

Responding to DTSC's Data Call-In for Carbon Nanotubes –

Value Chain, Worker Protection & Hazardous Waste

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DTSC's CNT DCI Questions

- DTSC asked 6 questions
- Three of them:
 - Value chain
 - Worker protection
 - Hazardous waste
- How might those answers affect the value chain?
 - Supply chain concerns
 - Customers as regulatory targets?
 - Public identification of specific uses
 - Potential for tort liability?
- What information, if any, would it be in the value chain's interests to contribute?

DTSC Question 1

- What is the value chain for your company? For example, in what products are your carbon nanotubes used by others? In what quantities? Who are your major customers?
 - DTSC wants to understand the business life cycle of CNTs
 - Agency interest in identifying intervention points, e.g., end of life/disposal
 - How should the response and DTSC's interests track an expanding market? Are today's uses informative of uses in 5 years?
 - Identify other potential recipients of a DCI notice -- will responders name names?
 - How will responses affect perceptions of risk (volume of use and type of uses)?

DTSC Question 5

- What methods are you using to protect workers in the research, development and manufacturing environment?
 - Many unknowns
 - Protections include general and specific, and negatives are hard to prove
 - Are conventional methods sufficient?
 - How do you assure that they are?
 - Implications
 - What conditions, if any, will be imposed on downstream customers? Some of this already happening via TSCA Consent Orders
 - Investment hurdle for “all CNTs and products” and potential for supply chain disruption for those not already managing this issue
 - How much is enough protection?
 - Prevent injuries
 - Avoid liability
 - Avoid bad public perception

DTSC Question 6

- When released, does your material constitute a hazardous waste under California law? Are discarded off-spec materials a hazardous waste? Once discarded, are the CNTs you produce a hazardous waste? What are your waste handling practices for CNTs?
 - California's hazardous waste scheme is complicated – does not entirely mirror RCRA
 - What kind of data exists to support one conclusion or another?
 - How will responses affect the value chain?
 - Should users be addressing HW issues the same way as manufacturers/suppliers? What is the basis for the answer to this question?
 - Supply chain disruptions

What To Do?

- Identify interests at each point of the value chain
- What information, if any, would serve those interests?
 - Does that information exist?
 - Would voluntary submission in concert with responders assist in clear messaging about the use of CNTs in products?
 - Identify the message
 - What information exists to support the message
 - How to submit the information
 - Would voluntary **generation** of data serve those interests and support a clear message?
 - How to accomplish? – A challenge
- Ask suppliers what they're doing. Other coordination?
- Be ready to respond to questions from up and down the supply chain

Let's Not Forget

- Public posting of information
 - Be ready to respond to questions, press releases
- Green Chemistry Initiative – an overarching regulatory scheme with AB 289
 - AB 1879 Safer Alternatives Regulation
 - Identification of chemicals of concern (COCs)
 - Prioritization of COCs
 - Safer alternatives analysis (with life cycle analysis)
 - Regulatory response actions
 - SB 509 Toxics Information Clearinghouse
 - And more to come....

Let's Not Forget (*cont.*)

- DTSC needs to demonstrate “success” with this DCI
 - What does that mean?
 - DTSC will submit response to UCLA for a critique
 - What happens if legislators conclude that this process was not successful?