

October 15, 2024

The Honorable Michal Freedhoff
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Re: Update to EPA's Recommendations of Specifications, Standards and Ecolabels for Federal Purchasing; Notice of Availability and Request for Comment, EPA-HQ-OPPT-2022-0835; FRL-10293-02-OCSP

Dear Dr. Freedhoff:

The U.S. Chamber of Commerce and our coalition of companies, trade associations, and other stakeholders is pleased to provide feedback regarding EPA's updated Recommendations of Specifications, Standards and Ecolabels for Federal Purchasing of health care, laboratories, uniforms and clothing, foodservice ware, and professional services.

The following are ecolabeling implementation recommendations for your consideration:

- Facilitate the provision of transparent, commonsense, relevant, and easy-to-understand information to help buyers make purchasing decisions. EPA should open a comment period for any updates to the Framework for the Assessment of Environmental Performance Standards and Ecolabels for Federal Purchasing itself to truly allow for multi-stakeholder engagement and public comment opportunities.
- Offer more flexibility in the kind of information and approach for how companies can implement ecolabeling recommendations. Flexibility is particularly important to help reduce burdens for small businesses who would be affected directly or indirectly as suppliers.
- Ensure EPA coordinates with interagency partners, including with the Federal Trade Commission on the Green Guides. While the intentions of this policy action may be good, overlapping and redundant policies or worse conflicting policies add costs and unnecessary burdens on businesses.
- Avoid duplication, such as the existing Food and Drug Administration (FDA) jurisdiction over medical devices and health care products, already requiring disclosure and regulatory approvals. More interagency coordination is needed to avoid duplicative or potentially conflicting efforts and more information sharing amongst federal agencies.
- Utilize consensus certifications with broad approvals and participation:

- For instance, the GreenScreen certification is difficult for medical devices and supplies to obtain, as evidenced by the fact that currently only one product in the medical category has received a GreenScreen certification – a basin made of a single material that received Bronze+ certification. The GreenScreen certification process also requires submitting a detailed, comprehensive list of chemicals and their functions down to at least 100ppm, including additives and impurities. Manufacturers and suppliers have contracting, trade secret, and IP considerations. It is important to note that the GreenScreen definition of PFAS is very broad and covers fluoropolymers, whereas the EPA does not regulate all PFAS the same way. This proposal would be a departure from the EPA’s history of not treating all PFAS the same and could lead to confusion.
 - Broadly, the inclusion of the GreenScreen, GreanHealth, Green Lab, and Act Ecolab standards is duplicate, as the FDA has established standards for medical devices and supplies with which industry must comply. Laboratory equipment and supplies already must meet strict specifications, especially for the pharmaceutical industry.
 - These proposed ecolabeling standards focus on red listing broad groupings of chemistries without considering the application of the products, the potential or expected levels of exposure, and the hazards and risks of the chemical substances themselves.
- Include recommendations for information regarding the essential uses of product inputs in key sectors, such as fluorochemistries of lower concern.

While more information can often be helpful for federal buyers, the efficiency and cost effectiveness of the federal procurement process should take priority, consistent with applicable legal requirements and constraints. We raised similar concerns in our comments¹ regarding greenhouse gas emissions disclosures related to federal procurement and believe the market must dictate the best solutions.

Finally, we support the sound and reasonable rationales in the proposal for removing specific sectors and products from the recommendations.

Sincerely,

AdvaMed
American Chemistry Council
National Council of Textile Organizations
Plastics Industry Association
TRSA– The Linen, Uniform and Facility Services Association
U.S. Chamber of Commerce

¹ U.S. Chamber of Commerce comments on FAR Case 2021-015, Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk Proposed Rule; 87 Fed. Reg. 68312-68334, November 14, 2022, <https://www.regulations.gov/comment/FAR-2021-0015-0254>.