



June 15, 2023

Kimberly Grieves
Department of Ecology
Hazardous Waste & Toxics Reduction Program

Dear Kimberly:

Thank you for the opportunity to comment on the draft Phthalate Action Plan. The plan is states:

“We need to reduce sources and eliminate exposure pathways. To address this need, the Washington State Department of Ecology (Ecology) and Department of Health (Health) developed our first action plan (AP). The recommendations in this plan will help us strengthen our efforts to protect human health and the environment from the impacts of phthalates in Washington state.”

We couldn't agree more that sources need to be reduced. The plan does an excellent job of documenting the scientific evidence on the serious health and environmental concerns posed by these chemicals widely used as plasticizers in PVC (vinyl) plastic and as solvents in fragrances and other products. The plan also does a good job at identifying major sources of phthalates. Unfortunately, the plan falls short on its recommendations to tackle the problem.

Phthalates in Products

The plan identified major product categories as sources of phthalates, including cleaning products, textiles and apparel, packaging, automotive products, building materials, medical devices, food contact materials, and other PVC products. A new law on cosmetics in personal care products has just been adopted to ban all phthalates in cosmetics and personal care products, so this category has been addressed.

Since phthalates are already listed as priority chemicals under Safer Products for Washington, Ecology and Health have tremendous opportunities to take action to address these product sources. The action plan should make clear recommendations on how these sources can be addressed using Safer Products for Washington.

For phthalates used as solvents, the plan should recommend that solvents be identified as a priority product for phthalates under Safer Products for Washington.

To address phthalates used as plasticizers, the plan should clearly recommend that Ecology address PVC under Safer Products for Washington. The program's draft list of priority chemicals for Cycle 2 includes brominated and/or chlorinated compounds, and the agency could identify PVC products as priority products in this cycle, addressing both phthalates and a highly problematic polymer. As exemplified by the toxic hazards released in February's train derailment in Ohio, PVC production and use creates unacceptable hazards in the production, use, and disposal phases of its life cycle. Our own research, detailed in Toxic-Free Future's April 2023 report, [PVC Poison Plastic](#), found that 19 vinyl chloride and PVC plants currently operate in the United States and have reported yearly releases of the carcinogen vinyl chloride of more than 400,000 pounds. They have also reported transfer of tens of millions of pounds of chlorinated waste to incinerators and landfills. Some communities are bearing a larger portion of this toxic burden than others: these manufacturing facilities and disposal sites are located disproportionately in communities with higher percentages of low-income residents and people of color.

Once brominated and/or chlorinated compounds are listed as priority chemicals, the Safer Products for WA process should then identify certain building materials, packaging, textiles and apparel, food-contact materials, and other PVC products as priority products for bans and restrictions. With the vast quantities of PVC use going into building materials such as flooring, wall coverings, roofing membrane, windows, pipes and others, Ecology should place significant focus on this product category.

Swapping Out Phthalates in Durable Products

We were pleased to see the recommendation to use Ecology's Product Replacement Program to swap out durable products in childcare facilities that contain phthalates, such as vinyl flooring. This is a good way to reduce exposures for a vulnerable population, children. We have two suggestions related to this recommendation. One, the plan should clarify that a safer substitute for vinyl flooring will be used for these replacements. Two, the Product Replacement Program could have a large impact in affordable housing by providing funds to swap out vinyl flooring in existing buildings and/or provide financial assistance in the housing development phase to install safer alternatives to vinyl for flooring in new buildings.

Building Materials

There are other opportunities for the agency to address building materials, particularly in affordable housing. The Evergreen Sustainable Development Standard, which is a Dept. of Commerce standard for all affordable housing built with the state housing trust fund, is regularly updated. Ecology should work with Commerce to include a requirement for certain materials used in building projects to have a [Health Product Declaration](#), which includes ingredient information and their associated hazards. Without information like this, contractors and builders cannot know if there are phthalates or other high priority chemicals in the



products they are using, such as sealants. In addition, Ecology should work with Commerce to update the standard to include mandatory requirements for eliminating use of other products that may contain phthalates.

Thank you for your work to reduce the sources of phthalate exposure and for considering our comments.

Sincerely,

Erika Schreder

