

Topic #2 --- Product Identification & Prioritization

Statute:

- DTSC shall adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern.
- The regulations shall establish an identification and prioritization process that includes, but is not limited to, all of the following considerations: (1) the volume of the chemical in commerce in this state; (2) the potential for exposure to the chemical in a consumer product; and (3) potential effects on sensitive subpopulations, including infants and children.
- DTSC shall develop criteria by which chemicals and their alternatives may be evaluated. These criteria shall include, but not be limited to, the traits, characteristics, and endpoints that are included in the clearinghouse data.
- DTSC shall reference and use, to the maximum extent feasible, available information from other nations, governments, and authoritative bodies that have undertaken similar chemical prioritization processes --- DTSC is not required to reference and use only the available information from these sources.
- DTSC shall adopt regulations that establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern.

See Attachment 2-1 for complete statutes that provide the mandate, authorities and scope for these regulations.

LIST OF ATTACHMENTS:

- 2-1 Statutes
- 2-2 Reliable Information Definition Examples (modeled on draft regulations)
- 2-3 California Biomonitoring Program
- 2-4 CDC Biomonitoring Program
- 2-5 Ranking Formula Approach Examples
- 2-6 Prioritization Hazard & Exposure Factors Example (modeled on draft regulations)
- 2-7 Prioritization Exposure Factors Examples
- 2-8 USEPA Design for the Environment AA Criteria for Hazard Evaluation (draft)
- 2-9 Washington State Chemical Prioritization (presentation by Alex Stone)
- 2-10 CARB VOC Regulatory Schedule
- 2-11 OECD Guidance on Data Quality

Question #2A: How should products be identified/classified?

(i) Exposure Potential

- a. Products containing ingredients that:
 - i. show up in biomonitoring studies
 - ii. are priority pollutants in surface water
 - iii. show up in indoor air and dust
 - iv. show up in drinking water
 - v. are banned from MSW disposal
 - vi. other

(See Attachments 2-2, 2-3 & 2-4.)

- b. Mode of application
 - i. direct to the body
 - ii. spray or aerosol
 - iii. hard surface (likely to run off or enter sewer)
 - iv. other

- c. Products used by or marketed to sensitive populations
 - i. children
 - ii. women of childbearing age
 - iii. other

- d. High volume products
 - i. Personal care
 - ii. Household cleaners
 - iii. Frequent use
 - iv. other

(ii) Functional use (e.g. solvents, flame retardants)

Question #2B: What criteria/process should be used to include and prioritize products on the list? (See Attachments 2-5 through 2-9.)

- (i) What exposure potential factors should be used to prioritize products? (e.g. percent composition, total volume in production, frequency of use, how used, who uses, other)

- (ii) In assessing a product's threat of adverse impact associated with each identified exposure potential factor:
 - a. Should there be a threshold established for each factor --- if so, how should the thresholds be determined?
 - b. Should the prioritization evaluation be based on the product's individual threat of adverse impact, or the product's contribution to cumulative adverse impacts? If the latter, how should this be evaluated?
 - c. Should a ranking formula be used to apply the identified prioritization factors? If so do we weight different factors?

- (iii) Other ideas?

Question #2C: Size and changes to the product lists?

- (i) Do we list specific “products” and explain how additional ones get added or do we just set up a process?
 - If so, what are these and/or how should they be determined?

- (ii) Do we initially create a short list and then a time-line for adding the next category to send “signals” to the market? (*See Attachment 2-10 for an example.*)

- (iii) Other ideas?