



How to Set Up a Prop 65 Testing Program

AHFA Prop 65 Workshop

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Move Forward with Confidence



► Brief history of BVCPS and AHFA

- BVCPS, along with our strategic business partner Intrinsik, Inc., was chosen by the AHFA to work on the CA Prop. 65 project.
- Co-developed a list of known chemicals/compounds/metals used in the furniture industry and derived from the CA Prop. 65 list.
- Work with BIFMA on the exchange of safe harbor assessments for some chemicals/compounds.
- Performed actual testing on AHFA supplied furniture for metals, phthalates, flame retardants and VOC's.
- Provided safe harbor assessments on the tested furniture and development of the workbooks.
- Worked in conjunction and alongside the Sidley Austin law firm.

Identifying What Needs to be Tested

► Understanding what the products in your product line are made of:

- Having a bill of materials of each product
- Showing what each component is
- What each raw material composition is
- What each type of adhesives, paints, finishes, coatings that are used
- Other documents to be used for understanding more about your products
 - MSDS sheets and/or Global Harmonized Standard (GHS) SDS sheets exhibiting what the various raw materials, adhesives, paints, finishes and coatings are comprised of
 - Restricted Substances Lists can also be used for this purpose



What To Do With All The Information



- ▶ From all of the information from the previous slide, you can then have an idea of what chemicals/compounds, and metals make-up your furniture. This information can then be checked against the List of Lists in the AHFA workbook Tab 1.
- ▶ This is the list that was mentioned earlier where 69 chemicals, compounds and metals were identified by a group effort that could exist or be present in all types of furniture.
- ▶ This **List of Lists** is a good guide to determine if a chemical, compound or metal that is identified in/on your product is present on this list, its presence on this list potentially signifies that it is a target chemical, compound, metal.

► Some further thoughts on the "List of Lists."

- It is our (collective) best "guesstimate" of those chemicals, compounds, metals most likely to be in furniture and at materials risk of enforcement under Prop. 65.
- It is not necessarily the complete list of chemicals, compounds, metals, for which there can be an exposure in furniture.
- As everyone either knows or has heard, Prop. 65 has over 950 chemicals, compounds, metals listed.
- In theory, enforcement can occur as to any one of them where there is an exposure, not just those chemicals on the "List of Lists."

Why Do You Need to Know All This Information?

► Here is where we want to discuss the actual product:

- What type of product is it?
- Where is it used or placed in the household?
- What interaction will the end user have with this product?
- Is the furniture product sold at the retail, industrial, commercial level?
- The end use and/or environment the product is sold into will help to define how the products are tested, in addition, it will also help later on when we discuss Safe Harbor Assessments

Testing a Furniture Product

- ▶ Most of the testing done by many labs, BVCPS included, will be to test a product for its total amount of chemical, compound, metal.
 - This is a good first step to determine if the said chemical, compound, metal is even present in the product and this data can be used later
- ▶ The other type of testing that needs to take place is **bio-availability testing**, this involves some type of special/custom wipe, extraction, etc.
- ▶ Another type of testing would be to test the furniture in an **environmental chamber** that is appropriately sized and equipped with analytical instrumentation to capture the VOC's, semi-VOC's that will off-gas from the product
- ▶ To review routes of exposure in CA Prop. 65, Inhalation/Ingestion and Dermal contact, and many times you will also hear the terminology hand to mouth, which would relate to ingestion
- ▶ The testing mentioned above for total, bio-available and environmental chamber can be correlated to the routes of exposure in CA Prop. 65

► Let's look into what the testing will provide

- Total testing is done to determine if a chemical, compound, metal is present within the matrix of the product. It's a good start and data will be/can be used in the Safe Harbor Assessment.
- Bio-available testing is done to determine if a chemical, compound, metal is present on the surface of the product. This is of importance especially with products that we will handle, touch, come into contact with.
 - With bio-available testing, usually a moistened lab grade wiping material will be used. These can be moistened with lab grade DI water, solutions of artificial perspiration, solutions of artificial saliva, etc. or whatever the agreed upon method is with the toxicologist. Data will be/can be used in the Safe Harbor Assessment.
- Environmental chamber testing is done to determine what chemicals, compounds, would be off-gassing from the furniture product. Usually relegated to volatile organic compounds (VOC's) and semi-volatile compounds (semi-VOC's). The size of the chamber used is dependent on the overall size of the product in question. Data can be/will be used in the Safe Harbor Assessment.

Testing Furniture Supplied by the AHFA

- ▶ First samples of three types of furniture supplied by the AHFA in our Pilot Testing Phase 1.



- These were tested for phthalates, metals, hexavalent chrome and flame retardants – just some of the chemicals, compounds, and metals from the List of Lists.
- ▶ Second samples of the same three types of furniture supplied by the AHFA in our Testing Phase 2 were tested for VOC's/semi VOC's, namely formaldehyde, benzene, methylene chloride, MIBK, toluene and methanol – just some of the chemicals, compounds, metals from the List of Lists.

Furniture Testing Data – Where & How It Was Used

► Where and how was the data used from the testing that was conducted on the AHFA supplied furniture:

- All of the test data from the various tests conducted were reviewed with the AHFA, AHFA counsel (Sidley Austin), and our toxicology firm (Intrinsic, Inc.).
- This data became the data used in the creation of the workbooks for phthalates, metals, hexavalent chrome, flame retardants and VOC's.
- The information and data shared between the two organizations, AHFA and BIFMA, was used in the creation of the workbook for formaldehyde.



Every Product is Different



- ▶ While the Workbooks provide data, models, useful assumptions and guidelines, "cookie cutter" applications should be avoided.
- ▶ All models work well for some scenarios, and less well for others.
- ▶ We have provided tools which are intended to "work the best for the most likely scenarios" but be mindful of adjustments your products may need.



Questions?



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