January 22, 2022
Brittany Maule, Manager, Science and Standards
Green Seal
1717 K St NW, Suite 900
Washington, DC 20006

Re: PFAS Phase I Revision

Dear Ms. Maule,

The Household & Commercial Products Association[1] (HCPA) appreciates the opportunity to provide comments on the *Proposal for New Chemical Class Prohibition: Per- and Polyfluoroalkyl Substances (PFAS) Prohibited in Cleaning and Personal Care Products*[2] and urges careful consideration of our comments and concerns.

HCPA represents a wide range of trusted and familiar household and commercial products that hold their products to the highest safety standards while making every effort to protect human health and the environment. Formulators and manufacturers are continuously improving their products to account for new science and technology, ever-changing regulations, consumer demand, sustainability goals, and a host of other factors that change what's possible as the marketplace evolves. Many formulators have never needed or have long since reformulated out of the PFAS class of ingredients due to the well-known health and environmental effects, i.e., the cleaning and personal care products in this proposal. To illustrate the point, a survey of the ingredients in the HCPA Consumer Product Ingredients Dictionary identified less the 1% of all ingredients could meet the proposed definition of PFAS.[3] But in the limited situations in which PFAS remain in formulated products, it is because that ingredient imparts an essential function and suitable replacements do not currently exist.

HCPA commends Green Seal for their ambitious efforts to eliminate per- and polyfluoroalkyl substances (PFAS) in Green Seal-certified products. Many of our members utilize Green Seal certification for their products to distinguish themselves in the marketplace and it is a well-recognized certification standard utilized by many environmentally preferable product (EPP) purchasers. We do, however, have a few

[1] The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell $180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

[2] https://greenseal.org//storage/standards/December%202021/PFAS_Revision_Summary_12.8.2021.pdf

[3] Search performed 1/21/2022 yielded 12 of 1683 (0.7%) ingredients containing "fluoro" www.productingredients.com

significant concerns that will inhibit the application of this proposal to other product categories and future Green Seal standards.

Overly Broad Definition of PFAS

HCPA cautions that the definition of Per- and Polyfluorinated Alkyl Substances (PFAS) being *A class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. This includes but is not limited to PFAS identified via the US EPA's CompTox database PFAS Master List*[4] is extremely broad and captures many substances not generally considered PFAS. For example, this definition would capture hydrofluoroolefins (HFOs) which are gases or volatile liquids, and when released ultimately break down into naturally occurring substances in the matter of days that do not bioaccumulate in the environment and are not mobile in soil and water. HFOs are already highly regulated and have undergone extensive testing and review to demonstrate their safety in intended uses throughout their life cycle with significant environmental improvements over prior generation chemistries.[5] Similarly, fluoropolymers differ from significantly PFOA and PFOS in their molecular weight, toxicity and their insolubility in water. Several fluoropolymers are used in medical applications due to their stability and chemical inertness. Additionally, HCPA urges consideration of the recent OECD statement[6] that notes

> The term "PFASs" does not inform whether a compound is harmful or not, but only communicates that the compounds under this term share the same trait for having a fully fluorinated methyl or methylene carbon moiety. In addition, particularly for PFASs without an assigned CAS No., a lot of parallel and often non-intuitive acronyms are employed, potentially prohibiting effective communication and creating barriers for synthesizing knowledge. This section aims to provide practical guidance on how to identify and use suitable terms to foster communication around PFASs with the aim of being accurate, precise, understandable by others, and consistent.

As noted, the proposed broad definition would identify thousands of compounds as PFAS, but in reality, a much smaller subset is commercially relevant, and an even smaller subset have been identified as being PBT (persistent, bioaccumulative, and toxic) or likely to pose concerns to human health or the environment. Furthermore, it is important to note that the term PFAS does not indicate whether a specific substance is

[4] https://comptox.epa.gov/dashboard/chemical-lists/PFASMASTER
[5] HFOs have very low global warming potential (GWP) and are not ozone depleting substances (ODS). HFOs have been developed to replace hydrofluorocarbons (HFCs) (low to high GWP, no ODS) which replaced hydrochlorofluorocarbons (HCFCs) (high GWP, low ODS), which replaced chlorofluorocarbons (CFCs) (high GWP, high ODS).
[6] Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance, Section 3.2. Practical guidance on how to identify and use suitable PFAS terms, https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/CBC/MONO(2021)25&docLanguage=en

harmful, only that it meets the definition. HCPA is concerned that the use of the overly broad definition of PFAS could lead to several unintended and unnecessary consequences. These include restricting the availability of vital products such as medical devices, and the restriction of other critical to society substances that do not pose a risk to public health. There is also a concern that replacement ingredients would perform less effectively or be unable to provide a similar level of functionality. Or stated another way, formulators would move to other chemistries and ingredients – if they can provide the necessary function with the same or better efficacy – but that is not currently the situation.

HCPA recommends that Green Seal adopt a more narrowly focused definition rather than taking the much broader precautionary approach. There are a couple of recent options within the United States for Green Seal to consider, which includes the recently adopted definition in Delaware:

> "PFAS means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that are a group of man-made chemicals that contain at least 2 fully fluorinated carbon atoms, excluding gases and volatile liquids. "PFAS" includes PFOA and PFOS"[7]

Another potential option would be the current US EPA working definition of PFAS, although HCPA cautions the use of this definition as it is from a proposed rule that may change:

> "For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF_2)-C(F)(R′)R″. Both the CF_2 and CF moieties are saturated carbons and none of the R groups (R, R′ or R″) can be hydrogen."[8]

Both definitions still capture the compounds that are of concern within the overly broad definition, but compounds such as the HFOs - which are not generally been considered PFAS material - are excluded.

Treating PFAS as a Single All-Encompassing Class

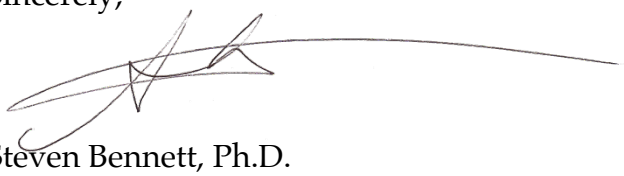
While we understand the merits of a single all-encompassing PFAS class prohibition, we are concerned that given the rapidly evolving understanding of this area that this may not be the best approach. This approach would *identify* potential PFAS, but it would not differentiate between substances with clear human health and the environment concerns from substances with no concerns. We think a better approach would be use the identified potential PFAS combined with Green Seal's

[7] https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=48449&legislationTypeId=1&docTypeId=2&legislationName=HB8
[8] https://www.federalregister.gov/documents/2021/06/28/2021-13180/tsca-section-8a7-reporting-and-recordkeeping-requirements-for-perfluoroalkyl-and-polyfluoroalkyl

existing and comprehensive information on their certified products. Using the function(s) of ingredients within these formulations in combination with product categories would readily identify the potential challenge areas. We'd also posit that this is effectively what was done in Phase I by identifying the categories in which little to no PFAS are being utilized. We think that this science-based approach would lead a much more robust effort that is protective of human health and the environment while staying true to the goals of Green Seal. HCPA would also be more than happy to collaborate with Green Seal to share expertise and information to help inform and assist in these efforts.

We thank you for your time and attention and we look forward to continuing work with Green Seal on their efforts.

Sincerely,



Steven Bennett, Ph.D.
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