

**Environmental Health Services Division**

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Kimberly Grieves  
HWTR Chemical Action Planner  
Hazardous Waste and Toxics Reduction Program  
Washington State Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 9850

August 24, 2022

Dear Ms. Grieves,

Public Health – Seattle & King County (PHSKC) thanks the WA State Department of Ecology (Ecology) and the WA State Department of Health (Health) for the opportunity to comment on the Draft Scope of Work for the Phthalates Chemical Action Plan (CAP). As a stakeholder on the Phthalate Action Plan Advisory Committee, PHSKC is grateful to be able to participate in this process early and throughout the development of the CAP for this class of chemicals. Below are comments on the process to date as well as the Draft Scope.

The Committee Consultation Process: PHSKC commends the Department of Ecology (Ecology) and the Department of Health (Health) for the large amount of research and planning that have gone into scoping and outlining the draft scope of work for the CAP. Agency staff are knowledgeable about the topic and developed a stakeholder committee with a diversity of expertise on this topic. However, PHSKC is concerned that the development of the draft scope to date has been rushed and all areas of concern were not given time for discussion despite assurances that a final meeting to catch all remaining discussion items would be held prior to the draft scope being released. Furthermore, the approach to scoping the areas of concern was not well laid out, with the Department of Ecology requesting that the committee provide information with little introduction or research presented on the status of known use/exposures in our state. While it appears that staff from Ecology and Health have conducted extensive research on use and health effects of phthalates, this information was not provided to advisory committee members beyond cursory introductions to topic areas. PHSKC is concerned that the rushed nature of this process will lead to incomplete information and analysis by Ecology and false narratives on use and toxicity of different compounds based on incomplete information. We urge the state to pursue a robust and transparent process for developing and drafting the draft CAP.

The Draft Scope Comments:

- 1) *General Chemical Information:* The draft plan states that only ortho-phthalates will be the focus of the phthalates CAP. PSHKC requests that the meta- and para- configurations be considered, or a reasonable justification on why these are excluded be included to provide how they will be covered by the state through other actions. The terephthalate and isophthalate forms are also both esters of phthalic acid. Terephthalates, which would be excluded from the CAP are used widely in textiles and food and drink packaging. PHSKC is concerned about exposures to terephthalates and possible by-products formed during use, heating, washing and recycling of products containing them. At the very least we request that the CAP include a

description of the types of phthalates, where they are manufactured and used in the state of WA, how they may be covered by state assessments and tracking, and a justification for why non-ortho types are not considered in the CAP.

- 2) *Health Effects*: The draft states, “The action plan may consider the potential for cumulative effects of multiple phthalate exposures, and where relevant, exposure to other endocrine disrupting chemicals.” This is important for sensitive and highly exposed populations, and particularly for environmental justice communities. Additional stressors and chemical exposures likely will impact populations in a disproportionate way. An equity section should be included to clarify how equity concerns will be addressed in this plan. Aggregate exposures should also be considered and discussed.
- 3) *Environmental impacts*: Listed sources of information include: “Information sources we identified during scoping include: assessments by U.S. EPA, European Chemicals Agency (ECHA), Health Canada, the Washington Environmental Information Monitoring System (EIM) database, and past environmental monitoring reports from Ecology.” The scientific literature should also be utilized to understand impacts and mechanisms that are important for both ecological species and humans.
- 4) *Household consumer products*: Textiles/clothing are not listed here, possibly because they utilize phthalates that are not ortho-phthalates. However textiles are made up of large percents of phthalates and their use in these items should be explored because this could be a large human health and ecological exposure source contributor to household dust and dryer lint. These sources ultimately enter surface and ground water, exposing ecological species.
- 5) *Building products and exterior use products*: a study conducted by Zero Waste WA in collaboration with Ecology should also be included here as a resource since phthalates were tested for in different outdoor materials and building products identified should be included in list to further explore for source control actions.
- 6) *Products in general*: Ecology should highlight where there are gaps in knowledge on which phthalates are being used in different product classes. A value of CAPs is to determine where action is needed by the state to protect residents from harmful exposures, so understanding what is used and where it is used is very important. A state reporting mechanism could be proposed through the CAP to achieve this if it is not possible through literature or other information searches.
- 7) *Pass-through systems*: Understanding the amount that goes through pass through systems will also help to calculate the economic burden of these chemicals on the public through monitoring and cleanup by public utilities. We recommend that the CAP consider an economic analysis of the cost of “pass through” chemicals on WA residents.
- 8) *Pass-through systems*:
  - a. *Recycling*: PHSKC agrees with the important points made about recycling and carry through to new products. Please include a discussion in the CAP on the potential to concentrate toxic chemicals through the recycling process, and the concern for byproducts and additives needed to facilitate recycling of certain phthalate-containing plastics. This is an area that is not well documented or transparent, but could be important for human health protection.

- b. *Compost*: Please add a section on compost. What is the contribution of phthalates from plastic liners, food containers, fruit stickers, etc in municipal compost and compost leachate?

Thank you for considering these concerns and comments. If you have questions please do not hesitate to reach out to our Senior Toxicologist, Dr. Shirlee Tan.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Kellogg', written in a cursive style.

Ryan Kellogg  
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Public Health – Seattle & King County  
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