



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 4330 EAST WEST HIGHWAY
 BETHESDA, MD 20814

This document has been electronically signed and approved.

November 15, 2010

BALLOT VOTE SHEET

TO: The Commission
 Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director
 Cheryl A. Falvey, General Counsel
 Philip L. Chao, Assistant General Counsel

FROM: Harleigh Ewell, Attorney, GCRA

SUBJECT: Federal Register Notice: Notice of Meeting of Chronic Hazard Advisory Panel on Phthalates and Phthalate Substitutes

Ballot Vote Due: November 19, 2010

Attached for the Commission's consideration is a draft *Federal Register* notice announcing the third meeting of the Chronic Hazard Advisory Panel on Phthalates and Phthalate Substitutes, to be held on December 2 and 3, 2010.

Please indicate your vote on the attached draft notice.

- I. Approve publication of the draft notice in the *Federal Register* without change.

 (Signature)

 (Date)

RH 11/15/2010

CLEARED FOR PUBLIC RELEASE
 UNDER CPSA 6(b)(1)

THIS DOCUMENT HAS NOT BEEN
 REVIEWED OR ACCEPTED BY THE
 COMMISSION.

II. Approve publication of the draft notice in the *Federal Register* with changes.

(Please specify.)

(Signature)

(Date)

III. Do not approve publication of the draft notice in the *Federal Register*.

(Signature)

(Date)

IV. Other.

(Please specify.)

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice: Notice of Meeting of Chronic Hazard Advisory Panel on Phthalates and Phthalate Substitutes

Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

**Notice of Meeting of Chronic Hazard Advisory Panel on Phthalates and Phthalate
Substitutes**

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Consumer Product Safety Commission (“CPSC” or “Commission”) is announcing the third meeting of the Chronic Hazard Advisory Panel (“CHAP”) on phthalates and phthalate substitutes. The Commission appointed this CHAP to study the effects on children’s health of all phthalates and phthalate alternatives used in children’s toys and child care articles, pursuant to section 108 of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”) (Public Law 110-314). The CHAP will discuss possible risk assessment approaches for phthalates and phthalate substitutes and analysis of biomonitoring data.

DATES: The meeting will be held Thursday December 2, and Friday December 3, 2010. The meeting will begin at approximately 8:00 a.m. on both days, and will end at approximately 5:00 p.m. on Thursday and approximately 3:00 p.m. on Friday.

ADDRESSES: The meeting will be held in the fourth floor hearing room in the Commission’s offices at 4330 East West Highway, Bethesda, MD.

REGISTRATION AND WEBCAST: Members of the public who wish to attend the meeting may register on the day of the meeting. This meeting will also be available live via webcast, at

<http://www.cpsc.gov/webcast>. Registration is not necessary to view the webcast. There will not be any opportunity for public participation at this meeting.

FOR FURTHER INFORMATION CONTACT: Michael Babich, Directorate for Health Sciences, Consumer Product Safety Commission, Bethesda, MD 20814; telephone (301) 504-7253; email mbabich@cpsc.gov.

SUPPLEMENTARY INFORMATION: Section 108 of the CPSIA permanently prohibits the sale of any “children’s toy or child care article” containing more than 0.1 percent of each of three specified phthalates: di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), and benzyl butyl phthalate (BBP). Section 108 of the CPSIA also prohibits, on an interim basis, the sale of any “children’s toy that can be placed in a child’s mouth” or “child care article” containing more than 0.1 percent of each of three additional phthalates: diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and di-*n*-octyl phthalate (DnOP).

Moreover, section 108 of the CPSIA requires the Commission to convene a CHAP “to study the effects on children’s health of all phthalates and phthalate alternatives as used in children’s toys and child care articles.” The CPSIA requires the CHAP to complete an examination of the full range of phthalates that are used in products for children and:

- examine all of the potential health effects (including endocrine disrupting effects) of the full range of phthalates;
- consider the potential health effects of each of these phthalates, both in isolation and in combination with other phthalates;
- examine the likely levels of exposure to phthalates by children, pregnant women, and others, based on a reasonable estimation of normal and foreseeable use and abuse of such products;

- consider the cumulative effect of total exposure to phthalates, both from children's products and from other sources, such as personal care products;
- review all relevant data, including the most recent, best-available, peer-reviewed, scientific studies of these phthalates and phthalate alternatives that employ objective data collection practices or employ other objective methods;
- consider the health effects of phthalates not only from ingestion, but also as a result of dermal, hand-to-mouth, or other exposure;
- consider the level at which there is a reasonable certainty of no harm to children, pregnant women, or other susceptible individuals and their offspring, considering the best available science, and using sufficient safety factors to account for uncertainties regarding exposure and susceptibility of children, pregnant women, and other potentially susceptible individuals; and
- consider possible similar health effects of phthalate alternatives used in children's toys and child care articles.

The CHAP's examination must be conducted *de novo*, and the CPSIA contemplates completion of the CHAP's examination within 18 months of the CHAP's appointment. The CHAP must review prior work on phthalates by the Commission, but the prior work is not to be considered determinative.

The CHAP must make recommendations to the Commission regarding any phthalates (or combinations of phthalates) in addition to those identified in section 108 of the CPSIA, or phthalate alternatives, that the panel determines should be prohibited from use in children's toys or child care articles or otherwise restricted. The CHAP members were selected by the

Commission from scientists nominated by the National Academy of Sciences. See 15 U.S.C. §§ 2077 and 2030(b).

The CHAP met previously on April 14 and 15, 2010, and July 26 and 28, 2010, at the Commission's offices in Bethesda, MD. The CHAP heard public comments at the July meeting. The December meeting will include discussion of possible risk assessment approaches. The analysis of biomonitoring data also will be discussed. There will not be any opportunity for public comment at the December meeting.

Dated: November____, 2010.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission