

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 20, 2015

The Honorable Elliot F. Kaye
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Kaye:

We are writing to reiterate our support for strong action to address the risks from phthalates. As you know, in August, the report of the Chronic Hazard Advisory Panel (CHAP) on Phthalates found continued high exposures to phthalates and highlighted serious related health risks. As the Commission considers the CHAP's recommendations and proceeds to a final rule, we encourage it to take a health-protective and precautionary approach, to make the interim bans permanent, and to permanently ban the additional phthalates found to pose health risks.

We congratulate the CHAP for its scientifically rigorous and careful approach and the resulting comprehensive report. Its members, a blue ribbon panel of internationally renowned scientists who were vetted to rule out conflicts of interest, consulted with worldwide experts and conducted an extensive literature review. We are grateful for their efforts. We also commend the CPSC for running a review process that was fully transparent. We believe the content of the CHAP report represents the best, current science regarding potential risks from phthalates exposure.

We strongly agree with the CHAP report's recommendation that the CPSC permanently ban diisononyl phthalate (DINP). As the CHAP notes, "allowing the use of DINP in children's toys and child care articles would further increase the cumulative risk to male developmental reproductive development."

While the CHAP recommended lifting the interim ban on di-n-octyl phthalate (DNOP) and diisodecyl phthalate (DIDP), we reiterate our recommendation that the Commission make those bans permanent. The CHAP's recommendation to lift the interim ban on DNOP and DIDP was based on the comparatively low levels of these phthalates in children's toys and childcare articles, not because of their safety. In fact, the CHAP stated that "both are potential developmental toxicants." The "reasonable certainty of no harm" safety standard established by

Sec. 108 warrants a precautionary approach. Given that these phthalates have already been removed from children's products in the United States, we see no reason to lift those bans.

We also support the CHAP's recommendation to permanently ban diisobutyl phthalate (DIBP), di-n-pentyl phthalate (DPENP), di-n-hexyl phthalate (DHEXP), and dicyclohexyl phthalate (DCHP) from use in children's toys and child care articles at levels greater than 0.1 percent given the sufficient evidence to conclude that they are antiandrogenic and are able to contribute to the cumulative risk.

Finally, we reiterate our recommendation that CPSC institute a permanent ban on diisooctyl phthalate (DIOP). We are aware that the CHAP recommended an interim prohibition on DIOP, because of concerns about its safety and evidence of its use in children's articles. Because CPSC has determined that CPSIA did not provide authority for interim prohibitions, the safety concerns around DIOP necessitate a permanent ban in children's articles.

Again, we strongly believe that the CPSC's efforts to address risks in children's products should be protective and precautionary. The CHAP's findings are alarming, and clear. The proposed rule is a strong step to protecting infants and children, but it can and should be strengthened.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Jan Schakowsky
Ranking Member
Subcommittee on Commerce,
Manufacturing, and Trade