

May 2, 2016

Mr. Leroy A. Richardson  
Information Collection Review Office  
Centers for Disease Control and Prevention  
1600 Clifton Road, N.E., MS-D74  
Atlanta, Georgia 30329

Re: Notice with Comment Period: Information Collection Related to Synthetic Turf Fields with Crumb Rubber Infill (Docket No. ATSDR-2016-0002)

The undersigned organizations provide these comments in response to the notice requesting public comment on “Collections Related to Synthetic Turf Fields with Crumb Rubber Infill.” Specifically the notice seeks input on proposed and/or continued information collections that will assist the Agency for Toxic Substances and Disease Registry (“ATSDR”) within the Centers for Disease Control and Prevention (“CDC”) and the Environmental Protection Agency (“EPA”) to “conduct two studies to investigate the chemical composition and use of crumb rubber infill in synthetic turf and the potential for exposure to environmental constituents that may result from contact with crumb rubber infill.” We represent manufacturers, their suppliers and other key stakeholders that would be impacted by the action sought through the information collection request. Our collective members are committed to providing safe products, and we appreciate the opportunity to provide these comments.

Since the industries in which our members belong are much broader than those directly related to the synthetic turf and playground industries, it is vital that the most effective safety regime be based on the highest quality information available, sound science and objective risk assessments. Any effort to respond to possible risks associated with the use of crumb rubber should involve robust analysis that focuses on the actual use in specific products and involves a cooperative engagement with stakeholders.

## **I. Introduction**

The recycled rubber used in synthetic turf and playgrounds is used in a multitude of products throughout the economy, so the research to be conducted could have broad and significant implications. Therefore, although the information collection request does not specifically reference the *Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields* (“Federal Research Action Plan”), the notice does request information intended to implement the plan, including specifically comments on the necessity of the proposed collection and ways to enhance the quality, utility and clarity of the collected information.

These comments express our urging that the agencies conducting research as outlined in the Federal Research Action Plan engage in a comprehensive and thoroughly objective analysis of all available peer-reviewed research concerning crumb rubber and its composition. The agencies must apply sound scientific methodologies to their research, including proper sampling controls. Moreover, the research and analysis should be applied in proper context so that constituents found in recycled rubber and their exposure to users of synthetic turf fields are properly represented (e.g., trace amounts of a chemical compound that pose no potential health hazard should be represented properly). Implementing the suggestions within our comments will help assure that the research is defensible and credible and actually addresses the concerns that prompted it in the first place.

## **II. The Federal Research Action Plan Should Provide Detail on the Planned Actions of the U.S. Consumer Product Safety Commission**

The Federal Research Action Plan provides an overview of the research to be conducted by ATSDR, the EPA and the U.S. Consumer Product Safety Commission (“CPSC”). However in the supporting materials provided by the CDC’s Information Collection Review Office, it is unclear as to what specific action the CPSC will engage and how the CPSC has guided or will influence the activities of and research conducted by ATSDR and the EPA. For example, the supporting statement indicates that ATSDR and the EPA “consulted directly with the White House Council of Environmental Quality and the Consumer Product Safety Council (CPSC) to obtain their views on the public health issue/concern surrounding crumb rubber infill in synthetic turf.”<sup>1</sup> However, there is no discussion in the supporting materials of what those views are and how they will affect the research to be conducted.

Moreover, the supporting statement describes that ATSDR and the EPA will conduct two studies “in collaboration with the CPSC.” This statement implies that the CPSC will be actively engaged throughout the research project for which the information collection request applies. The statement also mentions that the “CPSC has indicated its own plans to conduct a limited study of playground material with recycled tire material,” but asserts that there will be no duplication of efforts because the studies to be conducted by ATSDR and the EPA do not incorporate playground material.<sup>2</sup> However without detailed information on the planned activities of the CPSC, the scope of the CPSC’s research is unclear and there is not sufficient support for the assertion by ATSDR and the EPA that the information collection request avoids unnecessary duplication. The Federal Research Action Plan indicates that the CPSC will “convene discussions with members of the public and organizations with an interest in studying tire crumb” including athletes, parents and coaches; government agencies; and industry representatives. The CPSC will reportedly explore “conducting a survey of parents to get first-hand perspectives on potential exposures from playground surface materials” and will “conduct additional work on the safety of playgrounds.”

We request that the materials supporting the information collection request include additional information on the activities on which the CPSC has engaged and will engage. We also encourage ATSDR, the EPA and the CPSC to provide more detailed information on the CPSC’s planned activities in the Federal Research Action Plan. To our knowledge, the CPSC has not issued publicly any detailed information on its activities. Therefore, it is difficult for the public to ascertain that the three agencies are indeed avoiding unnecessary duplication or requesting information that is necessary for determining the health effects of crumb rubber in playing fields and other environments.

## **III. The Agencies Must Objectively Analyze All Available Peer-Reviewed Research**

Similar to our concerns over the lack of transparency on the activities of federal agencies like the CPSC, the agencies conducting research must engage in a comprehensive and thoroughly objective analysis of all available peer-reviewed research concerning crumb rubber and its composition, including studies on exposure. There has been much research on the issue, and it is vital that the agencies avoid selection bias when determining key knowledge gaps, which is one of the specific objectives indicated in the Federal Research Action Plan. To avoid unnecessary duplication, the agencies must properly consider all available peer-reviewed

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<sup>1</sup> See “Supporting Statement Part B—Collection.”

<sup>2</sup> *Ibid.*

research so that the findings developed through the current project are thorough, objective and a true representation of the potential risks associated with crumb rubber exposure.

#### **IV. Researchers Must Incorporate Proper Scientific Controls and Other Sound Scientific Methodologies in the Sampling of Recycled Rubber**

We have concerns that proper scientific controls (e.g., sampling from grass fields and other areas surrounding synthetic turf fields) have not been contemplated by the agencies as they embark on this research. Without parallel sampling from soil and air near synthetic turf fields, the researchers would compromise the reliability of their findings. Scientific controls not only provide a reference point for the sample results that are the focus of the research, they also provide context. For example, a chemical compound found in crumb rubber may be found naturally in the surrounding soil. Without this information, researchers could draw incorrect assumptions that would bias their results. In fact, the failure to provide information on surrounding areas could actually misinform the public if the agencies only report on the recycled rubber used in synthetic turf fields or playgrounds.

Furthermore, the analytical test methodologies and other processes used by the researchers should be in accordance with accepted guidelines and/or protocols as established by federal guidelines, international standards and/or voluntary consensus standards. The agencies should not rely on published research projects that were not reproducible or properly vetted. It is vital that the researchers employ sound scientific methodologies.

#### **V. Researchers Must Report Findings in Proper Context**

Importantly, the identification of chemical compounds in recycled rubber must include context, which should include a baseline below which the presence of those constituents has already been determined to present no known health hazards. Simply reporting the presence of chemical compounds without regard to whether the levels found present any cause for concern, including the bioavailability of those chemicals, ignores sound science and would needlessly misinform the users of the facilities. At the very least, if the presence of chemicals found at low levels is reported, the agencies must provide context to that report by noting (if so) that the chemical compounds are present only at levels below that at which there is any health concern.

#### **VI. Agencies Must Establish a Scientific Review Panel**

To improve coordination among the federal agencies conducting research and the state-led research that has been and will be conducted, we strongly urge the agencies to establish a scientific review panel to oversee the project. This panel should be comprised of subject matter experts from industry, academia and the research community and would help minimize any duplication of efforts by the agencies. Importantly, the scientific review panel should provide comments on agencies' efforts. Finally, the panel should ensure that all research activity conducted by the agencies is thorough and objective and that the agencies comply with all applicable laws, regulations and guidance for scientific research.

#### **VII. Conclusion**

As ATSDR, the EPA and the CPSC move forward in implementing the Federal Research Action Plan, we encourage the agencies to employ sound scientific principles, including a thorough and objective analysis of all available peer-reviewed research. The researchers also

must incorporate proper scientific controls and provide proper context for their findings. Finally, we strongly urge the agencies to commit to conducting their research in an open and transparent manner in accordance with Office of Management and Budget and agency-specific guidelines for information quality and peer review. The agencies must place the highest priority on ensuring that information, data and methodologies are sound and subject to public review and input. Thank you for your time and consideration.

Sincerely,

American Chemistry Council  
Halloween Industry Association  
Institute of Scrap Recycling Industries, Inc.  
Juvenile Products Manufacturers Association  
National Association of Manufacturers  
National Retail Federation  
Retail Leaders Industry Association