

U.S. Consumer Product Safety Commission

LOG OF MEETING

SUBJECT: Phthalates

DATE: June 22, 2009

TIME: 1:30 p.m. to 3:30 p.m.

PLACE: CPSC Headquarters

ENTRY SOURCE: Michael A. Babich, HSHS

COMMISSION REPRESENTATIVES: Carol Afflerbach, Michael Babich, John Boja, Kent Carlson, Philip Chao; Mary Ann Danello, David DiMatteo, Matt Dreyfus, Harleigh Ewell, Melissa Hampshire, Mary House, Cheryl Osterhout, Joel Recht, Lori Saltzman, Treye Thomas, Dominique Williams.

NON FEDERAL REPRESENTATIVES: Raymond David, BASF; Steven Goldberg, BASF; Patrick Harmon, BASF; Kevin Kransler, ExxonMobil; Quin Dodd, Mintz Levin; Frank Craddock, DCI Group, LLC; Sean Oberle, Product Safety Letter.

SUMMARY:

The meeting was requested by BASF. Dr. Harmon, BASF, discussed the chemical identity of diisononyl phthalate (DINP), di(2-propylhexyl) phthalate (DPHP), and other phthalates. Dr. Harmon emphasized that DINP and DPHP are distinct substances, even though they are structurally related. He also discussed the compositions of different phthalate types and variability in their composition. The CPSC staff commented that the Chemical Abstracts Service (CAS) numbers of banned phthalates are not specified in the Consumer Product Safety Improvement Act (CPSIA) as they are in the European Commission directive. The CPSC staff had previously raised the issue whether DPHP should be regarded as a component of DINP, because both consist of 9-carbon branched chain isomers.

The status of existing toxicity information on diisononyl hexahydrophthalate (DINCH) was also discussed. BASF explained the limitations on their data because of their partnership in REACH. Although "robust data summaries" could be provided, releasing the full, original studies to the public would present a problem with respect to the confidentiality of the data, which is protected by REACH. They also said that releasing their data to the public could result in the forfeiture of substantial amounts of compensation under the European Commission REACH regulation. Thus, BASF would provide their toxicity studies to CPSC only if they are kept confidential. The CPSC staff responded that, as a matter of policy, the staff would not conduct a risk assessment using data that are not available to the public. BASF agreed to provide "robust summaries" of their toxicity studies on DINCH, which would include additional experimental details than the summaries already provided to the CPSC staff.

In response to a question from the CPSC staff, BASF replied that most of the phthalates used in children's products are manufactured by Asian companies. They estimate that only a few percent of the phthalates in children's products are manufactured by American or European companies such as BASF and ExxonMobil.