

**Californians Against Waste – Center for Environmental Health – Clean Water Action- East
Yard Communities for Environmental Justice – Environmental Working Group - Global
Alliance for Incinerator Alternatives – Safer States – Valley Improvement Projects**

December 19, 2017

Scott Smithline, Director
CalRecycle
1001 I Street - P.O. Box 4025
Sacramento, CA 95812-4025

Re: Eliminating Toxic Chemicals in Carpet to Achieve Higher and Safer Levels of Recycling

Dear Mr. Smithline:

The undersigned organizations are writing to you regarding the findings of the recently released report “Eliminating Toxics in Carpet: Lessons for the Future of Recycling,” authored by Healthy Building Network (HBN). The report (attached hereto) shows that carpet products manufactured in the U.S. contain over 40 toxic substances that threaten public health and the environment and impede recycling. Collectively, the substances identified in the HBN report are known to cause significant health and environmental impacts.

The report lists as key concerns the use of fluorinated substances in stain resistant treatments; triclosan and formaldehyde as antimicrobials; backings containing isocyanates, polyvinyl chloride, phthalates, organotins, coal ash, flame retardants and styrene butadiene; and chemicals in installation adhesives. One of the key points of the report is that the presence of toxic chemicals in carpets impedes closed-loop recycling and magnifies human exposure to toxic chemicals. In light of this report, we are concerned that recently enacted revisions to the Carpet Stewardship Act -AB 1158 (Chu)- that require the carpet industry to more than double the current recycling rate will increase human exposure to chemicals in carpets and may be hard to achieve without re-design of carpet products to eliminate these substances.

We understand that regulating toxic substances is not within the purview of your agency. However, it is CalRecycle’s role to review future carpet stewardship plans and to assess whether they will meet the goals of increased recycling set forth in AB1158. Therefore, we urge CalRecycle to incorporate considerations listed in the HBN report and highlighted below as you conduct the review of stewardship plans to determine whether they set out pathways to ensure the increase of recycling. Here we provide suggestions for ways that CalRecycle can address toxic chemicals in carpet in the stewardship program to further the recycling goal and at the same time provide needed protections for public health, worker safety, and the environment. We offer these recommendations not as demands and prescriptive measures but rather with the intent of starting a dialogue with you and within your department for how to address these problems.

In order to significantly increase recycling, carpet manufacturers will need to change the design of carpet in order to make them more recyclable. To this end, CalRecycle should ensure that the stewardship plans incentivize the design of toxic-free and recyclable carpets via modulated fees, subsidies and grants, so that producers that make non-toxic and recyclable products are rewarded. We believe that the Department should also require stewardship plans to set targets to eliminate toxics and end the use of toxic recycled content due to the potential threat to human health. More specifically, the Department should encourage and support stewardship plans that:

- **Incentivize recyclable materials in carpet.** Currently Nylon 6 and 6.6, PET, polypropylene carpet fibers can all be recycled back into face fiber (technically). Stewardship plans should favor

single polymer carpets (i.e. those with the same face fiber and same backing material) that are more easily recyclable or combining two pure materials that are easily separable and recyclable;

- **Incentivize non-toxic recycled materials.** For example, plans should promote an increase in the use of recycled nylon 6 and nylon 6,6 combined with eliminating fluorinated chemical and other toxic chemical treatments;
- **Incentivize the design of carpets where components are easily separable.** Face fiber should separate easily from the backing. For carpet tiles, stewardship plans should promote polymeric backings that are easily separable;
- **Disincentivize carpet backing materials that are inherently toxic and impede recycling.** For example, plans should discourage polyurethane backings because they are not recyclable (they can't be re-melted) and are often filled with toxic isocyanates and formaldehyde. Similarly, styrene butadiene and other latex backings containing organotins, flame retardants, and fly ash, are not recyclable. PVC carpet backings and phthalate additives should be avoided in order to reduce human exposure to carcinogens and to ensure that dioxins and furans are not released in the event carpet is burned, incinerated, or thermally treated at end of life;
- **Disincentivize the mixing of face fibers.** For example, mixing fibers such as wool and nylon, renders carpet fibers unrecyclable; and
- **Promote the design of broadloom carpets for installation without adhesives.** Adhesive installation renders carpet unrecyclable.
- **Include strong education programs, based on carpet certifications that test for all or most of the chemicals identified in the HBN report.** Certifications and the labels that go with them are the primary tool for communicating to purchasers and retailers about recycled content, recyclability, and the presence or absence of toxic ingredients in carpets. A good education program will work to improve the certifications and labels and educate retailers and consumers about what they mean.

In addition to reviewing stewardship plans to ensure design changes will be implemented that lead to increased recycling, CalRecycle should ensure that carpet waste is recycled safely and responsibly. Therefore, the Department should work with Cal OSHA to ensure that recycling facilities in California are employing best practices for worker safety.

CalRecycle should insist that stewardship programs support technologies to detect toxic substances in legacy carpet waste before it is recycled. Moving forward, increased transparency (i.e. full disclosure of) chemicals in the carpets can facilitate recycling and prevent the reintroduction of toxic chemicals back into carpets through recycling. Effective certification and labeling programs are needed now to help retailers and consumers identify safe and recyclable carpet. Working with DTSC, CalRecycle should provide guidance for certification programs on toxic substances that must be covered and encourage the state procurement program, California Gold, to eliminate a wider range of substances of concern and have the highest recyclability. Procurement policies serve as demand side drivers for manufacturers to produce non-toxic, recyclable carpet as well as increasing demand for safe, recycled products.

Furthermore, we call upon CalRecycle to work with DTSC to ensure that the 44 chemicals listed in the HBN report are considered in the Safer Consumer Products alternatives assessment process. Since that

process is slow and unlikely to result in comprehensive protections, CalRecycle should establish a working group with DTSC and CalOSHA to determine what additional authorities the agencies possess or need in order to ensure that increasing recycling per AB 1158 does not increase worker and general population exposure to the many toxic chemicals currently used in carpet products.

In sum, we respectfully request that CalRecycle do its utmost to ensure that the carpet industry remove toxic constituents from products in the design phase in order to create a much cleaner long-term supply of post-consumer carpet for recycling. We recognize that these issues present significant challenges and that there may be other ways to achieve the goal of reducing toxic chemicals in carpet. We are available to discuss these suggestions and your responses and also offer our support to aid in finding additional solutions to these problems.

Sincerely,

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