



June 27, 2014

BY ELECTRONIC MAIL
SaferConsumerProducts@dtsc.ca.gov

Dr. Meredith Williams
Deputy Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 98512-0806

Bayer MaterialScience LLC
Product Safety & Regulatory Affairs
100 Bayer Road
Pittsburgh, PA 15205-9741
Phone: 412 777 2172
FAX: 412 777 7484
e-mail: Marcia.Levinson@bayer.com

**RE: Comments and suggestions on the Safer Consumer Products regulations
initial draft Priority Products release and selection methods**

Dear Dr. Williams,

Bayer MaterialScience LLC contributes to the spray polyurethane foam (SPF) market as both a major producer of raw materials and as a system house that blends SPF. As a leader in the industry, we can be a constructive partner and contribute important information in DTSC's decision making process. We appreciate your willingness to meet with us and other industry stakeholders during the Safer Consumer Products regulation development.

Bayer has been involved in the California Green Chemistry Initiative since its inception. We are concerned by the failure to include industry in the identification process for the initial draft Priority Products. The following sections summarize Bayer's general comments regarding the Alternatives Analysis process, DTSC's list of draft Priority Products and specific concerns regarding the "Spray Polyurethane Foam Systems Containing Unreacted Diisocyanates" Priority Product Profile:

1. DTSC can improve the Priority Product research process and Priority Product Profile development by engaging industry stakeholders directly prior to the release of the draft Priority Products. DTSC should be transparent in the criteria they set to assess potential draft Priority Products. Selection of a Priority Product/Chemical combination should be based upon the possible risk associated with the product including the potential for exposure to the chemical, as opposed to only considering the inherent hazard of a chemical.
2. In the SPF Priority Product Profile, the use of Brian Karlovich's paper as support of the statement "inhalation exposures in excess of the OSHA permissible exposure limit have been documented" is inappropriate. The paper did not report any overexposure to an OSHA PEL. We ask that this reference be removed from the Priority Product Profile document. The reference to a second Karlovich, et al paper (2011) to support statements regarding dust generation and the formation of degradation products from heat-generating processes is also inappropriate. There is no mention of these items in the referenced document. We ask that this reference be removed from the Priority Product Profile document as it does not support the statements.
3. In general, the Priority Product Profile is overly broad and references multiple products and application types. DTSC should clearly define the specific consumer product(s) it intends to evaluate, and not reference information relating to other products/chemistries as support for

DTSC's decision making. DTSC also needs to identify the discrete product/application combinations and evaluate them separately for any potential regulation.

4. The SPF Priority Product Profile contains additional inaccuracies that we ask be corrected in order to provide correct and credible information to the public. The American Chemistry Council Diisocyanates Panel, Aliphatic Diisocyanates Panel and the Center for the Polyurethane Industry Spray Foam Coalition have submitted an in-depth response to this specific Priority Product Profile. We agree with their analysis and have attached their document for your consideration.
5. Finally, we hope DTSC will include industry input when finalizing the Alternatives Analysis process. In order to establish a successful Alternative Analysis we believe DTSC should include both exposure and product benefits.

We urge you to consider our comments and revise the Priority Product Profile and other materials published by your department. We look forward to continuing to work with you throughout the Safer Consumer Products process. If you need any additional information or have questions please feel free to contact me.

Sincerely,



Marcia Levinson
Manager, TSCA
Regulatory Affairs

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