

# United States Senate

WASHINGTON, DC 20510

September 2, 2016

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 this letter with regard to the ongoing rulemaking of the Consumer Product Safety Commission (CPSC) on phthalates and phthalate alternatives and to reiterate the importance the U.S. chemical industry plays in our home state, Louisiana.

Our state employs more than 24,000 hardworking Americans in the chemical industry, which is the state's second largest manufacturing sector. The economic impact of this industry is significant; however, we also recognize the critical role the CPSC plays in evaluating the safety of consumer products.

As you know, we have written to you previously to emphasize the importance of assessing the most appropriate data for considering the risk of consumer products. During the rulemaking process, the agency reviewed data from two separate timeframes: 1999 –2006 and later, 2008 – 2012. The exposure data (1999-2006) originally evaluated by the agency, as part of a cumulative risk assessment, showed that the preponderance of exposure was attributable to three chemicals that were banned by the terms of the Consumer Product Safety Improvement Act of 2008. The utilization of the older data set was inherently flawed because of changes in the manufacturing and use in consumer products that occurred after the CPSIA.

We believe that the CPSC's assessment of the data from 2008-2012 more accurately reflects the current use of these chemicals in these products and appreciate your reanalysis using the newer data. As you move forward, the Commission must ensure that it relies on the most appropriate data sets for all populations. The CDC's National Health and Nutrition Examination Survey (NHANES) exposure trends are also seen in the published data for The Infant Development and Environment Study (TIDES), which updates the Study for Future Families (SFF) data. Should there be any remaining concern regarding the sufficiency of the NHANES and TIDES data to address risk to any specific population, CPSC could request and analyze the TIDES data for that population to ensure your rulemaking reflects the existing use of these chemicals in consumer products.

The implications of this important regulatory decision will have far-reaching and lasting effects on our constituents. We ask that the Commission carefully consider any final rule and ensure that any decision made utilizes the most appropriate data and adheres to established policy making guidelines.

Sincerely,

  
David Vitter  
United States Senator

  
Bill Cassidy  
United States Senator

CC:

Chairman John Boozman  
Subcommittee on Financial Services & General Government  
Committee on Appropriations

Chairman Jerry Moran  
Subcommittee on Consumer Protection, Product Safety, Insurance & Data Security  
Committee on Commerce, Science & Transportation

Commissioner Robert Adler, U.S. Consumer Product Safety Commission  
Commissioner Marietta Robinson, U.S. Consumer Product Safety Commission  
Commissioner Ann Marie Buerkle, U.S. Consumer Product Safety Commission  
Commissioner Joseph Mohorovic, U.S. Consumer Product Safety Commission