

Strengthening Consumer Protection Laws in California - Questions and Answers -

QUESTION 1: How big should the regulated universe be? All consumer products or only those that contain chemicals of concern?	
Todd Wirdzek buczekm@aol.com	Nationwide rather than state by state. Only chemicals of concern.
Ken Forbes	The regulated universe for consumer product regulation in this Green Chemistry initiative with the California DTSC should be only for those products that contain chemicals of concern. Other products can be regulated if additional chemicals of concern are added to the existing list or if other products are suspected of containing existing chemicals of concern. It is only reasonable to start this project with a limited scope because all consumer products do not need regulating of chemical content. Therefore in this instance, as with most regulation in general, a limited approach by government from the beginning makes the most sense. It is extremely difficult to reduce government reach once sweeping authority is granted. Such authority is not necessary here and would add excessive cost and unwarranted size to the proposed program.
Bob Davenport	Anything that will limit the potentially negative economic impact would be welcome. Therefore, I think that limiting the scope is good, but the problem then remains of identifying what will be examined - or from the perspective of the manufacturer/user, whose ox is gored.
Maria Peeler	All consumer products should be regulated, and the criteria should include characteristics of the materials, so nanomaterials are included under the context of reactivity and other characteristics which you do not match that of the same chemicals(s) in the bulk.
Cayce Warf	Prioritize chemicals of concern by (risk x exposure) criterion
Marilyn Johnson	Due to the changing nature of information and products, there should be a base level of requirement for all products, and a tiered approach as the level of concern increases. Innovation towards more benign design should be rewarded, and provided incentives. Less regulation for more benign products and increased regulation for more problematic chemicals. This will drive innovation and the market will begin to prefer benign.
Carol Massey	Only those that contain chemicals of concern.
Question 2: What attributes would make the current system more effective? Please provide your perspective on: <ul style="list-style-type: none"> - Increased consumer awareness of existing laws? - Enhanced enforcement authority? - Improved coordination among existing consumer protection agencies? 	
Todd Wirdzek buczekm@aol.com	Yes. Yes. Yes.
Ken Forbes	Accountability by the importer of record AND the retailer, either or both can be fined as appropriate

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Bob Davenport	This should help. After all, people are not dropping down dead left and right currently, but education should be education and not propaganda or alarming data that people might take out of context and be overly concerned about. Begs the questions; why is it not enforced now? And if it is not enforced now, how will additional regulations serve to diminish that situation. If the coordination does not call for a third agency to oversee the two, yes. But this should lead to streamlining rather than bureaucracy bloating.
Maria Peeler	Increased consumer awareness of existing laws? Marginally effective or none. Enhanced enforcement authority? Potentially larger effectiveness. Improved coordination among existing consumer protection agencies? Potentially larger effectiveness, but in reality all three are needed. All require, first and foremost complete product LCA data
Cayce Warf	Make sure that what is on the books now is working adequately, before multiplication of more laws/regulations/bureaucracy
Marilyn Johnson	Increased consumer awareness of existing laws? It is not consumer awareness regarding the laws - it is consumer awareness around what is in products. Focus on the market drivers. Enhanced enforcement authority? For more problematic chemicals and products enforcement is necessary to give any law 'teeth'. If there is a law, there should be adequate resources to ensure it is followed. Market incentives are preferable. Improved coordination among existing consumer protection agencies? Yes. Again, it is education and options for consumers to allow them to market select preferable products.
Carol Massey	Increased consumer awareness of existing laws? Yes, definitely Enhanced enforcement authority? Not sure. Improved coordination among existing consumer protection agencies? Yes!
<p>QUESTION 3: If we were to develop a new regulatory model, what would it consist of?</p> <p>How to target Education and Outreach for:</p> <ul style="list-style-type: none"> - Consumer? - Industry? <p>What kind of Enforcement Tools?</p> <p>Should the Framework be flexible to add additional:</p> <ul style="list-style-type: none"> - Products? - Standards for hazardous products in commerce? - Specific regulatory thresholds for each product? - Have a single consumer product compliance and enforcement agency? 	
Todd Wirdzek	Any new regulatory model would need to replace existing agencies, rather than be in addition to. Handouts/literature at point-of-sale. Through industry-specific associations, affiliations, and groups. No answer regarding enforcement Yes. Yes. Yes. Yes.

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buczekm@aol.com	<p>A great need for usable information about toxics. Restricting chemicals is very difficult and subject numerous scientific and legal challenges. If the information on chemicals of concern and alternatives can be presented to consumer in the products for which the consumer recognizes, I expect they will drive the market.</p>
<p>Ken Forbes</p>	
<p>Bob Davenport</p>	<p>Only limited due to the ability of the consumer to process such information; Yes, let industry have reasonable guidelines and let them come up with the solution; Appropriately set ones. Ones that allow for remediation without economic dislocation; This is vague. You mean new chemicals that come into use into consumer products? If so, then yes. But some arenas of use should probably not be as subject to regulation as others - this being a factor of public exposure; Set a reasonable one and stick with it unless it's totally erroneous to start (and that should be very exceptional if this process is done in a reasonable way to start with); Maybe; See above on creating bureaucracies.</p>
<p>Maria Peeler</p>	<p>How to target Education and Outreach for:</p> <ul style="list-style-type: none"> - Consumer? yes - Industry? yes <p>What kind of Enforcement Tools? product bans and, if necessary, chemical bans with penalties of registration as business, etc. for repeated offenses. This would include sale and purchase.</p> <p>Should the Framework be flexible to add additional:</p> <ul style="list-style-type: none"> - Products? yes - Standards for hazardous products in commerce? yes - Specific regulatory thresholds for each product? yes - Have a single consumer product compliance and enforcement agency? yes
<p>Cayce Warf</p>	<p>What kind of Enforcement Tools? Incentives for early responders/leaders in the market. Marketing recognition might be a significant 'carrot'. Let consumers 'vote' with their wallets/purses.</p> <p>Should the Framework be flexible to add additional:</p> <ul style="list-style-type: none"> - Products? Important that we do not stifle innovation through increases in product development costs, thereby depriving consumers more efficacious, lower-cost alternatives. - Standards for hazardous products in commerce? We have watchdogs in place for shipment, labeling, etc. Ensure that they have the resources to do their job adequately. - Specific regulatory thresholds for each product? A multiplicity of laws/regulations will be burdensome to manufacturers/distributors; will likely contribute to sensory overload to the consumers (thereby lowering his/her attention to specific products with higher risk). Many consumers do not read the product labels now provided. - Have a single consumer product compliance and enforcement agency? At first blush, sounds good. However, human safety is of a different ilk than carbon footprint or global warming or even environmental fate.

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Marilyn Johnson	<p>How to target Education and Outreach for:</p> <ul style="list-style-type: none"> - Consumer? Where consumers shop - in stores and online. - Industry? About the laws, and incentives towards innovation. <p>What kind of Enforcement Tools? Restrict market access, and include education to the public about companies and product facts.</p> <p>Should the Framework be flexible to add additional:</p> <ul style="list-style-type: none"> - Products? Yes absolutely. - Standards for hazardous products in commerce? Yes, absolutely. - Specific regulatory thresholds for each product? Everything should be relative and with incentive and drivers to continually improve. Thresholds set today can be outdated tomorrow, and changing the laws are onerous and resource depleting. A more 'active' or 'alive' system should be used in today's dynamic world. <p>- Have a single consumer product compliance and enforcement agency? If that makes sense and is necessary.</p>
Carol Massey	<p>How to target Education and Outreach for:</p> <ul style="list-style-type: none"> - Consumer? Yes - Industry? Yes <p>What kind of Enforcement Tools? Fines.</p> <p>Should the Framework be flexible to add additional:</p> <ul style="list-style-type: none"> - Products? Yes - Standards for hazardous products in commerce? Yes. - Specific regulatory thresholds for each product? Yes. <p>Have a single consumer product compliance and enforcement agency? Yes.</p>