



Product Identification & Prioritization White Paper

April 2011

The mandate of AB 1879 is to identify those chemicals present in consumer products which may pose a threat to human health and the environment and thus warrant additional regulation. The Legislature concluded that a meaningful prioritization was necessary to achieve this objective to "address the worst first." Consistent with Legislative intent and the statute, GCA is firm in its belief that the prioritization and evaluation process must be based on **exposure** as well as hazard, and must avoid duplication and conflicting regulatory requirements.

Upon identifying chemicals as chemicals of concern, the department may immediately begin to evaluate consumer products containing these chemicals, taking into consideration data from various authoritative bodies and industry trade associations or consortia. GCA once again emphasizes the fundamental importance of a process to select priority products to undergo the alternatives assessment. Since exposure and risk vary depending on the product, and on how and by whom that product is used, the prioritization process should focus on evaluations of **reasonable and foreseeable** consumer exposure (especially for products targeted toward sensitive populations) rather than solely on the properties of the individual chemicals in the consumer product.

GCA is firm in its insistence that exposure be an **upfront** consideration in the prioritization process.

Additionally, the statute under SB 509 (Simitian, 2008) clearly indicates that DTSC is not permitted to "supersede the regulatory authority of any other department or agency" nor may it "duplicate or adopt conflicting regulations for product categories already regulated or subject to pending regulation." It is essential that any applicability of the Safer Alternatives regulation not conflict with, impede or frustrate other regulatory schemes or systems by which products are currently reviewed.

GCA has consistently advocated that the regulations should only apply to intentionally added ingredients that serve a functional purpose at or above 0.1%, consistent with other state, federal and international systems by which manufacturers are currently regulated. The European Classification, Labeling and Packaging (CLP) directive applies. As a further refinement, for some chemicals a lower or higher concentration may be identified by authorities on a case-by-case risk assessment, not unlike the approach to develop pursuant to Proposition 65 chemical specific exposure thresholds associated with "no significant risk levels" (NSRL).

If DTSC fails to implement a science-based approach to screening out products with low likelihood of harm, the program will surely collapse under its own weight.

***For additional information, please contact GCA's co-chairs
John Ulrich at (916) 989-9692 or Dawn Koepke at (916) 930-1993. Thank you!***