

New York State Green Procurement Program
Response to Comments on
Proposed Specification on 'Adhesives'

Background: The proposed new specification for 'Adhesives' was first considered by the Interagency Committee in April 2018 and tentatively approved for public comment. Based on comments received during 2018, the specification was revised. Due to the relatively extensive nature of the revisions, in April 2019 the Interagency Committee decided to re-release the specification as tentatively approved for an additional round of comments.

Commenting Entities: In 2018, comments were received from the Adhesives and Sealants Council, American Chemistry Council, American Coatings Association, Clean and Healthy New York, the Healthy Schools Network, Momentive and UL. In 2019, comments were received from the American Chemistry Council.

Issues raised by the American Chemistry Council During the Second Comment Period:

1. Use of Formaldehyde as an Example of an Asthmagen.

Comments: ACC provides references indicating that formaldehyde may not be an asthmagen and requests that it not be called out as an example of an asthmagen in the specification.

Response: The references provided by ACC are substantive and indicate that the science around whether formaldehyde should be considered an asthmagen is evolving though still unsettled. Formaldehyde is a known human carcinogen whose use is appropriate to avoid in green purchasing.

Recommendation: Amend the specification to remove formaldehyde as an example of an asthmagen.

2. Use of Diisocyanates as an Example of an Asthmagen.

Comments: Industry requests that diisocyanates be removed as an example of an asthmagen.

Response: Diisocyanates appear on the AOEC asthmagen list, which is an authoritative list with a long history of use by New York State government. The Association of Occupational and Environmental Clinics (AOEC) is a non-profit organization of clinics that employ physicians with board certification or demonstrated expertise in occupational medicine. The listing of a chemical in their database is based on direct clinical experience and limited to those cases that have undergone a full clinical work-up to determine the relationship of exposure to a specific disease or injury.

The AOEC list is a key list used by independent, third-party certification programs, such as Green Seal and UL Ecologo, to identify green products. The New York Department of Health (DOH) was an active participant in the development Green Seal's standard for general purpose cleaning products in 2006, one of the first standards to rely on the AOEC list to exclude products from certification. During the process, DOH was a strong champion for use of the AOEC list. That standard, in turn, was adopted by both New York's statutory green cleaning

program for schools (Ed Law § 409-I) and the EO 4 specification for 'General Purpose Cleaners.' While it is not a government list, the AOEC list is the only list available for the identification of asthmagens in the world, with the exception of a short list of 26 fragrance allergens maintained by the European Union.

In addition to listing on the AOEC list, diisocyanates are well documented in the scientific literature as an asthmagen present in adhesives. As a result, citing diisocyanates as an example of an asthmagen in the specification is appropriate.

Recommendation: Retain the language naming diisocyanates as an example of an asthmagen.

3. Use of Hazard Based Lists

Comments: Industry requests that hazard lists not be used to deselect products containing listed chemicals. Rather, they state that each chemistry should be evaluated for human health risk prior to making a determination to "remove" a chemical from a product.

Response: The use of hazard-based lists is appropriate for green procurement. Green procurement specifications establish requirements and encouragements for state purchasers only. In turn, purchasers are only required to follow the specifications when green products are available on the market that meet the agency's form, function and utility and are cost competitive. They do not ban chemicals in the marketplace or require manufacturers remove chemicals from their products.

Recommendation: Retain the use of hazard lists such as California Proposition 65 and the AOEC asthmagen database in the specification.