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?