



NOX Corporation
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February 25, 2020

Submitted electronically

Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7696

Re: The Safer Products for Washington Priority Consumer Products Draft Report to Legislature (Jan. 2020; Publication 20-04-004)

To whom it may concern:

Nox Corporation submits these comments to the State of Washington Department of Ecology (Ecology) on Ecology's Priority Consumer Products Draft Report to Legislature (Draft Report), submitted as part of the Safer Products for Washington (SPW) program. We appreciate the opportunity to comment on this important initiative.

Nox Corporation manufactures vinyl flooring in Fostoria, Ohio and in South Korea. Nox Corporation is a member of the Resilient Floor Covering Institute (RFCI), an association representing the interests of the resilient floor covering industry. We support and hereby incorporate by reference the comments on the Draft Report submitted by RFCI on March 2, 2020.

As explained in more detail in the comments submitted by RFCI, a significant body of evidence demonstrates that exposure to phthalates (specifically, ortho-phthalates) in vinyl flooring (to the extent such chemicals may be present in those products) presents minimal to non-existent risk to health or safety. Concerns of health risks associated with exposure to phthalate-containing vinyl flooring are therefore misguided, as are (admittedly well-intentioned) administrative efforts to restrict those products. However, Ecology representatives have made clear, including during the February 19, 2020 public webinar regarding the Draft Report, that in implementing the SPW Program Ecology is not considering any hazard or risk information related to the products it is considering for designation as priority products. We therefore submit these comments to provide additional information regarding the dramatic reduction in use of ortho-phthalates in the manufacture of vinyl flooring by manufacturers of vinyl flooring, including Nox Corporation.

As discussed in RFCI's comments, vinyl flooring manufacturers have already moved away from the use of ortho-phthalates towards alternatives, including terephthalates (which, as explained in further detail in RFCI's comments, are structurally very different from the ortho-phthalates that drive the listing of "phthalates" as a priority chemical class under the SPW program). This transition was in part due to public pressure related to the "Mind the Store" campaign, whereby

the largest home improvement retail chains in the United States (Home Depot, Lowes, and Menards) and others adopted policies to phase out ortho-phthalate-containing PVC flooring by the end of 2015.¹ Because of these retail store policies, the vast majority of vinyl flooring sold in the state of Washington (and throughout the United States) is now manufactured without ortho-phthalates.²

The experience of Nox Corporation supports this industry trend. In our case, Nox Corporation stopped using ortho-phthalates in our vinyl flooring products in 2009

Our voluntary, proactive shift towards the use of alternatives to ortho-phthalates is evidence of the wider trend within the vinyl flooring industry and demonstrates Nox Corporation's continued commitment to the production of safe, sustainable products—and responding to public concerns regarding perceived risk even where data demonstrate risk is minimal to non-existent. Nox Corporation appreciates Ecology's goals in developing and implementing the SPW program and we are happy to provide additional information if that would be useful to Ecology as it works to finalize its list of priority products.

Thank you for the opportunity to provide this information in connection with this important regulatory initiative. If you have any questions regarding this letter, please contact Kevin Jeon, VP of Sales & Marketing, kjeon@noxglobal.com.

Sincerely,

¹ See, e.g., Consumer Reports, “Lumber Liquidators Will Stop Selling Vinyl Flooring Made with Reprocessed Plastic” (Nov. 20, 2015), available online at <https://www.consumerreports.org/flooring/Lumber-Liquidators-to-clean-up-its-vinyl-floors/>.

² See, e.g., Safer Chemicals, Healthy Families, “Success!—Home Improvement Retailers Follow Through on Commitments to Remove Phthalates from Flooring” (June 27, 2019), available online at <https://saferchemicals.org/2019/06/27/success-home-improvement-retailers-follow-through-on-commitments-to-remove-phthalates-from-flooring/>.