentations were developed with cross-program and cross agency coordination.
- These are works in progress, and we want your comments and suggestions.
- We'll take time for discussion at the points indicated in your agenda.
- Subject matter experts are here to answer questions.
- Citations for references are in slides at the end of the presentation.

Part Two: Preliminary draft recommendations — Presentations

Consumer Products

Prepared by

Sascha Stump, Hazardous Waste and Toxics Reduction Program, Washington Department of Ecology

Consumer products

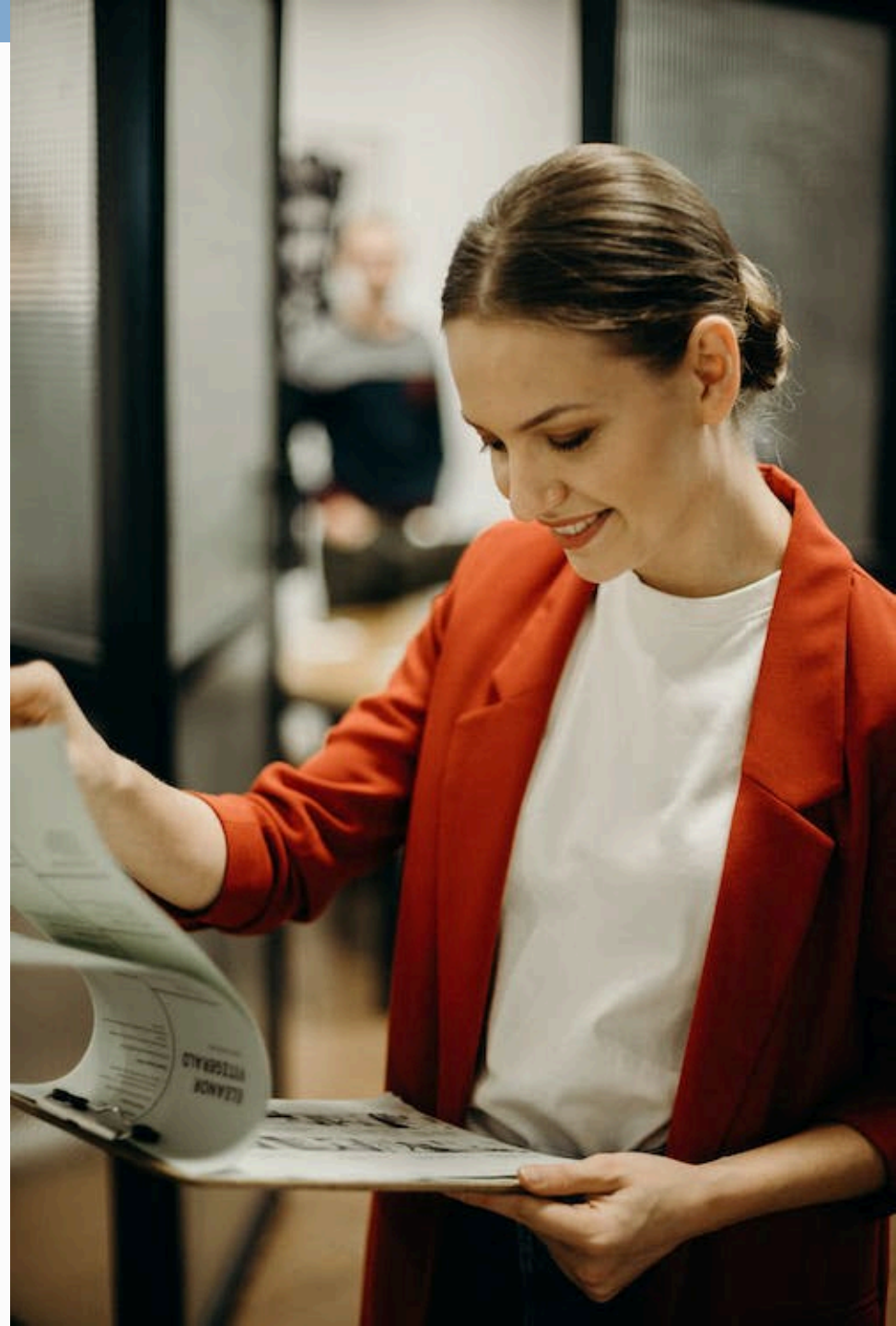
Pollution prevention and reducing health hazards

- Many consumer products contain phthalates.
- Existing summaries of phthalate uses have been published by authoritative organizations:
  - Consumer Product Safety Commission Chronic Hazard Advisory Panel on Phthalates[1]
  - Health and Environment Canada State of the Science Reports on Phthalate Esters[2]
  - EPA CompTox Dashboard & Chemical and Products Database (CPDat)[3]
- Reduce use of phthalate-containing products when there are suitable alternatives.
- **Reduce potential human exposure and environmental contamination.**

Consumer products

Opportunities

- Industry is responding through innovation, development and use of **alternatives.**
- Increased focus on product and supply chain **transparency** in many organizations.
- **Product certification programs** are gaining acceptance and support.
- Listings of certified products and product declarations can identify products that use alternatives and categories with limited transparency.
  (e.g., EPA Safer Choice Certified,[4] Declare labels[5], Health Product Declarations)[6]



Consumer products: Preliminary Draft Recommendation #1

Safer Products for Washington should evaluate additional product categories where phthalates are used and determine whether to list them as priority products.

- Phthalates are listed as a priority chemical class in the law.
- Uses an existing framework and leverages resources efficiently.
- Product categories will include those mentioned in our scoping document.
    - Personal care products, cleaning products, textiles, packaging, building materials, food contact materials, medical devices, children's products.
- The action plan will summarize readily available on phthalate use in these products to support their evaluation under Safer Products for Washington.

Consumer products: Preliminary Draft Recommendation #2

Ecology should continue to support and expand efforts to encourage product and supply chain transparency.

Ecology should facilitate new **product certifications** and **hazard assessments** when funding allows.

- Focus on product categories with limited transparency.
- Help navigate certification processes through technical assistance.
- Consider subsidizing costs associated with product certification.
- Focus on small businesses, minority and women's business enterprises, veteran owned.

Consumer products: Preliminary Draft Recommendation #2 (continued)

Ecology should continue to support and expand efforts to encourage product and supply chain transparency.

Ecology should work to expand **product testing** for product categories with limited transparency as resources allow.

- Identify and prioritize products with limited transparency that likely contain phthalates.
- Request additional resources to expand our product testing efforts.

Phthalates in Health Care

Prepared by

Elinor Fanning, Office of Environmental Health Sciences, Washington Department of Health

Phthalates in Health Care

Rationale: DEHP in medical devices can result in high exposures to vulnerable patients, and to an important occupational population

Background and context

- Medical devices are regulated at the federal level by Section 201(h) of the Food, Drug, and Cosmetic Act.
- Manufacturers of medical devices are actively developing alternatives.
- Many health care providers are working to reduce DEHP and PVC use.
- Resources are available to support purchasing policies.
  - Organizations that promote sustainability in health care.
  - Group purchasing organizations committed to supply chain transparency.

Preliminary Draft Recommendations

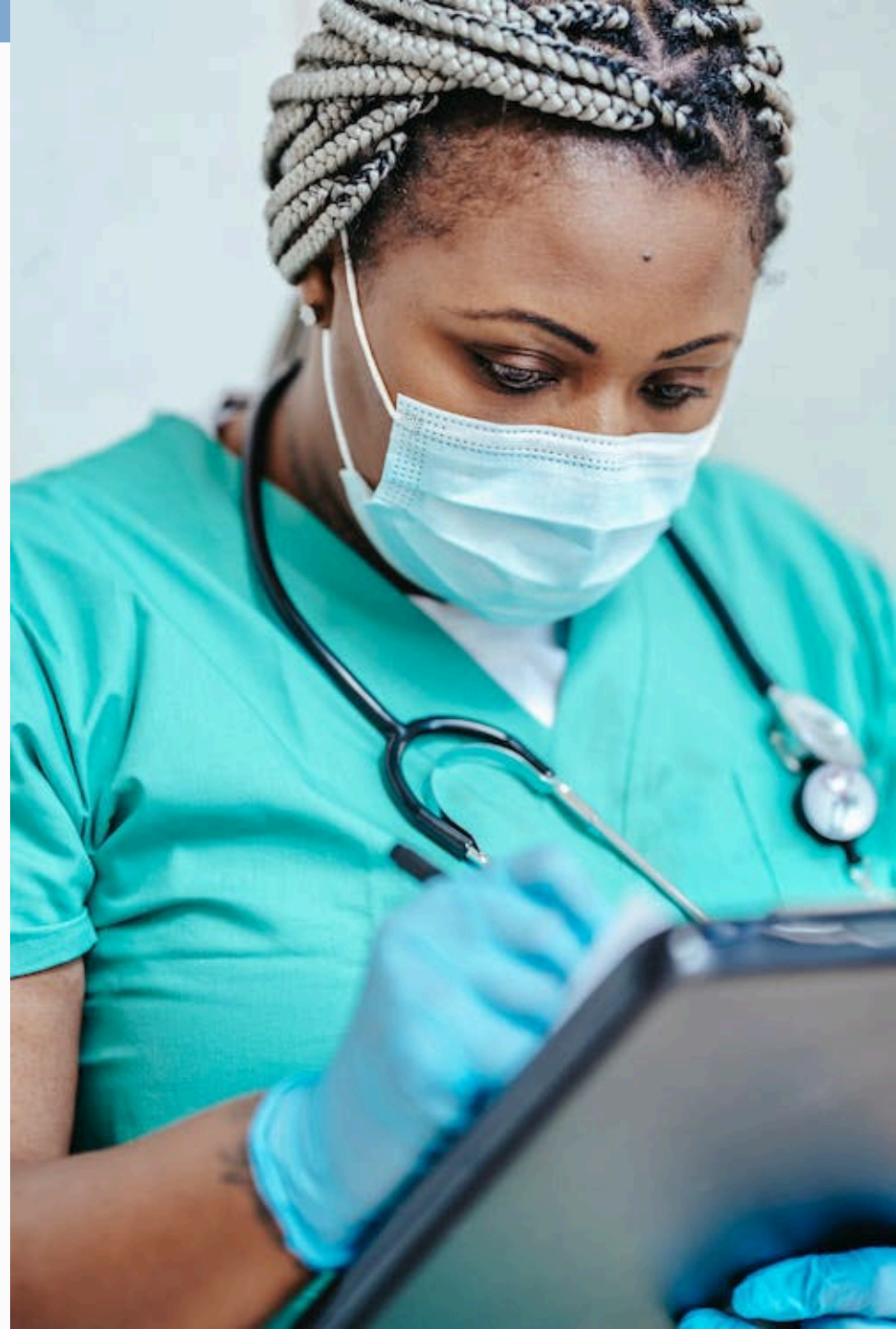
DOH should develop partnerships to:

Expand adoption of sustainable procurement policies that reduce DEHP and PVC in Washington's health care facilities.

- Increase participation by large hospital systems
- Targeted outreach to smaller regional hospitals
- Develop educational materials for non-acute providers

Promote clinician awareness of the health harms of phthalates through.

- Educational resources for clinicians
- Patient education materials for clinicians who provide prenatal and pediatric care



Ongoing Research

Active outreach and discussion with potential partners for input

- Sustainability officers in Washington hospitals.
- Washington State Hospital Association
- Rural Health Collaborative
- Dialysis centers
- Manufacturers of medical devices
- Clinician organizations
- Providers of patient education materials
- Purchasing organizations
- Sustainability organizations
- Patient advocacy groups

Articles Used Outside of Clinical Settings

Some products we researched under this topic are primarily used outside of medical care settings, by consumers at home.

- Menstrual products
- Breast pump accessories
- Diapers
- Incontinence products

Health is considering how best to address phthalates in absorbent products like diapers and menstrual products.

- New York law stipulates that all ingredients in period products must be on the label. The data that results from this legislation will allow us to better asses this set of products.
- Additional product testing may be warranted.

Building Materials

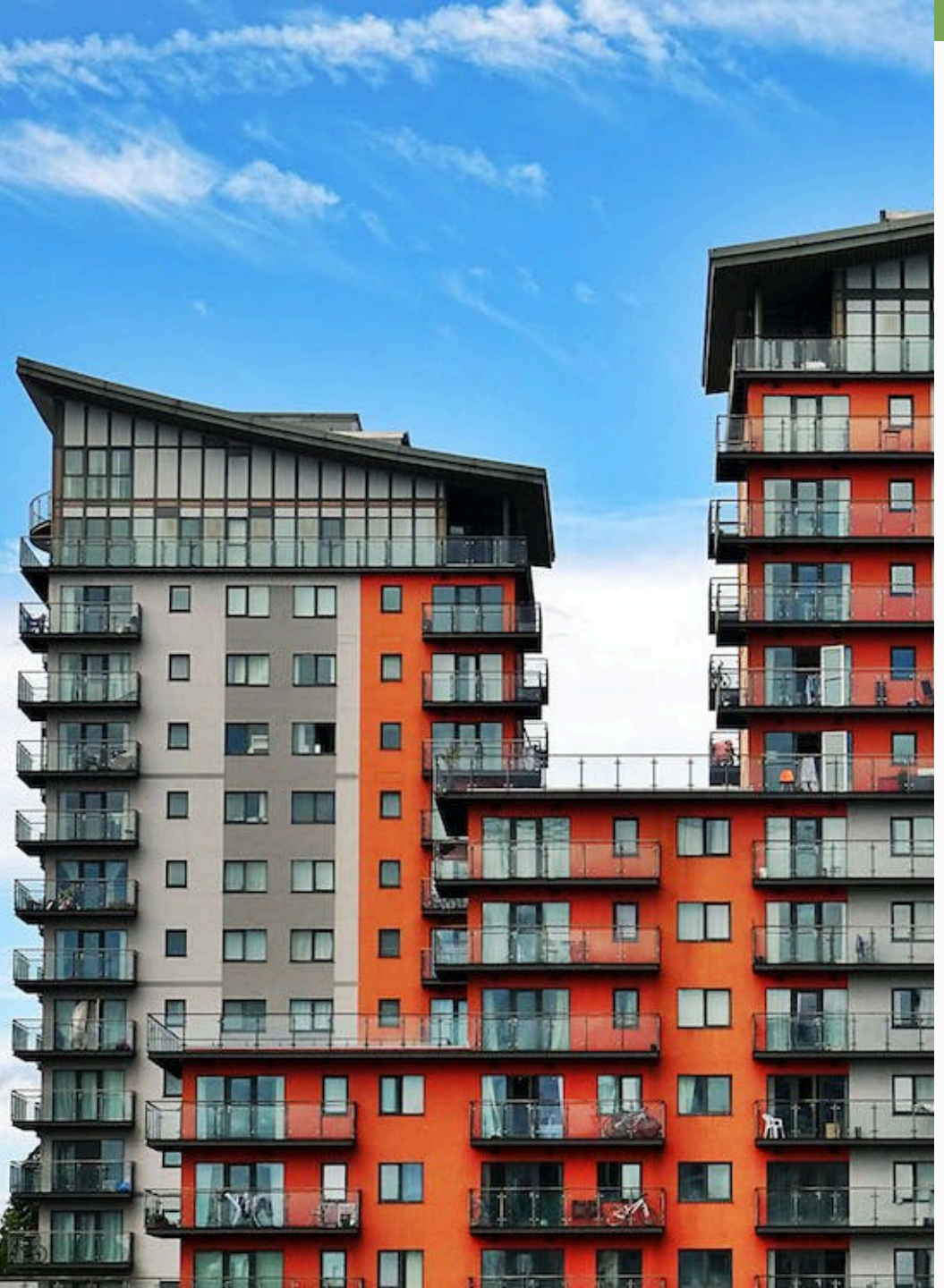
Prepared by

Sascha Stump, Hazardous Waste and Toxics Reduction Program, Washington Department of Ecology

Building materials

Pollution prevention and reducing health hazards

- Phthalates are commonly found in indoor air and dust.
- **Building-related sources** contribute to concentrations measured in indoor air.[2,7]
- Studies suggest **phthalates migrate out of building materials**, adhere to particulates, and can **contaminate stormwater runoff.**[2,8,9]
- Specific materials mentioned at our previous advisory committee meetings included:
  - Adhesives, sealants, roofing and waterproofing materials, coated metal, wall base



Building materials

Opportunities

- Several existing **standards and certifications** for building and construction projects limit use of materials that contain phthalates.
- Washington State has standards for some state-funded building projects, including **affordable housing** funded through the Housing Trust Fund (HTF) program.

Building materials: Preliminary Draft Recommendation #1

Ecology should leverage existing resources, build partnerships, and contribute to standards for state supported building projects.

What are some examples of **existing resources** and **potential partners** for continued outreach?

- US EPA's Recommendations of Specifications, Standards, and Ecolabels[10]
- Healthy Building Network, HBN's HomeFree[11]
- International Future Living Institute, Living Building Challenge Standard and Red List[5]

Building materials: Preliminary Draft Recommendation #1 (continued)

Ecology should leverage existing resources, build partnerships, and contribute to standards for state supported building projects.

What are some Washington State **standards and programs** that we are exploring the possibility of contributing to with respect to material health?

- Department of Commerce Evergreen Sustainable Development Standard
- Department of Commerce Early Learning Facilities Program
- Department of Commerce Weatherization Assistance Program
- Office of the Superintendent for Public Instruction Sustainable Schools Protocol

Building materials: Preliminary Draft Recommendation #2

Ecology should engage building design, construction, and maintenance project teams on material health.

- Construction and renovation projects supported by state government programs should avoid use of building materials that contain phthalates.
  - Material health should be considered early in conversations with project architects.
  - Connect project decision makers with existing resources and professionals with expertise in material health.

Building materials: Preliminary Draft Recommendation #2 (continued)

Ecology should engage building design, construction, and maintenance project teams on material health.

This is particularly important with respect to **buildings that serve vulnerable populations** including children and overburdened populations.

- Equity and environmental justice in the built environment.
- Initial focus area could be **affordable housing projects.**
- Ecology should explore applying for funding, such as federal Housing and Urban Development grants, and partner with organizations on building projects with a focus on material health.

Discussion

Comments on the preliminary draft recommendations for consumer products, healthcare articles, and building materials

Preferred Purchasing

Prepared by

Sascha Stump, Hazardous Waste and Toxics Reduction Program, Washington Department of Ecology

Preferred purchasing

Opportunities

- Statewide contracts are used by many organizations to simplify their purchasing decisions.
- New contracts could include additional requirements related to environmentally preferred purchasing, including specifying phthalate-free.
- Purchases made through statewide contracts may be a tool to measure progress over time toward environmentally preferred purchasing goals.

Challenges

- Department of Enterprise Services (DES) contract specialists need technical input to determine what products contain phthalates.
- Purchasers need adequate training to help them incorporate material health considerations into their decision-making process.

Preferred purchasing: Preliminary Draft Recommendations

Ecology should provide technical input to DES focused on material health for their preferred purchasing guidance and for related training for purchasers.

- Training and education for contract specialists and purchasers.
- Include a focus on product categories that may contain phthalates.

Preferred purchasing: Preliminary Draft Recommendations (continued)

DES should work with state agencies and the State Efficiency and Environmental Performance Office to track purchasing metrics.

- Identify products purchased in high volume by state agencies that may contain phthalates based on technical input from Ecology.
- Initial focus on product categories such as cleaning and janitorial supplies where existing certifications can be used to identify preferred products (e.g., EPA's Safer Choice Certified, ECOLOGO®, Green Seal™).
- Expand to other product categories over time.

DES should incorporate guidance and technical input from Ecology into new statewide contracts and amend contracts when feasible.

Food Contact Articles

Prepared by

Elinor Fanning, Environmental Public Health Division, WA Department of Health
Amy Leang, Hazardous Waste and Toxics Reduction, WA Department of Ecology

Rationale for Recommending Action on Food Contact Articles

Dietary intake of phthalates is the predominant source of phthalates exposure for most people.

- Chronic Hazard Advisory Panel report 2014[1]
- Health Canada Screening Assessment 2020[2]
- European Food Safety Authority 2019[12]

There is a high level of consumer awareness and concern about phthalates in the food supply.

Food Contact Articles (FCAs) Background

- Published analyses of food samples report phthalates in a wide variety of foodstuffs.
- Epidemiological studies report associations between urinary phthalate metabolites and a variety of dietary correlates, including fast food, high fat dairy, meats, seafood, bread products and others.
- Phthalates can enter the food supply at many points from farm to table.

Food Contact Articles (FCAs) regulatory context

- Eight phthalates allowed by FDA in FCAs; authorization for 25 rarely used phthalates revoked in May 2022.
    - Food additive regulations: CFR 21 174-178, and 181.
    - Examples of regulated FCAs include cellophane, adhesives, paperboard components, closures, rubbers, polyvinyl chloride sheets.
- FDA request for information on use, use levels, exposure & safety for eight phthalates in FCAs open until 12/27/22.
- European Food Safety Authority restricts phthalates.
- Maine law (2019) prohibits phthalates in packaging and food service gloves.

Food Contact Articles: Preliminary Draft Recommendation

Establish a cross-agency committee to develop programs that reduce phthalates entering the food supply during production, processing, packaging, or food service.

We recommend that Ecology and Health engage existing state food safety programs, food producers, FCA manufacturers, food service industry partners, and consumers.

Preliminary Committee Aims

- Work with food industry partners to promote voluntary reduction in the use of phthalate-containing FCAs.
- Prioritize foods disproportionately consumed by overburdened and sensitive people.
- Develop and staff a technical support program that assists food industry partners screening for phthalate-containing materials in facilities.
- Monitor FDA process for new information and submit comment letter if appropriate.

Discussion

Comments on the preliminary draft recommendations for preferred purchasing and food contact articles

Drinking Water

Prepared by

Trace Warner, Office of Drinking Water, Washington Department of Health

Phthalates and Drinking Water

- Public water system monitoring for phthalates since 1993
- Phthalate monitoring required by Safe Drinking Water Act
- Five phthalates
- Drinking Water Standard established for one phthalate

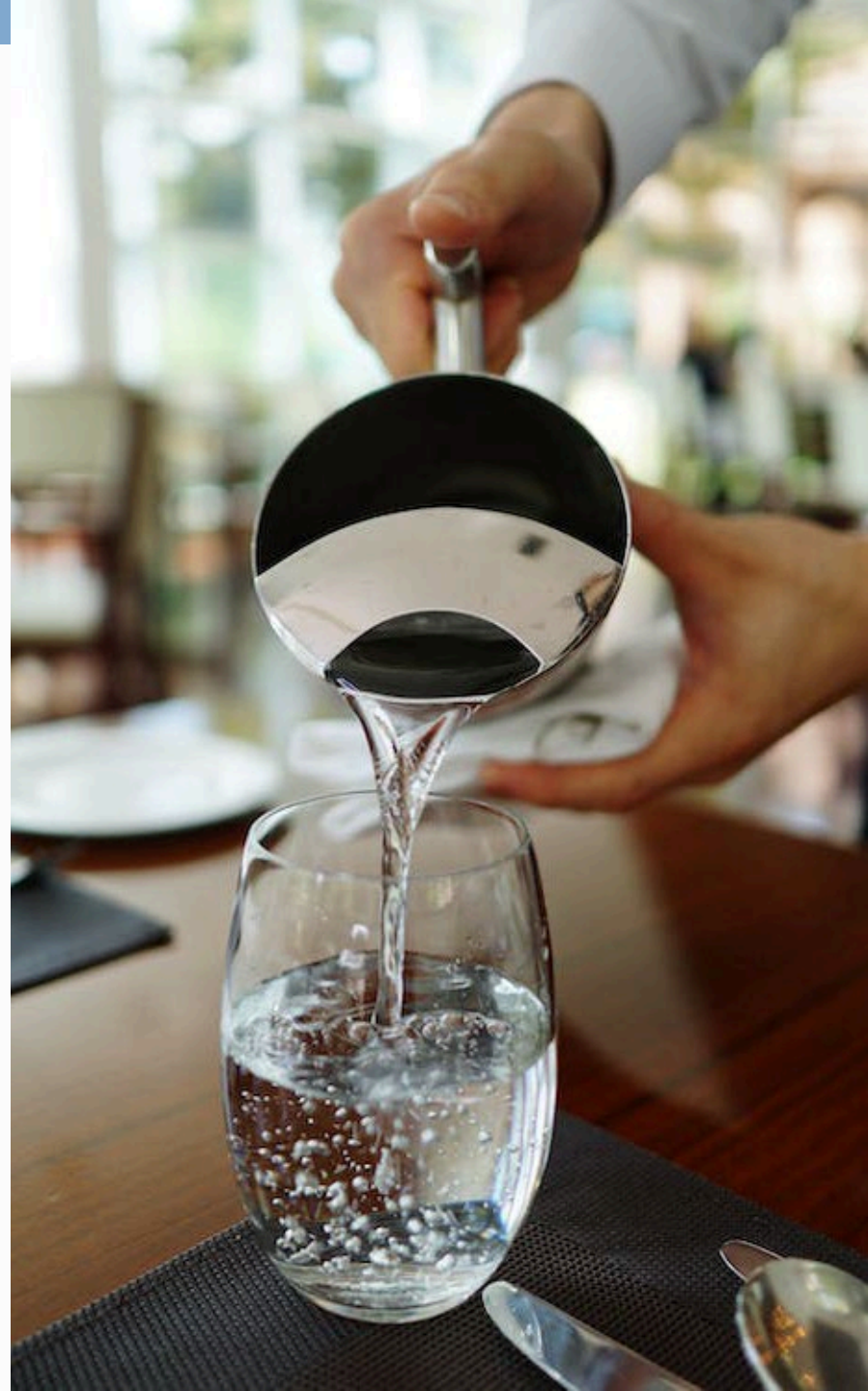
Phthalates and Drinking Water

Contaminant	Acronym	CAS#	MCL	Units	Samples Tested
Di (2-Ethylhexyl) Phthalate	DEHP	117-81-7	6	ppb	13,097
Butyl Benzyl Phthalate	BBP	85-68-7	-	-	9,616
Di-n-butyl Phthalate	DBP	84-74-2	-	-	9,597
Diethyl Phthalate	DEP	84-66-2	-	-	9,605
Dimethyl Phthalate	DMP	131-11-3	-	-	9,603

MCL: Maximum Contaminant Level
ppb: Parts per billion

Phthalates and Drinking Water

- Drinking water standard of 6 ppb DEHP
- Statewide monitoring of public water systems
- No Maximum Contaminant Level violations in Washington



Next Steps

- Continue monitoring public water systems for phthalates
- Collaboration with phthalate Action Plan partners
- Evaluate other state's health advisory guidance for drinking water
- Assess nationwide occurrence data

Preliminary Draft Recommendations

- Continue collaboration with Phthalate Action Plan partners to evaluate scientific literature to assess other phthalates having potential to impact drinking water.
- Educate partners on the use of phthalate-free sample collection and operational equipment products that could potentially contribute to sample contamination.
- Evaluate other state's health advisory guidelines for phthalates in drinking water.
- Assess national public water system phthalate occurrence data.

Daycare and Early Childcare Facilities

Prepared by

Elmer Diaz, Office of Environmental Health Sciences, Washington Department of Health

Background

- Developing infants and children have higher susceptibility to the adverse health effects of endocrine disruptors like phthalates.
- Children in day care settings can be exposed to phthalates through toys, food, dusts, foam craft materials, and fragranced cleaning and care products.
- State and federally funded day cares serve children who are low income, tribal, unhoused, or experiencing developmental delay.
- Washington's Children's Safe Product Act provides some reduction of phthalates in products that might be found in day care settings.

Preliminary draft recommendations to reduce childcare exposure

DOH should develop educational and outreach materials that can reduce the use of phthalate-containing materials in day cares.

- Work with the licensing agency (DCYF), local health to educate childcare providers, parents & licensors about phthalate hazards.
  - DOH has developed relationships that can be leveraged to reduce phthalate hazards in day cares.
- Educate licensors of childcare facilities, and providers to raise awareness of phthalates.
  - Disseminate information through the early achiever's quality rating & improvement system.
- Collaborate with Ecology's Children's Safe Product Act staff to incorporate CSPA information into educational materials.

Preliminary draft recommendations to reduce childcare exposure

DOH should conduct screening and testing of products in current use at day cares for phthalates.

- Include screening of consumer products sold at discount retailers.
- Identify and acquire equipment that test for phthalates (e.g., a spectrophotometer).
- Work in partnership with local health and childcare providers.

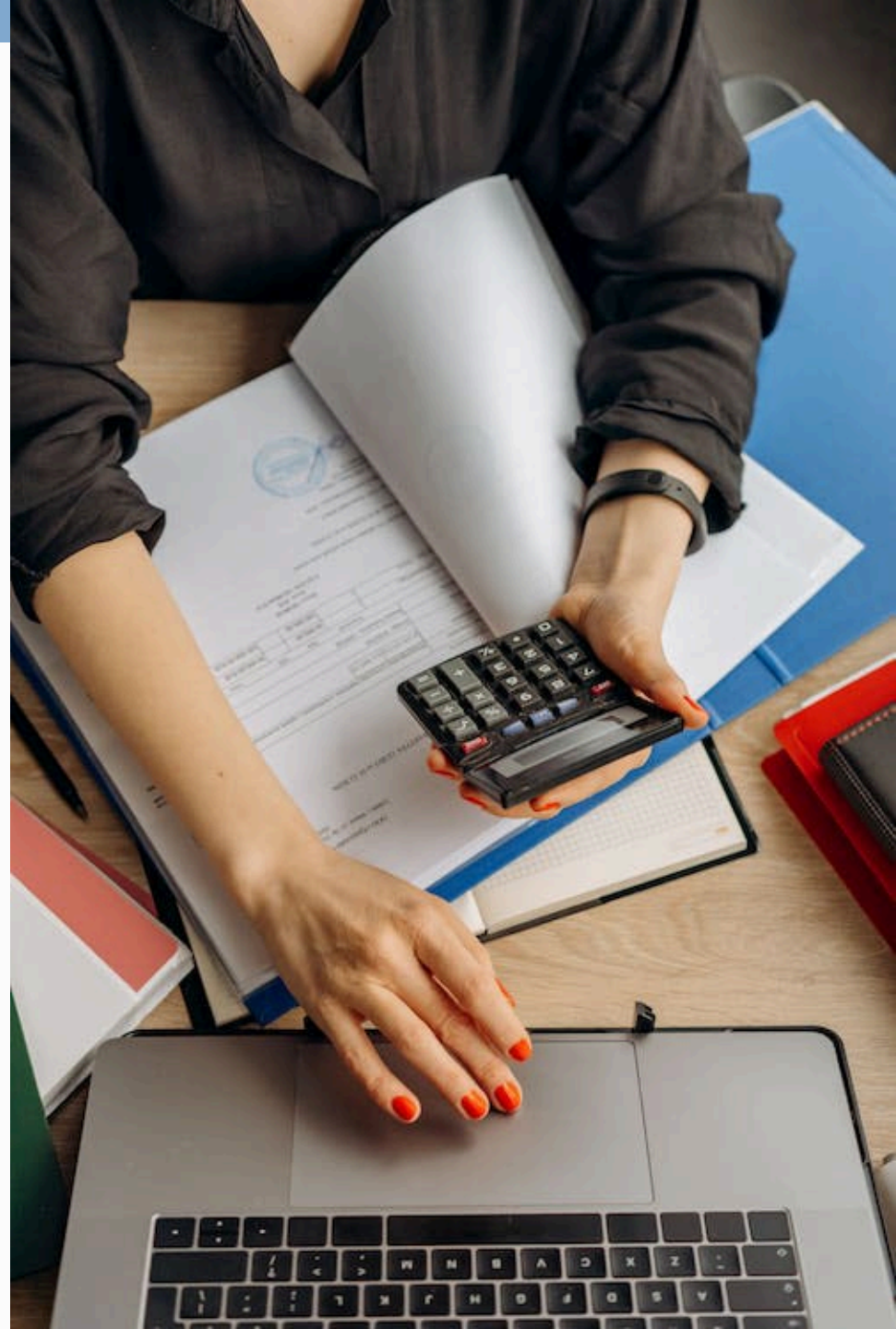
Discussion

Comments on the preliminary draft recommendations for drinking water and daycare and early childcare facilities

Part Three: Content of the draft (spring 2023) and final (late 2023) action plans

Content

- Streamlined, clear, and concise recommendations and rationales.
- Clear description of equity and environmental justice considerations.
- Cost analyses where relevant.
- Lengthy chapters on fate and transport mechanisms, rates of disease, chemistry, etc., will **not** be included.
- Necessary information will be included with each recommendation.



Structure of the draft and final recommendations

- Rationale behind recommendation (including issue to be addressed and benefits to Washington)
- Action recommendation, with suggested activities
- Steps for implementation (plus additional information needed prior to implementation)
- Proposed lead agency and partnerships
- Anticipated resource needs
- Additional information (economic analyses as appropriate)

Part Four: Next steps

Plan development timeline

2022 Aug. – Sept.

- AC Review
- Finalize scope 8/9/22
  - Management signoff
- Draft recs.

2022 Oct.

- Review recs. with AC (meetings)
- Draft AP

2022 Nov. – Dec.

- Draft AP

2023 Jan. – Feb.

- Economic analysis
- Editing
- AC review
- Management review of draft (early 2023)

2023 Mar. – Dec.

- Issue Draft AP
- Public comment March/April
- Revisions from comments
- Final management review/signoff
- Final AP

Please make comments and recommendations via our online comment page by November 9, 2022.

Part Five: Public input and questions

Project links and information

- Project webpage: https://bit.ly/phthalates-AP
- Contact our team: ChemActionPlans@ecy.wa.gov
- Online comment form: https://hwtr.ecology.commentinput.com/?id=haD3V

Questions?

References cited — consumer products, building materials, preferred purchasing, and food contact articles

(1) Chronic Hazard Advisory Panel (CHAP) on Phthalates. U.S. Consumer Product Safety Commission. https://www.cpsc.gov/chap

(2) Health Canada. *Phthalate substance grouping - Canada.ca*. https://www.canada.ca/en/health-canada/services/chemical-substances/substance-groupings-initiative/phthalate.html

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(4) Safer Choice. US EPA. https://www.epa.gov/saferchoice

(5) International Living Future Institute. https://living-future.org/

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(9) Müller, A., Österlund, H., Marsalek, J., & Viklander, M. (2021, December). Comparison of three explorative methods for identifying building surface materials contributing pollutants to stormwater. *Journal of Environmental Management*, *299*, 113574. https://doi.org/10.1016/j.jenvman.2021.113574

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(11) Healthy Building Network. https://healthybuilding.net/

(12) Silano, V., Barat Baviera, J. M., Bolognesi, C., et al. Update of the risk assessment of di-butylphthalate (DBP), butyl-benzyl-phthalate (BBP), bis(2-ethylhexyl)phthalate (DEHP), di-isononylphthalate (DINP) and di-isodecylphthalate (DIDP) for use in food contact materials. (2019, December). *EFSA J.* 2019;17(12):e05838. https://doi.org/10.2903/j.efsa.2019.5838