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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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DAVID SCHWERT, STAFF DIRECTOR
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November 4, 2015

The Honorable Elliot F. Kaye
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, M.D. 20814

Dear Chairman Kaye:

With thousands of fields and playgrounds across the country now made or infilled with crumb rubber from scrap tires, and absent conclusive information regarding the safety of these kinds of surfaces, we write to urge the Consumer Product Safety Commission (CPSC) to devote additional resources to conclusively determine whether these products can be safely played on by young children and people of all ages.

Even though crumb rubber sport and play surfaces are widely played on, little is known about their risks to health and safety – especially to vulnerable populations, like toddlers with frequent hand-to-mouth actions, and to participants with especially high exposure, such as soccer goalies, who come in frequent contact with the rubber infill on synthetic turfs. According to the most recent counts by University of Washington soccer coach Amy Griffin, who has been tracking cancer incidences involving athletes who have played for a number of years on synthetic turf with crumb rubber infill, there are now 153 such cancer cases. Of these, 124 are soccer players and 85 of them played goalie.¹

To date, studies on the health effects from exposure to crumb rubber have only been partial assessments or did not accurately reflect realistic playing conditions. A recent study conducted at Yale University found that the rubber used in synthetic turf and rubber mulch contained 96 chemicals. There were no toxicity assessments for a little under half of those chemicals and, of those with toxicity assessments, 20 percent were probable carcinogens. Communities and parents deserve to know whether these chemicals may have synergistic effects and are present in levels that pose a health risk, even under intense playing conditions.

In your September press statement on crumb rubber, you stated that the CPSC intended to provide technical assistance for California's Office of Environmental Health Hazard

¹ www.prnewswire.com/news-releases/the-cancer-list-keeps-growing-among-athletes-on-synthetic-turf-300099336.html

Assessment's comprehensive evaluation of crumb rubber.² As you may know, this study is commissioned by CalRecycle, which is the state agency responsible for promoting tire recycling and may have a special interest in finding beneficial reuse applications for scrap tires.

CPSC should lead the independent federal investigation on this important matter. States and localities already depend on the CPSC for guidelines for playground safety. Many states have adopted into law all or parts of the CPSC's Public Playground Safety Handbook, which currently identifies rubber mulch as "appropriate surfacing" for playgrounds.³ Furthermore, CPSC has also issued guidance – based on a limited 2008 staff evaluation – that synthetic athletic fields are "OK to Install, OK to Play On."⁴ In 2013, the CPSC amended that guidance to note that the staff evaluation was "subject to specified limitations including sample size" and that the "exposure assessment did not include chemicals or other toxic materials, beyond lead."⁵ While we recognize this assessment was conducted under other leadership, the same mistakes should not be repeated in any analysis of crumb rubber safety. The CPSC has an obligation to make sure its recommendations do not put children's health at risk.

Therefore, we request that you lead an independent investigation into the health risks of crumb rubber surfaces. As part of this investigation, we also respectfully request that your epidemiology team coordinate with the Centers for Disease Control's Agency for Toxic Substances and Disease Registry and any other relevant public health agencies to keep track of cancer incidences related to playing on crumb rubber surfaces. This information is necessary to confirm or disprove the existence of a cancer cluster.

Understanding that the CPSC intends to provide technical assistance for California's study and that this is the only comprehensive study currently planned, we also respectfully request you answer the following questions:

1. Much attention has been focused on crumb rubber used in synthetic turfs, but this product is also widely used on playgrounds intended for play by very young children. How will the CPSC ensure that the California study also assesses health risks associated with crumb rubber used on playgrounds?
2. Does CPSC staff believe that crumb rubber or synthetic turf products marketed primarily towards primary schools should comply with the lead limits applicable to children's products under section 101 of the Consumer Product Safety Improvement Act of 2008?

² www.cpsc.gov/en/Newsroom/Press-Statements/Press-Statement-from-Chairman-Elliot-F-Kaye-Regarding-Crumb-Rubber/

³ www.nra.org/Blog/Why-Crumb-Rubber-is-in-the-News/; www.cpsc.gov/PageFiles/122149/325.pdf

⁴ www.cpsc.gov/en/newsroom/news-releases/2008/cpsc-staff-finds-synthetic-turf-fields-ok-to-install-ok-to-play-on/

⁵ [www.cpsc.gov/global/research-and-statistics/information%20quality%20request%20for%20comments/information%20quality%20act%20request%20\(iq%2013-1\)%20for%20correction%20from%20peer%20and%20cpsc%20responses%20and%20denials.pdf](http://www.cpsc.gov/global/research-and-statistics/information%20quality%20request%20for%20comments/information%20quality%20act%20request%20(iq%2013-1)%20for%20correction%20from%20peer%20and%20cpsc%20responses%20and%20denials.pdf)

3. How will the CPSC ensure that risks to the most vulnerable populations, including toddlers and athletes who play frequently and intensely, are assessed in this study?
4. Since the makeup of crumb rubber varies widely from one batch to another, and since tire ingredients can be proprietary, how can the CPSC ensure that this study examines truly representative samples?
5. How will the CPSC ensure that all potential exposure pathways (dermal, oral, and inhalation) are being evaluated?
6. What steps will be made to guarantee that conclusions from the California study can be generalized for any scrap tire crumb rubber products and playing conditions nationwide?

Finally, in the absence of conclusive information regarding health risks, and since the California study is expected to take three years to complete, the CPSC should provide the public with interim guidelines regarding how individuals can reduce their exposure to the potential hazards of crumb rubber. For example, before voluntary standards were instituted to prevent the use of lead in artificial turf products, the Centers for Disease Control recommended field managers post signs outlining specific precautions individuals can take to minimize their exposure risks.⁶ Please inform us when you expect to be able to disseminate such information to the public.

Thank you for your attention to this important matter affecting so many communities across the country. We respectfully request you provide a response to this letter by November 30, 2015.

Sincerely,



Bill Nelson
Ranking Member



Richard Blumenthal
Ranking Member, Subcommittee on
Consumer Protection, Product Safety,
Insurance, and Data Security

⁶ www.consumerreports.org/cro/news/2008/06/the-cdc-issues-a-public-health-alert-on-lead-in-artificial-turf/index.htm