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Priority Products Draft Regulatory Concepts and Topics for Stakeholder Input

This document contains the draft regulatory concepts in anticipation of the Priority Products rulemaking process for the [initial Priority Products list](#), and some topics with corresponding questions that relate to the draft regulatory concept. DTSC is seeking input on these questions at the [Priority Product workshops](#). We also welcome written responses, which should be sent to SaferConsumerProducts@dtsc.ca.gov. DTSC requests that written comments be submitted by June 30, 2014 to ensure that we have adequate time to consider them prior to releasing the proposed rulemaking package. Submittals that include supporting documentation and references will be especially helpful. For additional background material, please review the Priority Product Profiles, which are available on each of the [Priority Product web pages](#).

DTSC revised the draft regulatory concept for Spray Polyurethane Foam Systems containing Unreacted Diisocyanates as a result of stakeholder input and technical information provided. Underline and ~~strikeout~~ are utilized in this draft regulatory concept to illustrate the differences between the version dated April 23, 2014, and this version, dated May 22, 2014.



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Topics for Stakeholder Input

Topic 1: Priority Product description

1. Are the definition and terms clear and unambiguous as to which related products are included or excluded?
2. Are there GPC GS1 brick codes that would be helpful in characterizing this product?
3. Are there other considerations for this Priority Product description that DTSC should know about?

Topic 2: Chemical(s) of Concern and alternatives

1. Are there other Candidate Chemicals in this product that you suggest be considered?
2. Are there functionally acceptable alternatives to this Priority Product?
 - a. Are they commercially available?
 - b. Do they require the use of a replacement chemical?
 - c. Are there known hazards associated with these alternatives?
 - d. Are any potential replacement chemicals listed as Candidate Chemicals?

Topic 3: Market information

1. What is the market presence of the Priority Product?
2. How is the Priority Product marketed and/or sold?
3. What types of businesses are involved in the supply chain for manufacturing the Priority Product?

Draft Regulatory Concept for the initial Priority Products list

Paint Strippers containing Methylene Chloride

Product description:

“Paint Stripper” includes any product that contains methylene chloride and that may be marketed, sold, or described as a paint or varnish stripper designed to break down paint or varnish to facilitate its removal from a surface. Such products may be designed for indoor or outdoor use, and can be used to remove varnish or paint from any chosen surface. Paint strippers and other products are included in Brick 10002501 of the GS1 Global Product Classification System. This product category includes, but is not limited to, any products which may be marketed, sold, or described as paint or varnish removers that the manufacture has identified as being in Brick 10002501 of the GS1 Global Product Classification System. However, products that may be marketed, sold, or described as paint or varnish strippers are included in this definition, regardless of whether the manufacturer has identified them as being in Brick 10002501.

Other similar products that are excluded:

This product category expressly excludes Paints, Special Purpose Paints, Paint Additives/Enhancers, Paint Thinners, Sandpaper and other Abrasives, and any cleaning products in which the use of methylene chloride is prohibited under the California Air Resources Board’s Regulation for Reducing Emissions from Consumer Products.

While the Priority Product Profile contained a reference to surface cleaners, DTSC is not including them in this draft regulatory concept in efforts to provide clarity and to avoid overlap with existing regulations governing various cleaners and surface cleaners.

Chemical of Concern:

Methylene chloride, Chemical Abstract Services Registry Number (CAS RN): 75-09-2

Spray Polyurethane Foam Systems containing Unreacted Diisocyanates

Product description:

This Priority Product includes spray polyurethane foam (SPF) systems that contain ~~any of~~ the unreacted diisocyanates listed as a Chemical of Concern. The SPF systems are used in building structures for the purposes of insulation, roofing, filling and sealing of voids and gaps.

Related definitions:

Spray polyurethane foam systems:

Consist of unreacted or excess diisocyanates that have not undergone the reaction to produce the rigid foam or coating, sealant or adhesive for use with rigid foam. These systems may be one-, two-, or multi-component systems in drums or cans.

Unreacted diisocyanates:

In two-component SPF systems, unreacted diisocyanates are mixed with polyols and other chemicals and undergo chemical reactions to produce the foam, which then undergoes further processes to become rigid foam.

In one-component systems, unreacted diisocyanates may be in excess in premixed cans. Excess diisocyanates in these systems diminishes as these products harden after application to become the rigid foam.

Chemicals of Concern:

- *Generic Methylenediphenyl diisocyanate (MDI) mixed isomers*, CAS RN: 26447-40-5
- *4,4'-methylenediphenyl diisocyanate*, CAS RN: 101-68-8
- ~~*Toluene Diisocyanates, mixed (TDI)*, CAS RN: 26471-62-5~~
- ~~*2,4-Toluene diisocyanate*, CAS RN: 584-84-9,~~
- ~~*2,6-Toluene diisocyanate*, CAS RN: 91-08-7~~
- ~~*Hexamethylene-1,6-diisocyanate (HDI)*, CAS RN: 822-06-0~~

Children's Foam Padded Sleeping Products and Containing Tris(1,3-dichloro-2-propyl) Phosphate (TDCPP)

Priority Product description:

Children's foam padded sleeping products includes any of the products listed below that have a polyurethane foam mat for a child to sleep or nap on:

- *Nap mats:* Portable mat containing foam and covered with vinyl, polyester or other material designed for napping and short-term sleeping.
- *Soft sided portable cribs:* framed enclosures with mesh or fabric side panels, floor, and a thin, covered foam pad that is used for sleeping.
- *Play pen:* framed enclosure (hard or soft-sided), usually portable, in which a young child can play safely on a covered foam pad at the bottom.
- *Play yard or playard:* framed enclosed play and nap spaces for a young child that may have attached bassinets that can be packed up for easy travel.
- *Infant travel beds:* small, lightweight transportable sleeping accommodations
- *Portable infant sleepers:* small transportable sleeping accommodations that may be easily assembled and disassembled by folding or collapsing the structure.
- *Bassinet:* Small bed with raised edges designed primarily to provide sleeping accommodations for infants.
- *Nap cots:* A narrow, elevated bed stand that is firm enough to support a child and resilient under pressure and has a foam pad on top of the cot.

- *Infant car beds*: Portable bed used to carry a baby in an automobile. Transportation system for premature infants with low birth weight, or other special medical needs.
- *Infant sleep positioners*: flat mats with side bolsters or wedges used to ensure the infant's head is elevated and the infant is kept in a desired position while sleeping.
- *Bedside sleepers*¹: framed enclosures for a baby to sleep in and has a thin, covered foam pad and can attach to an adult-sized bed.
- *Co-Sleepers*¹: a small structure designed to be placed into an adult-sized bed to keep a baby from shifting in the bed and prevent adult rollovers.

Other similar products that are excluded:

- Mattresses (as defined and covered by the requirements of CPSC 1632/1633) or products containing mattresses. The term "mattress" does not include juvenile product pads such as car bed pads, carriage pads, basket pads, infant carrier and lounge pads, dressing table pads, stroller pads, crib bumpers, and playpen pads.
- Furniture covered by the requirements of California TB117-2013.
- Car seats covered by the requirements of Part 571 FMVSS Standard No 302.

Chemical of Concern:

Tris(1,3-dichloro-2-propyl) Phosphate (TDCPP), CAS RN: 13674-87-8

¹ This product is not listed as a children's foam padded sleeping product in the Priority Product Profile, but was later found to meet DTSCs intent for this Priority Product.