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VIA E-MAIL AND CERTIFIED MAIL

Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street NW, Suite 240  
Washington, D.C. 20036

Re: Appeal Seeking Correction of Information on Synthetic Turf under the  
Information Quality Act

Dear Mr. Ruch:

This letter responds to your appeal under the Information Quality Act (IQA) and the Consumer Product Safety Commission's (CPSC) Information Quality Guidelines (Guidelines) of the CPSC staff's decision to deny your request to remove information on synthetic turf playing fields posted on the CPSC website. By letter dated March 21, 2013 (March 21 Letter), Public Employees for Environmental Responsibility (PEER) requested that CPSC "rescind and correct its online and printed information declaring artificial turf to be 'OK to install, OK to play on,'" and take other actions under the IQA and the Guidelines. March 21 Letter at 12. By letter dated May 31, 2013, the Assistant Executive Director of CPSC's Office of Hazard Identification and Reduction denied your request, indicating that the challenged information was an appropriate and limited study, the results of which have not, to staff's knowledge, been called into question.

According to your June 28, 2013 letter of Appeal (Appeal), the CPSC's staff's July 2008 Analysis and Assessment of Synthetic Turf Grass Blades and accompanying press release (the 2008 information) do not satisfy the Guidelines' standards for objectivity because they "did 1) not use reliable data sources; 2) not use sound analytic techniques; 3) not have a clear policy for correcting the errors in the study as they stood or in light of new reliable data from elsewhere; and (4) the challenged press materials . . . were not supported by the admittedly limited study conducted by CPSC staff." Appeal at 2.

For these reasons, you seek corrective action under the Guidelines, requesting that CPSC:

- a) Remove all materials from the [CPSC] website (including the 2008 Report, the Press Release, and the accompanying video), particularly the reassurance that fields are “OK to install, OK to play on”;
- b) Disseminate warnings regarding the unknown risks of lead exposure from artificial turf, as well as exposure to other chemicals and contaminants; and
- c) Commission an independent study that tests a large sample of older and newer fields, indoor and outdoor fields, all parts of the field, different exposure pathways, and different contaminants.

Appeal at 9.

I have reviewed the 2008 information, your original request for correction, the May 31, 2013 denial letter, and your Appeal letter and conclude for the reasons set forth more fully below that your Appeal does not demonstrate that the 2008 information fails to satisfy the standards for objectivity of information under the Guidelines or the IQA. Moreover, I sustain the denial of the requested relief because you seek a range of administrative actions, including removal of information, not provided for in either the IQA or the Guidelines. However, because the Guidelines advise that information may be revised to reflect corrections, I am granting your request in part through the addition of an explanatory note that will be added to the press release posted on the CPSC website, calling readers’ attention to the limitations set forth in the evaluation. Accordingly, I decline to remove the press release (and accompanying video and evaluation), issue warnings, or commit to an additional study, but have directed staff to revise the press release to include the explanatory note described below.

Your appeal raised a number of issues which, consistent with the application of the Guidelines and IQA, I address below.

Reliable Data Sources: PEER states that staff used “unreliable data sources” in evaluating synthetic turf. Appeal at 2-4. However, the Appeal does not cite any scientific studies to support this assertion, speculating instead on how the study might have been conducted differently. For example, PEER suggests, without reference to any scientific authority, that “the differences in the type of field based upon the different data produced are potentially significant.” Appeal at 2. Similarly, PEER alleges that CPSC’s data samples were unrepresentative, but concedes that “there is no way to tell if CPSC samples are representative of the synthetic turf products available.” *Id.* at 3. The fact that PEER desires an expanded or different type of study is of no consequence under the Guidelines and does nothing to call into question the reliability of the data sources used.<sup>1</sup>

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<sup>1</sup> Nor do any of the studies cited in the March 21 Letter provide any scientific basis to challenge the objectivity of the July 2008 staff evaluation and press release. See CDC RESPONSE TO ADVISORY COMMITTEE ON CHILDHOOD LEAD POISONING PREVENTION RECOMMENDATIONS IN “LOW LEVEL LEAD EXPOSURE HARMS CHILDREN: A RENEWED CALL OF PRIMARY PREVENTION,” available at [http://www.cdc.gov/nceh/lead/ACCLPP/CDC\\_Response\\_Lead\\_Exposure\\_Recs.pdf](http://www.cdc.gov/nceh/lead/ACCLPP/CDC_Response_Lead_Exposure_Recs.pdf) (June 7, 2012) (cited in March 21 Letter at 3 n.10-11) (not mentioning or addressing synthetic turf); Van Ulirsch & Gleason, et al., *Evaluating and Regulating Lead in Synthetic Turf*, 118 ENVTL. HEALTH PERSPECTIVES 1345 (Oct. 2010) (cited in March 21 Letter at 3 n.12, 6 n.34, 8 n.45, and 11 n.64-66) (concluding that “to date, no study has linked turf exposures to elevated childhood blood lead levels” and describing the 2008 CPSC staff evaluation without criticizing staff’s methodology or conclusions); *The Use of Recycled Tire Materials on Playgrounds & Artificial Turf Fields*, Environmental

Analytic Techniques: PEER does not criticize the analytic techniques CPSC staff used in the 2008 study, but rather describes ways in which PEER wishes that the scope of the 2008 study had been different. Appeal at 4-6. As described in the staff evaluation, staff's analytic techniques involved dissolving synthetic grass blades in nitric acid using a microwave digestion, and then analyzing for lead content using inductively coupled plasma atomic emission spectroscopy. Staff also tested for lead by attaching a Ghost Wipe™ to a 1.1 kg weighted disc, 8 cm in diameter, dragging the disc down a 50-cm length of turf sample ten times, and then analyzing for lead.

PEER does not allege that either of these techniques is analytically unsound. Instead, PEER again criticizes the limited scope of the analysis, questioning the CPSC's failure to examine tire crumb and substances other than lead. Although PEER clearly seeks an expansion of the type of products and substances warranting further study, that request does not support allegations that CPSC's assessment, which we acknowledge was limited, did not use sound analytic techniques. Nothing in the IQA or the Guidelines prohibits scientific studies, such as the one at issue here, from having limited boundaries.

Incorporation of Data Developed After 2008: PEER also states that CPSC has ignored the "best available and latest science," Appeal at 6, but cites no study that contradicts the findings of the 2008 staff assessment. *See supra* n.1. Even if PEER had provided updated information, neither the IQA nor the Guidelines requires CPSC to revise its evaluation and press release in response to such information. For example, PEER cites the New Jersey Department of Environmental Protection, Appeal at 6-7, which concluded that "it is not possible to draw broad

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Protection Agency (Dec. 3, 2009), available at [http://www.epa.gov/nerl/features/tire\\_crumbs.html](http://www.epa.gov/nerl/features/tire_crumbs.html) (cited in March 21 Letter at 3 n.14 and 7 n.37) ("On average, the concentrations of components monitored in this study were below levels of concern"); DAVID R. BROWN, ENVIRONMENT AND HUMAN HEALTH, INC., ARTIFICIAL TURF 15 (2007) (cited in March 21 Letter at 3 n.14 and 10 n.60-63) ("none of the studies is sufficiently robust to be used in a public health safety evaluation"); MONTGOMERY COUNTY SCHOOLS ET AL., A REVIEW OF THE BENEFITS AND ISSUES ASSOCIATED WITH NATURAL GRASS AND ARTIFICIAL TURF RECTANGULAR STADIUM FIELDS 35-45 (Sept. 14, 2011), available at [http://www.montgomeryschoolsmd.org/departments/construction/studies/Docs/AT\\_Report\\_Final.pdf](http://www.montgomeryschoolsmd.org/departments/construction/studies/Docs/AT_Report_Final.pdf) (cited in March 21 Letter at 5 n.23-24) (primarily evaluating economics of synthetic turf installation, and citing multiple studies finding no conclusive evidence of lead or chemical hazards associated with synthetic turf); STUART L. SHALAT, FINAL REPORT: AN EVALUATION OF POTENTIAL EXPOSURES TO LEAD AND OTHER METALS AS THE RESULT OF AEROSOLIZED PARTICULATE MATTER FROM ARTIFICIAL TURF PLAYING FIELDS 9 (July 14, 2011), available at <http://www.nj.gov/dep/dsr/publications/artificial-turf-report.pdf> (cited in March 21 Letter at 7 n.38-29, 8 n.40 and 42, and Appeal at 6-7) (hereafter "New Jersey Study") ("it is not possible to draw broad conclusions from this limited sample of fields"); *Artificial-turf playing fields: Contents of metals, PAHs, PCBs, PCDDs and PDCFs, inhalation exposure to PAHs and related risk assessment*, 409 SCI. OF THE TOTAL ENV'T 4950, 4957 (Sept. 9, 2011) (cited in March 21 Letter at 9 n.50) ("using a conservative approach, we calculated an excess lifetime cancer risk of  $1 \times 10^{-6}$  for an athlete with an intense 30-year activity. Indeed, the corresponding risk tends to be even less relevant for discontinuous or amateur users"); MARYJANE INCORVIA MATTINA ET AL., EXAMINATION OF CRUMB RUBBER PRODUCED FROM RECYCLED TIRES, available at [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC4QFjAA&url=http%3A%2F%2Fwww.ct.gov%2Fcaes%2Flib%2Fcaes%2Fdocuments%2Fpublications%2Ffact\\_sheets%2Fexaminationofcrumbrubberac005.pdf&ei=D7sbUovLFJG84APiwIH4Cw&usq=AFQjCNExBPDC1KxWMxrgcxKdkmeoNmNW6w&sig2=v2qiwis-pCFGsIwDsTzh2w](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC4QFjAA&url=http%3A%2F%2Fwww.ct.gov%2Fcaes%2Flib%2Fcaes%2Fdocuments%2Fpublications%2Ffact_sheets%2Fexaminationofcrumbrubberac005.pdf&ei=D7sbUovLFJG84APiwIH4Cw&usq=AFQjCNExBPDC1KxWMxrgcxKdkmeoNmNW6w&sig2=v2qiwis-pCFGsIwDsTzh2w) (August 2007) (cited in March 21 Letter at 10 n.59) (analyzing crumb rubber but not studying potential human exposure levels for any substance). *See also* March 21 Letter at 9 n.53-58 (referencing various studies that do not address or discuss synthetic turf).

conclusions from this limited sample of fields,” New Jersey Study at 9, as relevant new information. Although the Guidelines give the CPSC discretion to update studies when more complete information becomes available, there is no such requirement to do so especially where, as here, the new information is inconclusive.

2008 Press Release and 2008 Staff Evaluation and Assessment: PEER states “the press release reporting on this limited study used an unjustified sweeping conclusion in its headline.” Appeal at 8. I note, however, that the text of the press release made clear that the staff evaluation was limited to lead and provided a link to the evaluation which described in detail additional limitations of the evaluation.<sup>2</sup> See release at paragraphs 1 and 3 (“The evaluation concludes that young children are not at risk from exposure to lead in these fields. . . Staff recognizes that some conditions such as age, weathering, exposure to sunlight, and wear and tear might change the amount of lead that could be released from the turf”).

Nevertheless, under the Guidelines, I am granting your request for correction to address your concerns about the headline and possible misimpression conveyed given the limited scope and context of the staff evaluation. An explanatory note will be added to the press release calling readers’ attention to the limitations set forth in the evaluation and upon which the press release was based. The note states:

**Note: CPSC staff advises consumers to read and interpret the following press release carefully. The press release announces that CPSC staff evaluated certain samples from synthetic athletic fields in 2008, and determined at that time that young children were not at risk from lead exposure on synthetic fields. As noted in the linked evaluation, staff’s assessment was subject to specified limitations including sample size. The exposure assessment did not include chemicals or other toxic metals, beyond lead. CPSC staff continues to recommend that children wash their hands after playing outside, including after using synthetic athletic fields.**

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<sup>2</sup> The evaluation states:

*Study Limitations.*

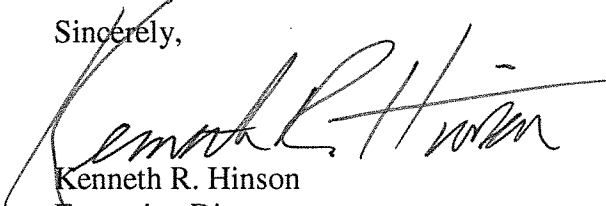
This assessment is subject to a number of limitations including the accuracy of the wipe sampling method for estimating exposure to lead-containing residue from touching or other contact with the synthetic turf surface; the accuracy of the assumptions about the capacity of bare skin to collect surface residues during a typical play event at a field; and the accuracy of the assumptions related to hand-to-mouth transfer of lead-containing residues. Further, the staff did not make adjustments in its assessment to account for the non-uniformity of lead content of synthetic turf fields; *i.e.*, some fields had striped areas that contained lead that constitute only a small part of the total playing surface of the field that otherwise had no detectable lead levels. Children playing on such fields might have some contact with the lead-containing striped areas, but most of their contact with the surface would be expected to be with the other parts of the turf (not lead-containing). Finally, the bioavailability of lead from synthetic turf may not be the same as it is for the food and drink exposures that were the basis of the dose-response assessment used to determine the staff’s recommended 15 mg/day exposure limit for lead.”

Evaluation at 3.

The addition of this note will further clarify the scope of the press release announcing the July 2008 staff analysis and assessment and the stated limitations.

Because the 2008 analysis and assessment described the assessment's limited scope, used best data sources available at the time, relied upon valid analytic techniques, and remains valid today, your appeal is denied with respect to your request to remove information, disseminate warnings, and commission an independent study, but is granted with respect to the addition of an explanatory note to the 2008 press release.

Sincerely,



Kenneth R. Hinson  
Executive Director