

May 5, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Comments on ID number: EPA-HQ-OPPT-2015-0047

Dear Administrator McCarthy:

The undersigned organizations are pleased to submit comments on the U.S. Environmental Protection Agency's (EPA) Safer Choice Standard (formerly the Design for the Environment (DfE), Safer Products Program), Implementation of New Labels: Design for the Environment Safer Product Labeling Program. These comments restate concerns regarding "fragrances" and their potential risks to human health, and particularly children's health, that were submitted in a letter to EPA on March 13, 2014. These comments relate to section 5.6 Fragrances and 5.6.1 Sensitizers in Labeled Products on page 19 of the standard.

We recognize EPA's commitment to protecting human health and the environment. We were pleased to learn of your recent re-affirmation of EPA's October 1995 policy directive that requires the EPA to consistently and explicitly evaluate environmental risks of infants and children in all risk assessments, risk characterizations, and in setting environmental and public health standards.

As you know, asthma is a concern for both children and adults in the U.S. Asthma prevalence has increased substantially over the past 30 years, and today more than 10% of school age children in the U.S. have asthma.

Indoor air quality is also a concern for everyone, not just those with asthma and existing respiratory issues, and especially for vulnerable populations such as children. The Agency states that, "for many people, the risks to health may be greater due to exposure to air pollution indoors than outdoors" because "the air within homes and other buildings can be more seriously polluted than the outdoor air in even the largest and most industrialized cities."

Scented chemicals increase the risk that some percent of exposed people will have allergic and hypersensitivity reactions. Allergic and asthmatic children are at especially high risk. That is why it is standard environmental health practice to discourage the use of air fresheners, scented products, and fragrances in homes and other indoor spaces. It should also be noted that unscented or neutralized products may also contain harmful agents that are used to mask odors.

We continue to be disappointed and concerned with the "fragrance" category of chemicals for commercial and consumer cleaning products. The vast majority of chemicals listed -- 93 of the 119 total -- have "hazard profile issues" because they are identified in one of these three categories:

- "Known sensitizer";
- "Lacks sufficient sensitization data"; or a
- "Repeat-dose toxicant."

According to the program, "Each ingredient in a formulation has a function in making a product work." However, fragrances play no role in the effectiveness of cleaning products. Such

artificial suppression of other odors may even mask the continuation of an unsanitary condition after cleaning.

We understand that the Interim Fragrances Criteria (IFC) must remain in effect until such time as sufficient human and environmental health information becomes available to inform criteria enhancements, and we understand that the transition to compliance with any new criteria may take program partners some time. However, granting one-year extensions on future new criteria compliance deadlines based on partners' "adequate justification" is vague. We would like to know EPA's definition of "adequate justification", such as the types of considerations that are allowed.

Further, we have concerns with several statements in section 5.6.1 of the standard that allows skin sensitizers above the acceptable level under certain conditions. In particular, the statement that ingredients are subject to "good faith" exploration for alternatives; we would like to understand what is meant by "good faith" and how it would be assessed. Product label disclosure of the specific skin sensitizing ingredients present in the product at greater than 100 ppm may not protect those consumers who select products based on the Safer Choice logo alone rather than reading through the ingredient list. There will be no separate logo to clearly indicate that these products have higher levels of these particular chemicals. In addition, the statement that the skin sensitizer chemical would be subject to a monitoring system that would allow consumers to report any problems or adverse reactions to the product presumes that consumers would know about, have easy access to, and use such a system, and that protocol is in place to effectively respond to adverse reports.

Children and adults should be protected from unnecessary exposure to chemicals that may impact their health or development. This is especially important for products marketed as "safer." Thus, EPA should be promoting practices that decrease exposure to asthmagens, substances that may serve as sensitizers, and any chemical that may contribute to poor indoor air quality.

The Safer Choice Standard has many merits. We commend the Agency, the involved industries and businesses, and the other stakeholder groups who have worked to promote safer chemicals and increase transparency.

Unfortunately, we believe that the way EPA is choosing to address fragrances gives false assurances to consumers that products approved by the program do not contain unnecessary volatile chemicals that could harm health. EPA should, at a minimum, include "contains fragrances" as content on the labels where those ingredients are permitted, to avoid misleading the public.

We strongly urge:

- Careful consideration of fragrances in products as safer and how “safer” is defined;
- Routine consultation by the program with the Office of Children’s Health Protection (OCHP) to best assure that children’s unique vulnerabilities and exposures are considered in all Safer Choice activities and that provide adequate resources to OCHP to support this work; and
- Affirmation that the Agency’s policy directive on children’s environmental health is being applied to all Agency activities, including the Safer Choice program; and if this is not the case that the directive be immediately expanded to do so.
- More transparency with regard to assessment protocol for evaluating the integrity and accountability of program partners; and
- Clear and easily available information for consumers on ingredients of concern that are allowed in products and instructions for reporting of adverse effects.

Our children deserve no less.

Thank you,

Cynthia Bearer, MD, PhD, Board Chair
Children’s Environmental Health Network

Harold Wimmer, National President & CEO
American Lung Association

Thomas Ferkol, MD, President
American Thoracic Society