

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

**Background:** The proposed new specification for 'Lubricants' 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:** During both comment periods (in both 2018 and 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. Background Information on Short-Chain PFAS.**

**Comments:** Industry requests that the background information on the potential dangers of short-chain PFAS chemicals be removed

**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 that the Governor recently signed 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:** The background information on short-chain PFAS should be retained.

### **3. Avoidance of Products Containing Polymer PFAS**

**Comments:** Industry requests that positive language on polymer PFAS be added to the specification and that language be added stating that the specification does not apply to them, specifically the polymer PFAS PTFE.

**Response:** PTFE was one of the polymer PFAS chemicals manufactured at the St. Gobain facility in Hoosick Falls that resulted in the extensive contamination of drinking water in the City with the long-chain PFAS chemical PFOA. While it appears that PFOA is no longer used in the manufacture of PTFE and other polymer PFAS, short-chain PFAS chemicals are. New York's experience at Hoosick Falls indicates that the process of manufacturing PTFE may be hazardous to workers and may lead to significant and persistent contamination of the environment. The disposition of products containing PTFE as the end of their life may also pose hazards.

**Recommendation:** Retain the existing language of the specification on PFAS.

### **4. 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.