



SAFER CONSUMER PRODUCTS

Safer Consumer Products Regulations Presentation to the Green Ribbon Science Panel

August 1, 2016

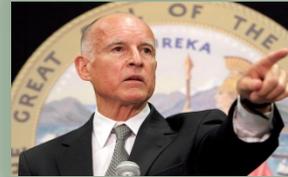
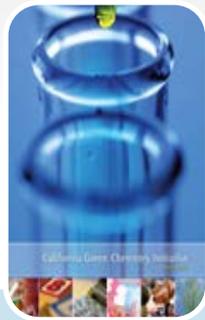


Department of Toxic Substances Control



Cal/EPA

2007-2016: California's Approach



Green
Chemistry
Report

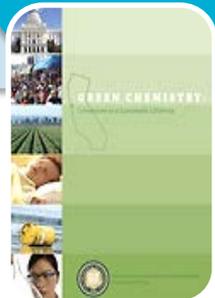
2008
Statutory
Authority

2010
Draft
Regulations

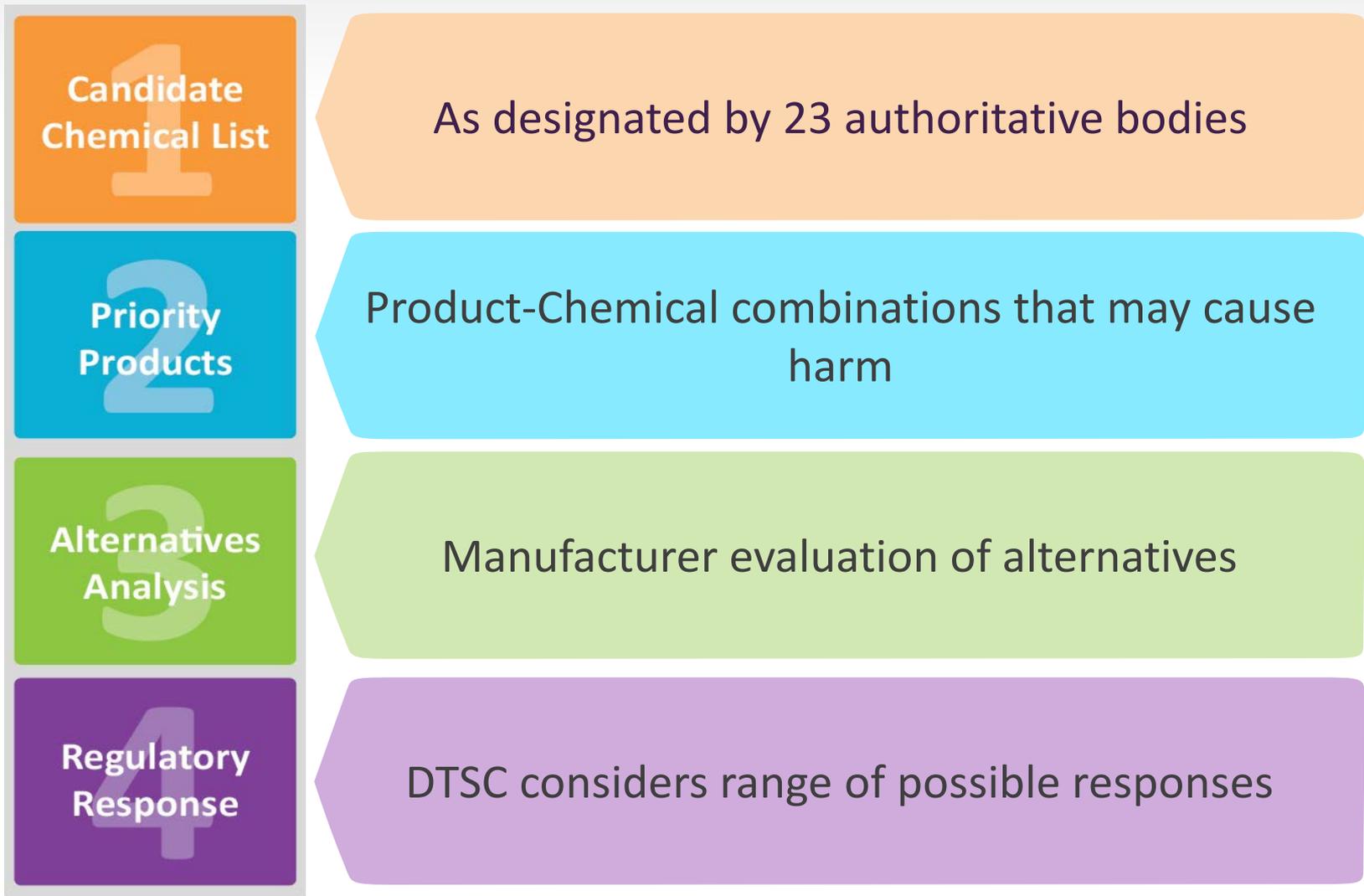
2013
Safer
Consumer
Products
Regulations

2014
Draft Initial
Priority
Products

2015
Three Year
Work Plan &
Alternatives
Analysis Guide



Safer Consumer Products Framework

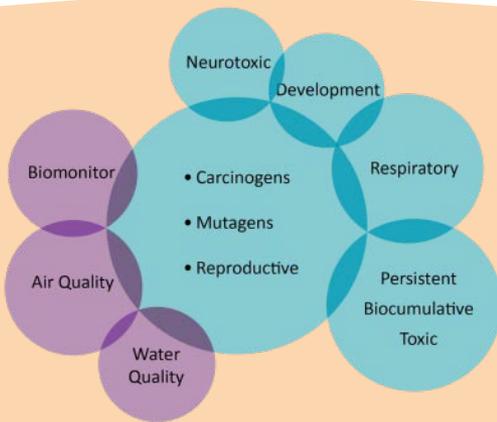


Candidate Chemicals

Chemicals

1
Candidate
Chemical List

- Includes chemicals that exhibit hazard traits and are on 23 authoritative lists
- Lists changes as reference lists change
- Sends immediate signals to the marketplace
- Deter regrettable substitutions



- [23 Authoritative Bodies](#)
- Updated Quarterly

~2,000 chemicals



Product

(Product-ChemicalCombinations)

2

Priority Product

Potential exposure to the
Candidate Chemicals in
the product **AND**

Potential for exposures to
contribute to or cause
**significant or widespread
adverse impacts**

Chemicals are considered in the
product context



Key Prioritization Principles

- Sensitive subpopulations
- Environmentally sensitive habitats
- Endangered or threatened species
- Exposures
 - Market data
 - Through use of product
 - Throughout product's lifecycle



Adopting Priority Products



Workshops
Meetings
Comments
Data/Information



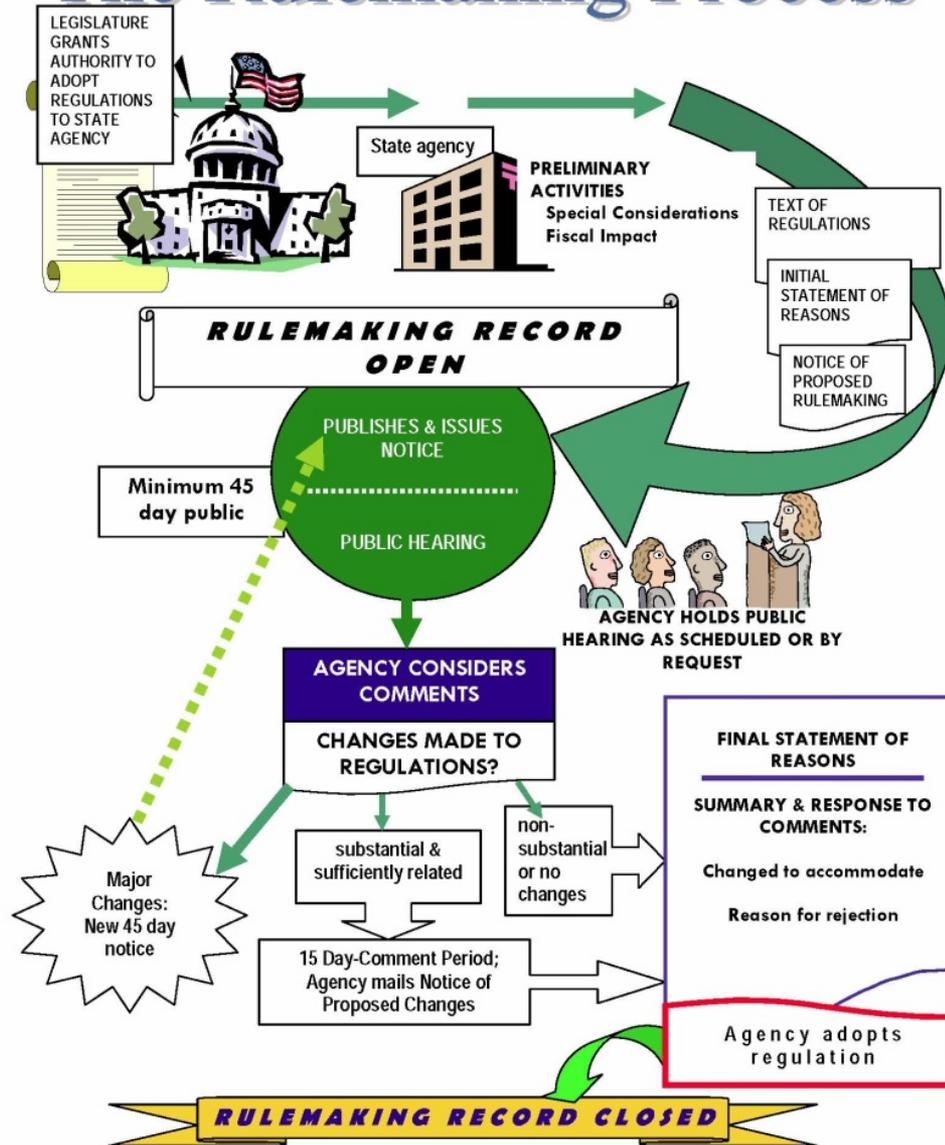
Research
Q/A
Refinement
Dialog



Rulemaking:
- Supporting documents
- Formal comment period
- Formal hearing



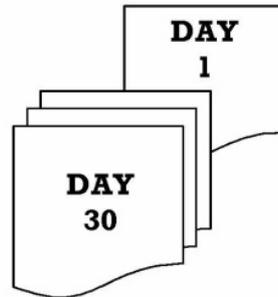
The Rulemaking Process



OAL REVIEW

State agency must submit rulemaking record within 1 year of notice publication

OAL has 30 WORKING days to review a regulation

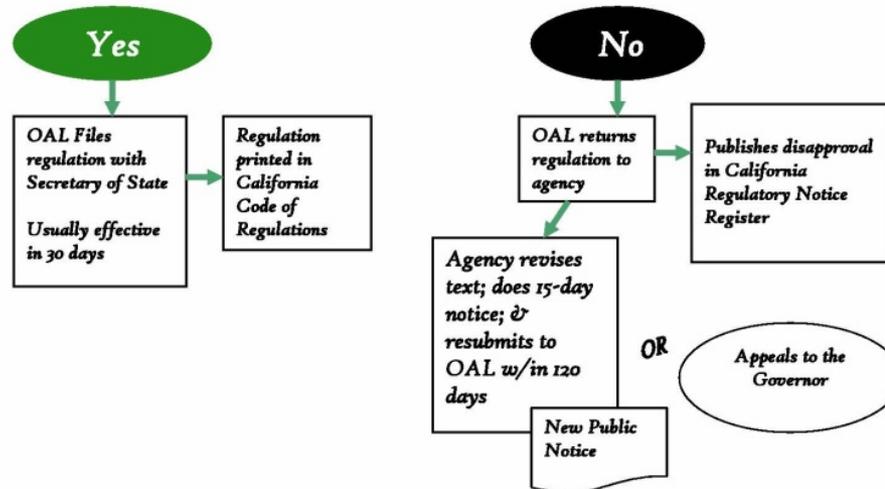


APA STANDARDS:

**AUTHORITY
REFERENCE
CONSISTENCY
CLARITY
NON-DUPLICATION
NECESSITY**

**& PROCEDURAL
REQUIREMENTS**

DOES THE RULEMAKING SATISFY THE APA?

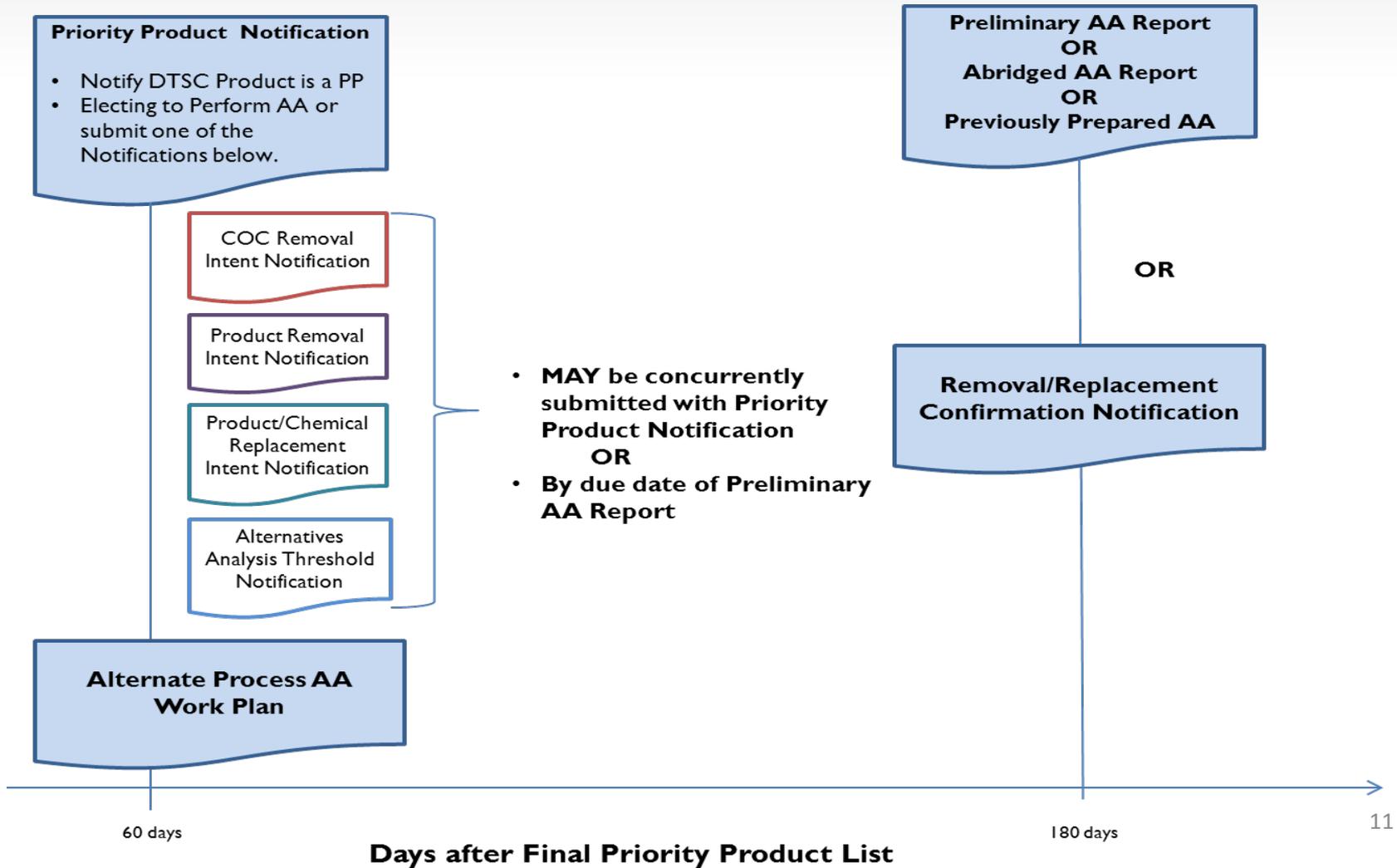


Process for Listing Priority Products

- In addition to the standard rulemaking process, we must complete:
 - External scientific peer review
 - California Environmental Quality Act compliance



Notification Requirements



Alternatives Analysis

What are the trade offs?

What information is available?

What are the data gaps?

What will meet the performance criteria?

Does this alternative have a downside?



Who's responsible?

SCP makes producers responsible



© Neville Williams



Alternatives Analysis

(Industry Step)

3 Alternatives Selection

Key Concepts

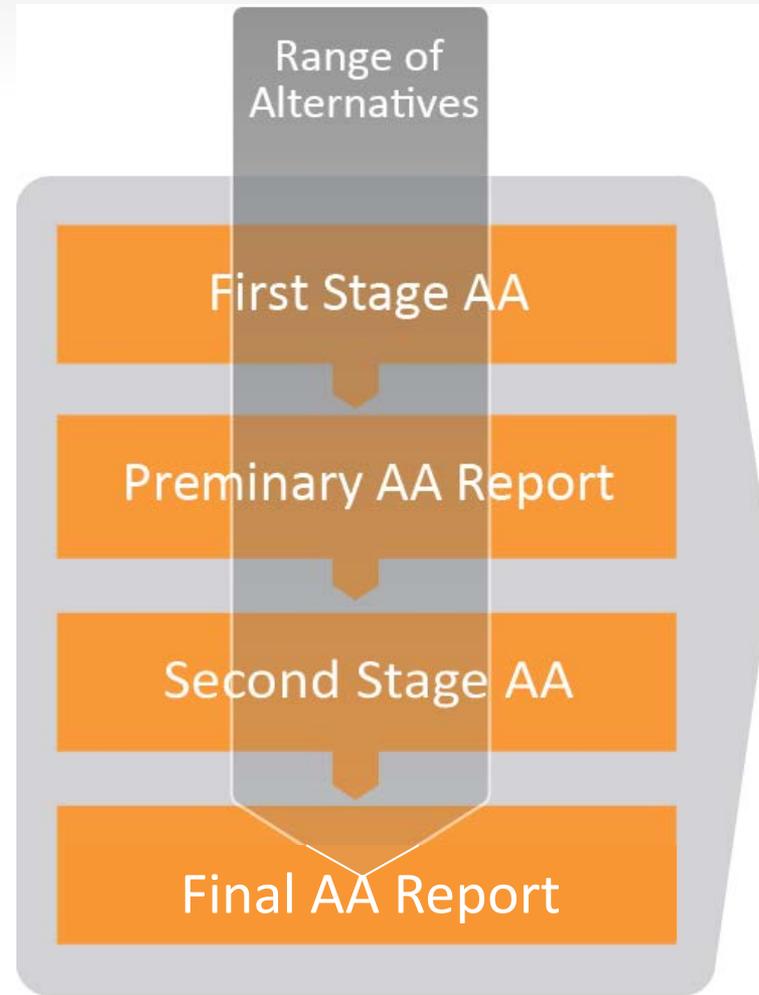
- Manufacturer evaluation
- Narrative standard
- Public comment
- CBI protections
- Life Cycle Thinking
- Transparent Evaluation

Answers key questions

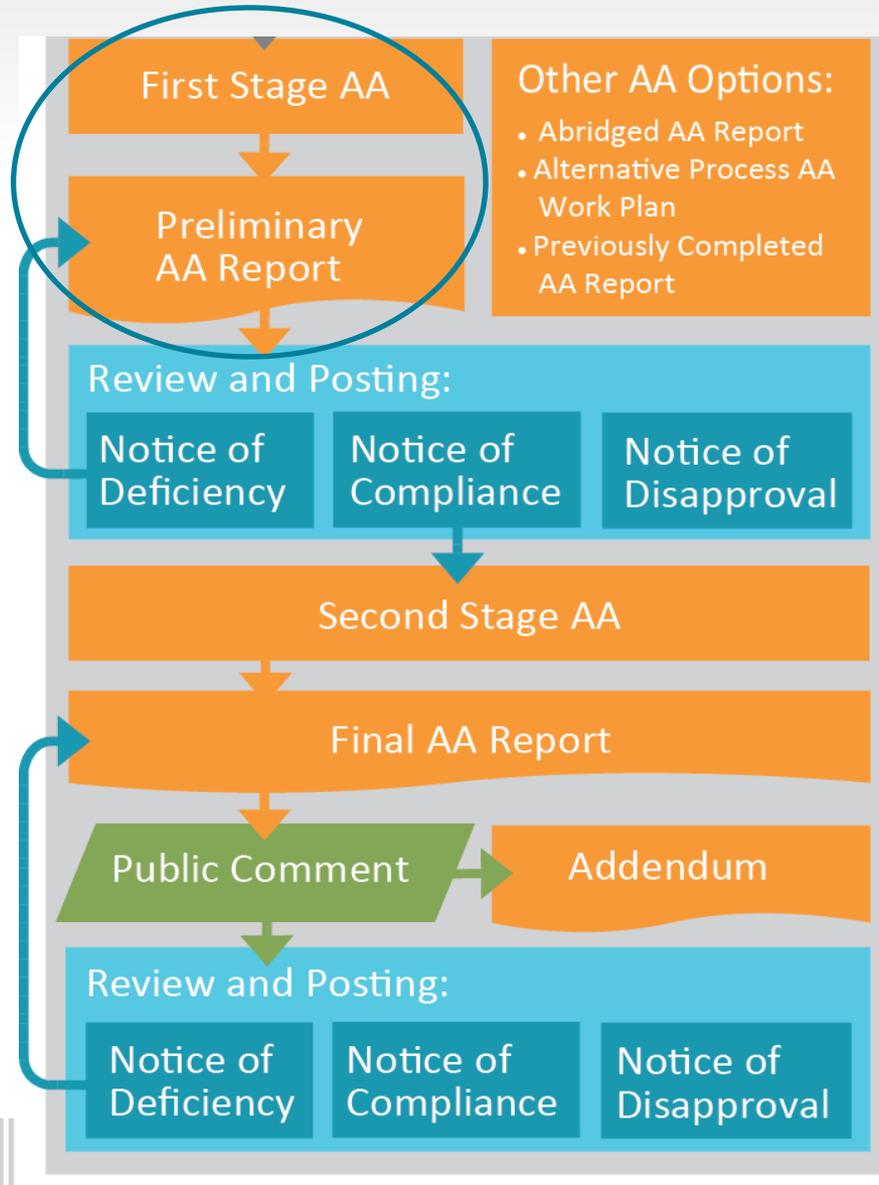
- Is it necessary?
- Is there a safer alternative?
- Have regrettable substitutes been avoided?



Two Stage Alternatives Analysis (AA)



Alternatives Analysis



“A-M” Criteria (from the statute)

- A. Product function/performance
- B. Useful life
- C. Materials/resource consumption
- D. Water conservation
- E. Water quality impacts
- F. Air emissions
- G. Product use, transportation, energy inputs
- H. Energy efficiency
- I. Greenhouse gas emissions
- J. Waste and end-of-life disposal
- K. Public health impacts: sensitive sub-populations
- L. Environmental impacts
- M. Economic impacts



Factors to be considered in the AA:

Adverse environmental impacts

Adverse public health impacts

Adverse waste and end-of-life effects

Environmental fate

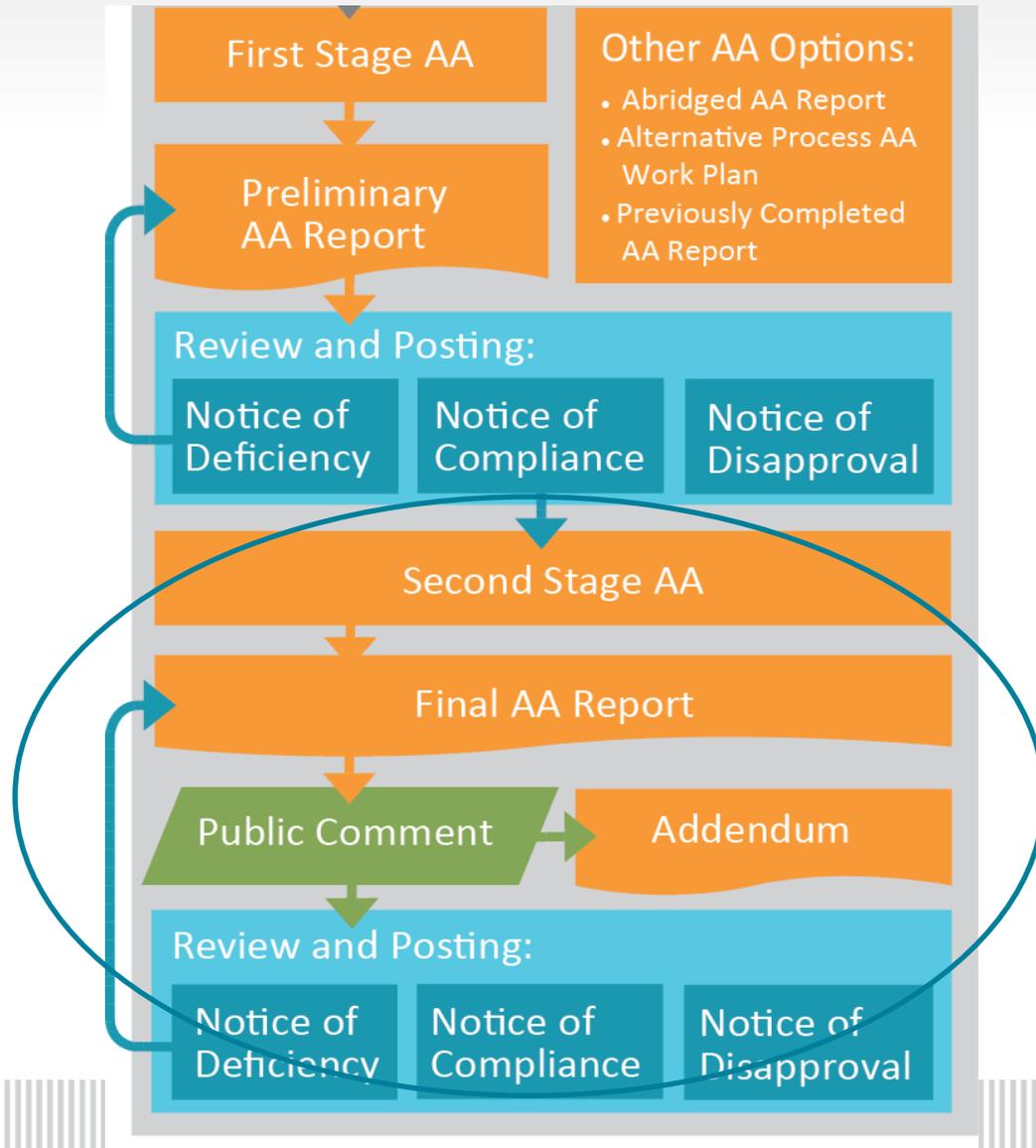
Materials and resource consumption impacts

Physical chemical hazards

Physicochemical properties

Associated exposure pathways and life cycle segments

Alternatives Analysis



Public Involvement

- AA final reports posted – allow for redaction due to trade secrets
- Public comment period for final AA Report
- DTSC reviews the public comments to determine if the manufacturer should respond and prepare an AA Report Addendum.



DTSC Review of Final AA Report

- In reviewing AA Reports and Alternate Process AA Work Plans for compliance DTSC shall consider:
 - Timeliness of submission
 - If all applicable provisions are addressed
 - If the conclusions are based on reliable information



Alternatives Analysis Timeline

What	When
Priority Product Notification due	60 days after final Priority Products listing through APA
Preliminary AA Report due	180 days after final listing as a Priority Product
DTSC Reviews Preliminary AA Report; NOC* issued	Within 60 days after receiving Preliminary AA Report
Final AA Report due to DTSC	12 months after receiving the NOC* for Prelim AA Report
DTSC reviews Final AA Report; NOC* issued	Within 60 days after receiving Final AA Report



Other Alternatives Analysis options

- Abridged AA Report
- Alternative Process AA
- Previously Completed AAs
- Reformulations
 - AA must compare original PP and reformulated product
- After submitting a Final AA:
 - Revised Alternative Selection Decision



Alternatives Analysis v. Alternatives Assessment?

- U.S. EPA's Design for the Environment
- BizNGO's Alternatives Assessment Protocol
- Interstate Chemicals Clearinghouse (IC2) Alternatives Assessment Guidance
- REACH Authorization Analysis of Alternative





4 Regulatory Response

- No response
- Additional info to DTSC
- Additional info to consumers
- Additional safety measures
- Sales restrictions/prohibitions
- End-of-life product stewardship
- Research funding



List of Regulatory Responses

- No response
- Additional information to DTSC
- Additional information to consumer
- Additional safety measures
- Use Restrictions
- Prohibitions on Sales
- End-of-life product stewardship
- Research funding



Contact Information

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