

New York State Green Procurement Program  
Response to Comments on  
**Proposed Specification on 'Floor Coverings - Amended'**

**Background:** The Interagency Committee on Sustainability and Green Procurement tentatively approved this specification for the first time in April 2018. An expansion of the 'Carpet and Carpet Tile' specification first adopted in 2014, the draft covers a wider array of floor covering options. This specification: 1) Establishes a floor coverings hierarchy; 2) Requires agencies to avoid flooring containing PFAS chemicals and halogenated chemicals like PVC and flame retardants; and 3) Encourages agencies to purchase from entities that have a strong take-back programs. Based on comments received during 2018, the specification was extensively revised and re-released for an additional comment period in April 2019.

**Commenting Entities:** American Chemistry Council, FluoroCouncil, Carpet and Rug Institute, North American Flame Retardant Alliance, Vinyl Institute, Resilient Floor Coverings Institute (RFCI), BASF, International Wood Products Association, Taraca Pacific, Consolidated Carpet. *Manufacturers:* Shaw, Atlas Masland (Dixie Group), Bentley Mills, Interface, Armstrong, Mannington, Tarkett, Novalis, HMTX Industries, Karndean DesignFlooring, Gerflor, Wellmade, Lonseal. *Environmental and health advocacy organizations:* Clean & Healthy New York (CHNY) (plus 17 additional signatories) and Healthy Schools Network (HSN).

**Issues raised:**

**1. Avoidance of Floor Coverings Containing PVC**

**Comments:** Industry recommends that the specification allow for the purchase of vinyl flooring which is made from PVC, because it no longer contains phthalates and heavy metals. They also asked that the specification be amended to make it clear that phthalates are no longer used in vinyl flooring. NGOs HSN and CHNY support the avoidance of floor coverings containing PVC and argue that the listing of Organochlorides as toxic Persistent Organic Pollutants should be enough to justify its avoidance. Moving away from the use of vinyl flooring is also recommended by Healthcare Without Harm and the Healthy Building Network/Pharos. Many of the manufacturers who commented on the specification (see list above) informed us that they carry PVC-free lines of flooring and carpet backing.

**Response:** Vinyl flooring manufacturers are to be commended for improving the environmental footprint of their product. However, concerns about the hazards posed by PVC during manufacturing and end of life continue to make its avoidance appropriate for green procurement. Vinyl chloride, which is classified as a human carcinogen by the International Agency for Research on Cancer, and ethylene dichloride, also known as 1,2-dichloroethane, which has been described by the National Toxicology Program (NTP) as reasonably anticipated to be a human carcinogen, are the basic building blocks of PVC. Overall, PVC remains the lowest scoring plastic resin on "The Plastics Scorecard," a tool developed by the organization Clean Production Action to evaluate the chemical footprint of plastics and to select safer alternatives. It assesses plastics based on their use of chemicals of concern during the manufacturing process and in the final product. According to the Scorecard, PVC has the highest environmental footprint compared to all other plastics, including polystyrene, polyethylene, polypropylene, and polylactic acid.

**Recommendation:** Retain the requirement to avoid PVC where alternative products are cost competitive and meet form, function and utility requirements. Work with vendors to source and offer fewer toxic alternatives at competitive prices.

## **2. Avoidance of Floor Coverings Containing Intentionally Added Formaldehyde**

**Comments:** Industry notes that formaldehyde is found naturally in materials such as wood. They also provide references indicating that formaldehyde may not be an asthmagen and request that it not be called out as an example of an asthmagen in the specification. In addition, they request that the EPA formaldehyde standard be added to the specification. The NGOs HSN and CNY support the avoidance of products with intentionally added formaldehyde.

**Response:** Formaldehyde is a known human carcinogen that is naturally occurring in wood, but emission rates are higher for flooring which contains glues and adhesives that contain formaldehyde. The organization Healthcare Without Harm recommends the avoidance of intentionally added formaldehyde in flooring products. The science around whether formaldehyde should be considered an asthmagen is evolving though still unsettled.

**Recommendation:** Add the EPA formaldehyde standard to the specification. Retain the requirement that purchasers avoid products containing “intentionally added formaldehyde.” Amended the specification language to remove formaldehyde as an example of an asthmagen.

## **3. Avoidance of Floor Coverings Containing PFC/PFAS (I will use them interchangeably here)**

**Comments:** Industry draws a clear line between long- and short-chain PFAS chemicals, stating that concerns about short-chain PFAS are not supported by scientific evidence. They recommend that the specification be limited to requiring the avoidance of long-chain PFAS only.

The NGOs applaud the State’s decision to avoid the use of products containing short-chain PFAS. They emphasize the ability of such substances to persist in the environment and reference the California Department of Toxic Substances Control’s proposal to list carpet as a priority product due to the potential for them to result in significant and widespread PFAS exposures. They also cite the 2012 “Madrid Statement on Poly and Perfluoroalkyl Substances,” signed by more than 200 scientists, which called on the international community to limit the production of short-chain substances and for government procurement to avoid products containing PFASs whenever possible.

**Response:** Concerns about short-chain PFAS are valid and appropriate to address through green procurement. The NIH’s Substances of Concern Database (as of April 2018) points out that while shorter chain PFCs may be less toxic than longer chain PFCs, there is a lack of data, and they are similarly structured, so using them as an alternative to longer chain PFCs “could result in a regrettable substitution.” The NIH recommends reduction strategies that include “selecting products and materials that do not contain PFCs.”

The Washington State Departments of Ecology and Health documented the following concerns about short-chain PFCs in a 2018 report: they are extremely persistent; they tend to be water soluble and move more easily through soil to contaminate groundwater or surface water; and are harder to filter out of drinking water. Lastly, the bill on fire-fighting foams recently signed by

Governor Cuomo restricted the entire class of PFAS and did not distinguish between long- and short-chain substances.

It is precisely in such an area of emerging concern, where hazards are being documented but science has not yet been able to provide a definitive answer about safety, where green procurement is appropriate and can be effective at moving the market toward safer alternatives.

**Recommendation:** Retain the precautionary requirement to avoid the purchase of products containing short-chain as well as long-chain PFCs.

#### **4. Avoidance of Floor Coverings Containing Halogenated Flame Retardants**

**Comments:** Industry states that halogenated flame retardants should not be treated equally as a class, that some chemicals in the class are of less concern than others. No further direction was provided.

**Response:** As a class, halogenated flame retardants have a significant hazard profile.

**Recommendation:** Retain language to procure products with “no intentionally added” halogenated flame retardant chemicals.

#### **5. Limit Requirements to Compliance with Existing Regulatory Standards**

**Comments:** Industry recommended amendments that would have limited the specification to compliance with existing regulatory standards.

**Response:** It is not appropriate to limit green procurement to existing regulatory standards. Green product standards are meant to reward products that go beyond compliance.

**Recommendation:** Retain requirements in the specification that go beyond compliance.

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