

Safer Consumer Products Program Overview

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Program Overview



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What is the Safer Consumer Products (SCP) Program?

The Department of Toxic Substances Control (DTSC) Safer Consumer Products regulations took effect October 1, 2013 and are being implemented based on the various regulatory requirements.

The goals of this program are to:

- Reduce toxic chemicals in consumer products
- Create new business opportunities in the emerging safer consumer products industry
- Help consumers and businesses identify what is in the products they buy for their families and customers

To accomplish these goals, the SCP Program will rely on reports submitted by responsible entities, such as manufacturers. It is hoped the information in these reports will increase the use of safer chemicals in products used in homes, schools, and workplaces, and result in significant environmental and economic benefits.

When ingredient toxicity is considered in the product development stage, concerns can be addressed more effectively. This approach results in safer ingredients and designs, and provides opportunities for California industry to once again demonstrate its innovative spirit by making safer products that meet consumer demand throughout the world.

What are the Safer Consumer Products Regulations?

The California legislature passed the Green Chemistry Law in 2008. The law authorizes and requires DTSC to adopt regulations to identify and prioritize chemicals in consumer products. DTSC followed through by developing a process for evaluating chemicals of concern in consumer products and their possible alternatives.

Proposed Safer Consumer Products Regulations

The regulations provide for a continuous four-step, science-based, ongoing process to identify safer consumer product alternatives. The process includes:

- **Candidate Chemicals** – The regulations immediately establish a list of Candidate Chemicals (approximately 1,200) based on the work of authoritative organizations, and specify a DTSC process to add to the list. Candidate Chemicals have at least one quality that can cause harm to people or the environment (called a hazard trait).
- **Priority Products** – "Priority Products" are consumer products that contain one or more Candidate Chemicals. The regulations require DTSC to use an Alternatives Analysis (AA) process to develop a list of Priority Products by evaluating and prioritizing product/Candidate Chemical combinations. Once a Candidate Chemical has been associated with a Priority Product, it is referred to as a Chemical of Concern (COC).
- **Alternatives Analysis** – The regulations require responsible entities (manufacturers, importers, assemblers, and retailers) to notify DTSC when their product is listed as a Priority Product. DTSC will post this information on its web site. Priority Product manufacturers (or other responsible entities) must perform an Alternatives Analysis on the product's COCs to determine how to limit exposure to, or reduce the level of, public health and/or environmental harm.
- **Regulatory Responses** – The regulations require DTSC to identify and implement regulatory responses that will protect public health and/or the environment, and maximize the use of acceptable and feasible alternatives of least concern. DTSC may require regulatory responses for a Priority Product if the manufacturer decides to keep it, or for an alternative product selected to replace it.

➔ What are the Goals of and Timeframe for the SCP Regulations & Program?

Goals

DTSC's Safer Consumer Products Regulations intends to create safer substitutes for hazardous ingredients in consumer products sold in California. The regulations emphasize safer products and healthier lives by reducing and eliminating the use of toxic chemicals.

Timeframe for Implementation Milestones

1. Initial Candidate Chemical list ➔ Effective date of the regulations
2. First "Proposed" Priority Products list ➔ 180 days after the regulations effective date
3. First Priority Products list finalized ➔ Requires rulemaking (may take up to one year)
4. Priority Product Notification ➔ 60 days after listing on final Priority Products list
5. Preliminary AA Report ➔ Due to DTSC 180 days after listing on final Priority Products list
6. Final AA Report ➔ Due to DTSC 1 year after the notice of compliance for the Preliminary AA Report
7. Regulatory Response Implementation ➔ To be specified by DTSC in the regulatory response determination

How are the Safer Consumer Products Regulations related to the Green Chemistry Law?

In 2008, Assembly Bill 1879 (Chapter 559, Feuer) and Senate Bill 509 (Chapter 560, Simitian), were signed into law by Governor Schwarzenegger to implement two key recommendations of the California Green Chemistry Initiative Final Report:

1. Accelerate the search for safer products
2. Create an online toxics clearinghouse

These two legislative bills comprise the Green Chemistry Law. Assembly Bill 1879 mandated the Safer Consumer Products Regulations and authorized the implementation of the Safer Consumer Products Program.

Senate Bill 509 mandated the Office of Environmental Health Hazard Assessment to specify hazard traits, environmental and toxicological endpoints and other relevant data to be included in the Toxics Information Clearinghouse.

The regulations and authorizing statutes (Health and Safety Code sections 25252 and 25253) implement recommendation #5 of the California Green Chemistry Initiative Final Report—Accelerate the Quest for Safer Products. They also create a systematic, science-based process to evaluate Chemicals of Concern, and identify safer alternatives.

SCP Program Frequently Asked Questions (FAQs)

Q. Why do we need the new regulations?

- A. The California legislature passed Assembly Bill 1879 in 2008 which required adoption of regulations to establish a process to identify and prioritize chemicals in consumer products that have the potential to have adverse impacts to public health and environment, and to establish a process for evaluating potential safer alternatives.

In the past, toxins in products were dealt with on a case-by-case basis when found to have harmed consumers or our environment. This historic approach was not preventative or protective. After relying on "single product bans" for so many years, California's new regulations start a movement to systematically evaluate alternative ingredients by requiring that manufacturers to ask: "is this ingredient necessary, and is there a safer alternative?"

Q. What are the key elements of the Safer Consumer Products regulations?

- A. The regulations provide for a four-step science-based, iterative process to identify safer consumer product alternatives.

1. DTSC will establish a list of Candidate Chemicals based on work done by authoritative organizations because of their hazard traits or history of exposure. This list is posted on our Chemical Lists web pages.
2. It starts out small. For the first listing, DTSC will identify no more than five consumer products that contain one or more Candidate Chemicals that have both a hazard trait and a history of exposure. The regulations require this proposed list of priority products be published before April 1, 2014.
3. Responsible entities will have to identify and evaluate alternatives that reduce adverse impacts of the product with chemical of concern. It requires manufacturers to ask, "Is this ingredient necessary? Is there a safer alternative? Is that alternative feasible?" This assessment will be required only after the Priority Products are adopted in regulations.
4. After a responsible entity's alternatives analysis, DTSC may impose regulatory responses for the protection of public health and environment.

Q. What steps have been completed and what's to come?

- A.
- **October 2013:** The regulations took effect.
 - **October 2013:** The [Candidate Chemicals List](#) was created.
 - **March 2013:** The [Initial Proposed List of Priority Products](#) was released.

- ◆ **September 2014:** The [Draft Priority Products Work Plan](#) was issued. The Work Plan identifies product categories that DTSC will evaluate to identify product-chemical combinations over next three years.
- ◆ **April 2015:** The final [2015-2017 Priority Product Work Plan](#) was released.
- ◆ **September 2015:** The [Draft Stage 1 Alternatives Analysis \(AA\) Guide](#) was released. The AA Guide provides useful approaches, methods, resources, tools, and examples of how to fulfill SCP's regulatory requirements.
- ◆ **July 2016:** The Rulemaking to list Children's Foam-Padded Sleeping Products containing the flame retardants TDCPP and TCEP as a Priority Product began. A 45-day Comment Period runs from July 15 - August 29, 2016. [Click here to view the Comments page on CalSAFER.](#)
- ◆ **Fall 2016:** The Draft Stage 2 Alternatives Analysis (AA) Guide is scheduled to be released.
- ◆ **TBD:** Before the initial Priority Products are finalized, they will undergo rulemaking which may take up to one year. The date for having a final Priority Products list is therefore not fixed. There are several activities that will be initiated based on the release date of the final Priority Products list.
- ◆ **TBD:** 60 days after the Final Priority Products list is posted, responsible entities submit Priority Product Notifications.
- ◆ **TBD:** 180 days after the Final Priority Products list is posted, responsible entities submit Preliminary Alternatives Analysis Reports.

Q. Who must comply with the regulation?

- A.** Businesses that manufacture, import, distribute, sell, or assemble consumer products listed by DTSC as Priority Products containing chemicals of concern and placed into the stream of commerce in California.

Q. What is the goal of the Safer Consumer Product regulations?

- A.** DTSC's Safer Consumer Products Regulations aim to create safer substitutes for hazardous ingredients in consumer products sold in California. The regulations emphasize safer products and healthier lives by reducing and eliminating use of toxic chemicals.