
Phthalates Regulatory Landscape Challenges & Successes

2007 World Vinyl Forum
Boston, MA
September 28, 2007
Cynthia M. Davin, Ph.D. DABT

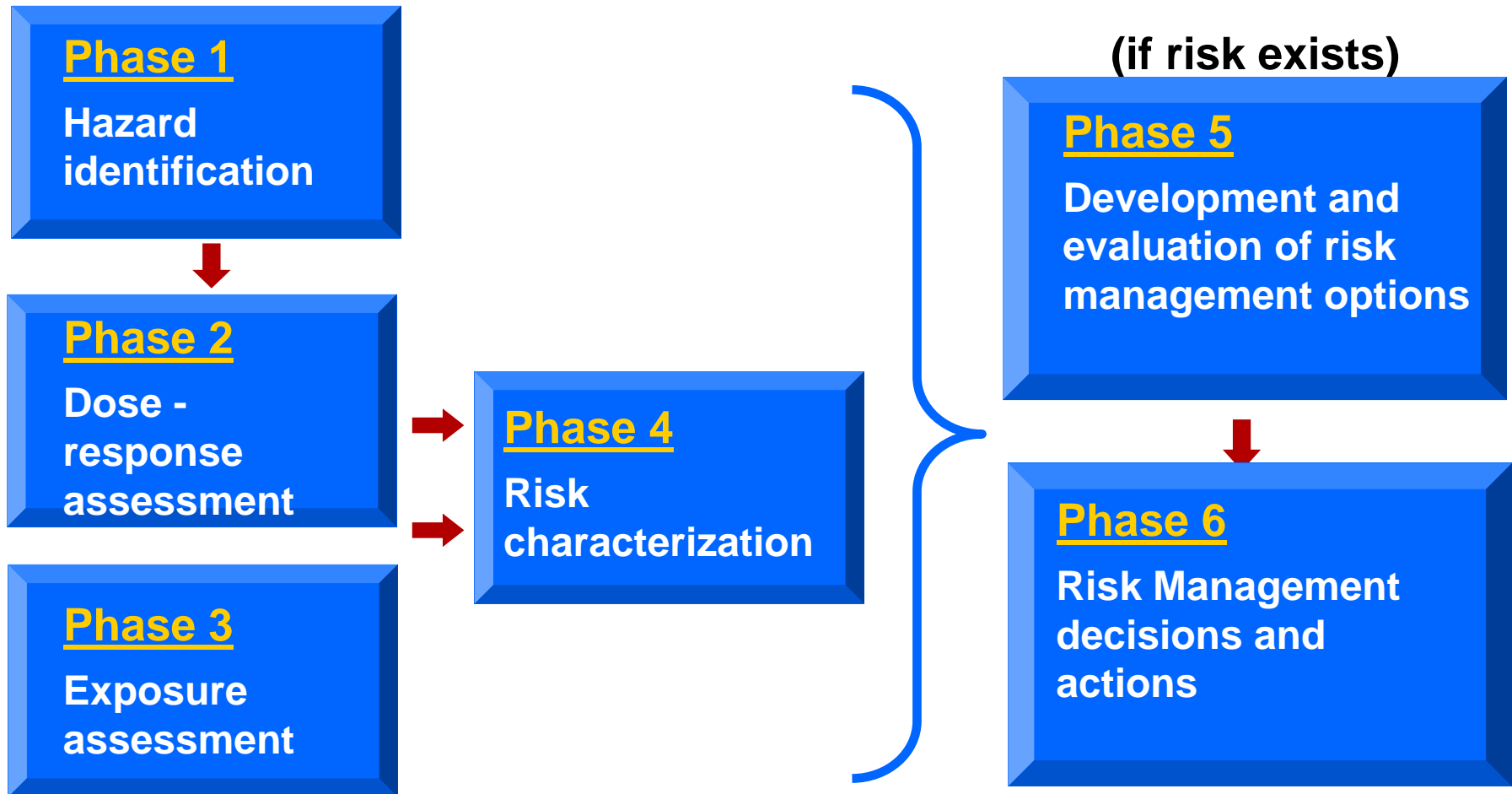
Overview

- Phthalate Risk Assessments
- Challenges & Successes
- Outlook

Toxicology Studies Conducted to Identify Health Effects

- Some phthalates produce effects in rats at high doses
- Non-human primates do not have these effects
- Human exposures are orders of magnitude below the effect level in rats

Risk Assessment Puts the Data Into Perspective



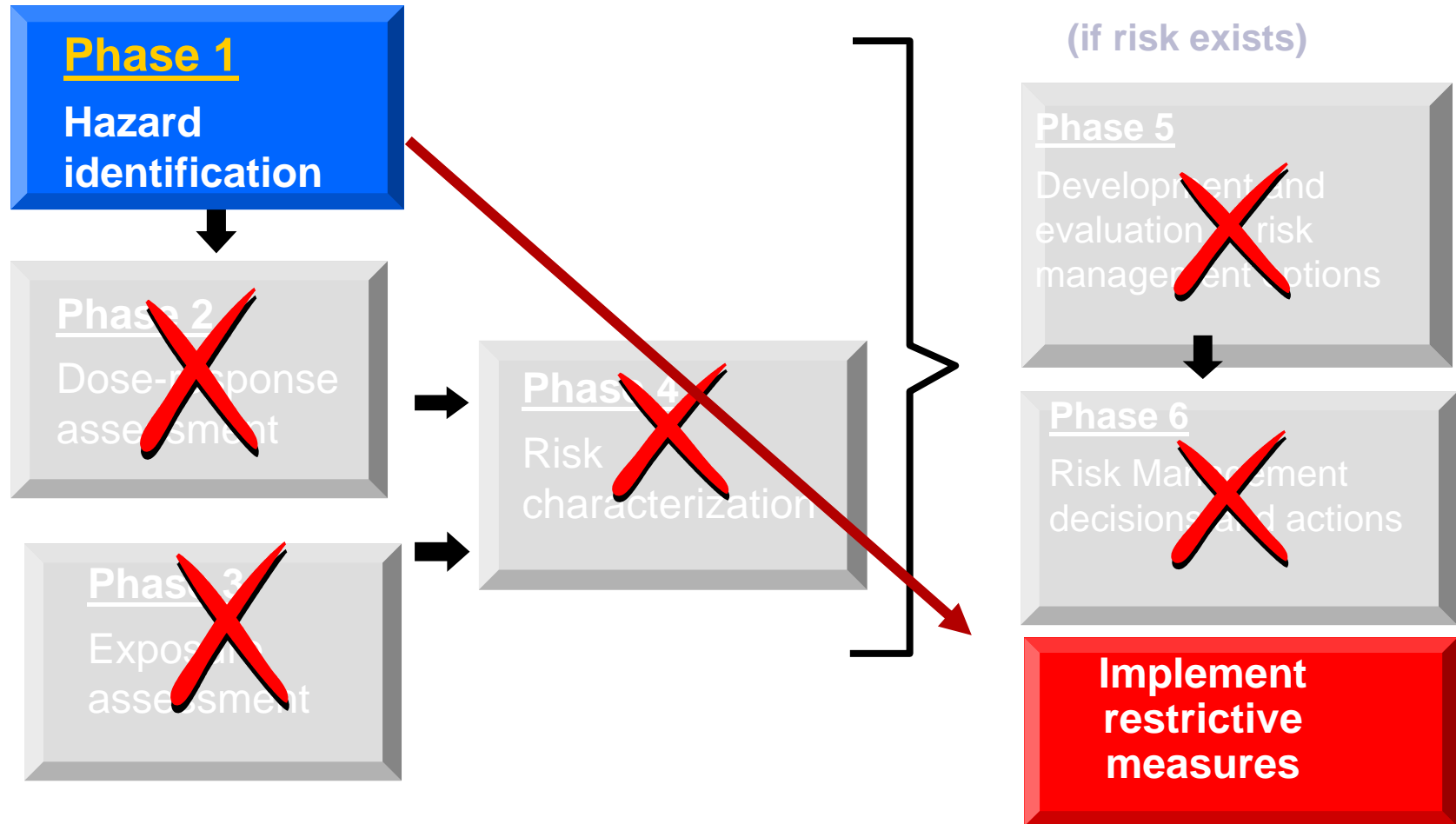
Adapted from: National Research Council, National Academy of Sciences

Summary of Independent Testing & Evaluations

1999	US Surgeon General Blue Ribbon Panel	"Blue Ribbon Panel" study led by former U.S. Surgeon General Dr. Everett Koop concludes "Consumers can be confident that vinyl toys ... are safe"
2003	US Consumer Product Safety Commission	Consumer Product Safety Commission confirms " no demonstrated health risk " from use of DINP in toys
2003	National Toxicology Program	US NTP CERHR finds " minimal/negligible " concern for reproductive / developmental toxicity of most phthalates
2004	OECD	Organization for Economic Cooperation and Development's HPV program concludes " low priority for further work "
2005	US Centers for Disease Control	Results of US CDC (2005) report indicate that exposure is well within safe limits
2006	European Union	EU Risk Assessments find phthalates safe for use in current applications ¹
2007	US Consumer Product Safety Commission	" CPSC staff has kept abreast of the new research and has not seen anything that would cause a change in staff's position. " (Letter from CPSC staff to CA Senator Runner)

¹ General population; EU recommended risk reduction measures for DBP in occupational settings; DEHP assessment ongoing

Sometimes, There is a Rush to Judgement



A Rush to Judgment over Toys: Politics vs. Science

- 1999 - The European Union enacted a temporary restriction on the use of phthalates in toys
 - EU scientists were to review the safety of phthalates in toys
- 2005 - Politics overcame science and permanent restrictions were put into place – EU Toy Directive
- 2006 - The European Commission completed its risk assessment for the primary phthalate used in toys (DINP) and found it safe for use in that application
 - Results represent the conclusion of a comprehensive evaluation conducted by EU regulators under the Existing Substances Regulation (EC/793/93)
 - No risk reduction measures required
 - Consistent with findings of the US Consumer Product Safety Commission

Media Used to Drive Legislative Action

- Easy to propagate myths versus realities
- Confusion over a complex issue
- Scare stories sell
- “Scientific studies” conducted by journalists

Addressing the Communications Challenges

- Phthalate Esters Panel Communications
 - Promote safety and performance benefits of phthalate products
 - Maximize “good news” opportunities
 - Develop key messages and deliver through media outlets
 - Outreach to key audiences
- Work closely with other stakeholders...

Phthalate INFORMATION CENTER™

Search

Performance. Convenience. Fun.

The Phthalate Esters Panel is committed to research and testing of phthalate esters and works closely with government agencies so that these materials can continue to be used safely in a wide array of products consumers find valuable in everyday life.

From our Blog

- Some good phthalate science (if we do say so ourselves!)
- New report flunks the smell test
- Let's be clear about those European risk assessments!

[more →](#)

Latest News

April 24, 2006 → European Union Risk Assessments Find No Concern For Current Uses of DINP, DIDP and DBP	January 27, 2006 → Outside Panel Finds Swan Study Hypothesis "Not Supported" by Her Published Study	January 18, 2006 → Group's Report on Dust in Autos is "Just Plain Irresponsible"
--	--	---

[more →](#)

[Send to a friend](#) | [privacy policy](#) | [contact us](#) | [glossary](#) | [site terms](#)

Copyright 2006 American Chemistry Council, Inc.

www.phthalates.org

Why Toys?

- Easy target in larger campaign to ban phthalates and PVC
- Emotional
 - Mothers with disposable income targeted by activist campaigns – fear, guilt
- Precautionary principle
- Catalyst for restrictions in other markets
 - Medical, Construction, Cosmetics



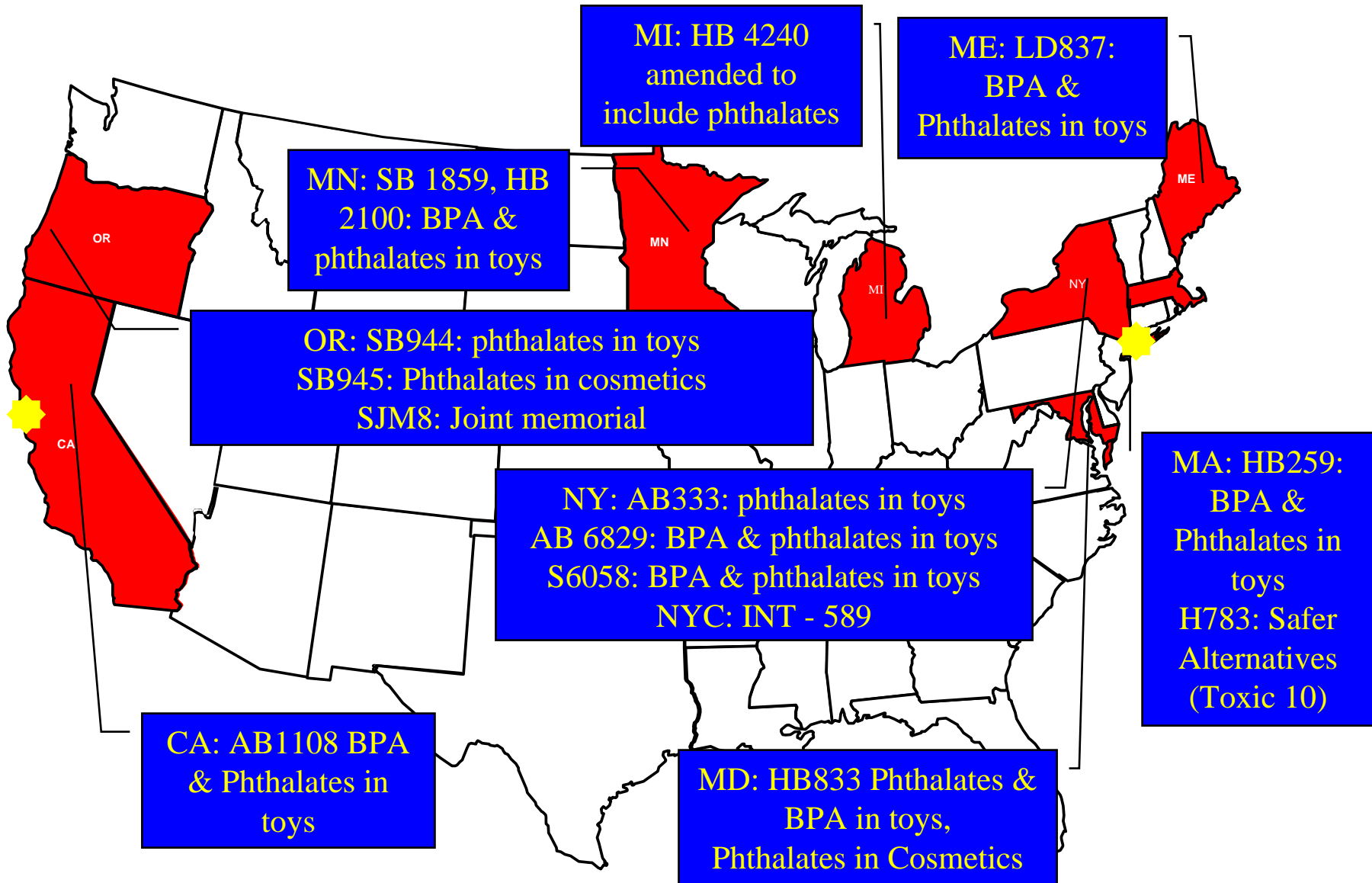
HOWEVER...

- There is no scientific basis for banning phthalates in toys
- CPSC has affirmed the safety of soft vinyl toys
- Restrictions could drive less tested alternatives to replace phthalates and flexible vinyl
- Any ban on phthalates or flexible PVC sets a negative precedent

Putting Science & Politics to the Test in the US...

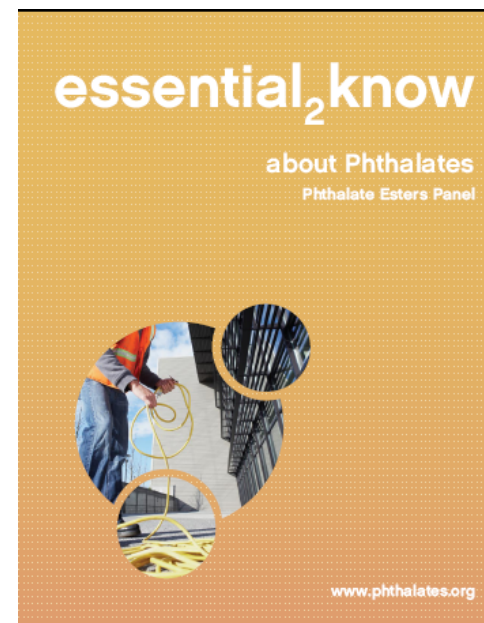
- EU Toy Directive – the initiator
- Media – the catalyst
- San Francisco – the beachhead
 - Ordinance passed in 2006
 - Toy Industry, Phthalate Esters Panel, and other stakeholders have filed suit against the City of San Francisco
- **Legislation Proposed in 8 States and NYC in 2007**

Toy Ban Legislation Proposed in 8 States in 2007



What Legislators Need to Know

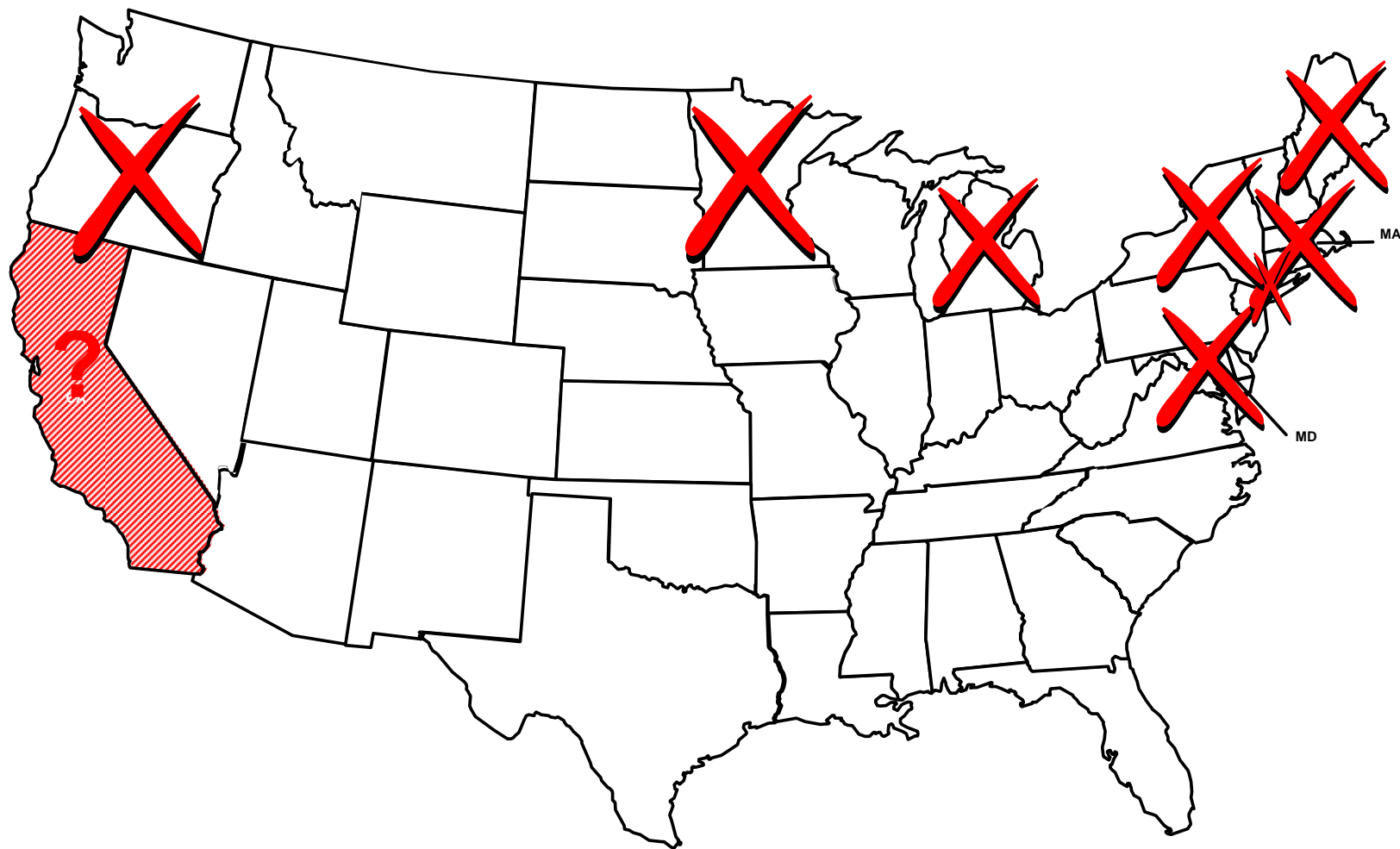
- Phthalates are part of our daily lives and have a long history of safe use
- Phthalates are among the most extensively studied families of chemicals
- Numerous independent governmental reviews have found phthalates safe for use in their existing applications
- The CPSC did the most comprehensive review of soft vinyl toys and found no reason to ban soft vinyl toys
- The EU also found the primary phthalate used in toys (DINP) safe for that application – no risk
- Alternatives will have some degree of toxicity, exposure, and possibly inferior performance



Phthalate Ester Panel Response – Getting the Word Out

- Recruited key stakeholders to the effort
- Leveraged ACC lobbying resources
- Engaged stakeholders
 - Strong support from Toy Industry Association
- Met with key committee members in the House and Senate, Governor's office
- Launched grassroots campaign
- Responded to NGO materials circulated in legislature
- Presented and arranged for expert witnesses for testimony
- Supported lobbying efforts with media communications

PEP Advocacy has successfully defeated most proposed state legislation in the 2007 cycle



Science Is Prevailing

- Science and reason are on our side
 - Extensive dataset
 - Findings of the CPSC and others
 - Unintended consequences of deselecting a safe product for less tested substitutes
- Recognition that legislative bans are not the way to address the concerns
- Real-world impact to small businesses
- **Outcome in California is uncertain**

Looking Forward

Outlook: NGO pressure will continue to be intense

Challenges:

- Junk science
- Media frenzy
- Legislative pressure
- Pressure on Mass Retailers

Actions:

- Intensify outreach to stakeholders
 - Increase awareness
 - Build coalitions
 - Retailer outreach
- Prevent spread to other markets
- Apply lessons learned to prepare for the next legislative session
- Please join us in working against unwarranted legislation and product bans!

Disclaimer

©2007 Exxon Mobil Corporation. To the extent the user is entitled to disclose and distribute this document, the user may forward, distribute, and/or photocopy this copyrighted document only if unaltered and complete, including all of its headers, footers, disclaimers, and other information. You may not copy this document to a Web site. ExxonMobil does not guarantee the typical (or other) values. Analysis may be performed on representative samples and not the actual product shipped. The information in this document relates only to the named product or materials when not in combination with any other product or materials. We based the information on data believed to be reliable on the date compiled, but we do not represent, warrant, or otherwise guarantee, expressly or impliedly, the merchantability, fitness for a particular purpose, suitability, accuracy, reliability, or completeness of this information or the products, materials, or processes described. The user is solely responsible for all determinations regarding any use of material or product and any process in its territories of interest. We expressly disclaim liability for any loss, damage, or injury directly or indirectly suffered or incurred as a result of or related to anyone using or relying on any of the information in this document. There is no endorsement of any product or process, and we expressly disclaim any contrary implication. The terms, "we", "our", "ExxonMobil Chemical", or "ExxonMobil" are used for convenience, and may include any one or more of ExxonMobil Chemical Company, Exxon Mobil Corporation, or any affiliates they directly or indirectly steward. The ExxonMobil Chemical Emblem, the "Interlocking X" Device, Jayflex and Exxal are trademarks of Exxon Mobil Corporation.