

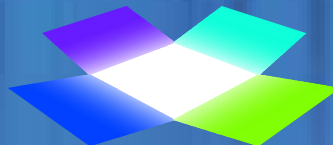


Implementing California's Safer Consumer Products Regulations

BizNGO Annual Meeting – December 3rd, 2013



*California
Environmental
Protection Agency*



SAFER
CONSUMER
PRODUCTS

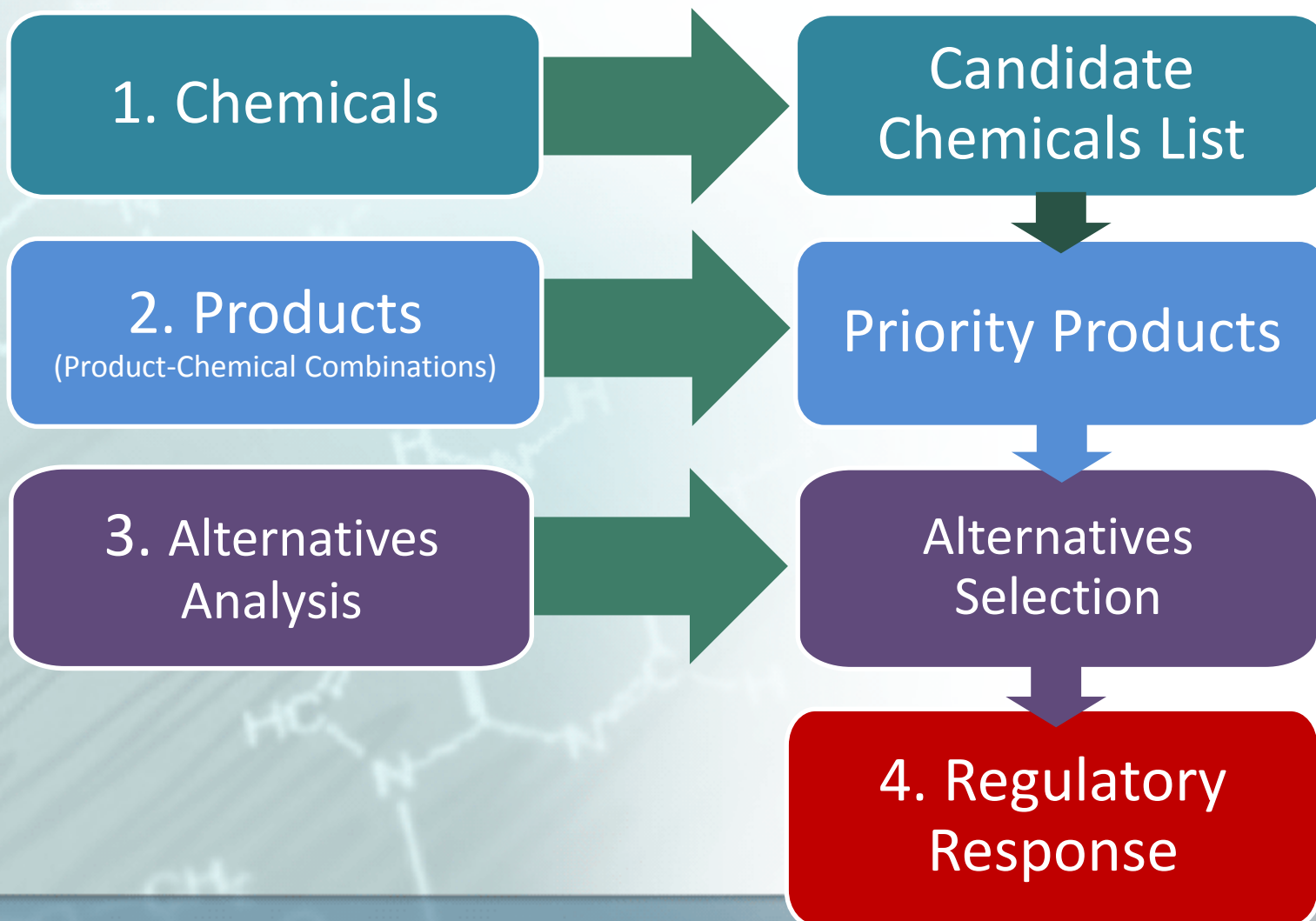


Department of
Toxic Substances
Control

Goal

- To create a predictable and systematic process for reducing toxic ingredients in consumer products.
 - Requires manufacturers of products containing chemicals of concern to answer the questions: “Is this ingredient necessary? Is there a safer alternative? Is that alternative feasible?”

How It Works: The SCP Regulations



Prioritization Factors for Product Selection

- Hazards and Exposures
 - Chemical properties, traits, env/tox endpoints
 - Potential human/enviro adverse impacts
 - Impact on sensitive subpopulations, endangered/threatened species, impaired environments
 - Market presence of product
 - Potential exposures to the product
 - Exposure in households, workplaces and throughout product's life cycle
 - Adverse waste and end-of-life effects
- Other considerations:
 - Availability of information
 - Other regulatory programs
 - Alternative availability and feasibility

Responsibility for Compliance

One The Manufacturer who makes the product or who controls the manufacturing process or has the capacity to specify the chemicals in the product

Two The U.S. Importer of the product

Three Retailers who sell the product in California
Assemblers of products containing Priority Product components

Products...sold, offered for sale, supplied, distributed, or manufactured in California.

May opt-out by ceasing to order Priority Product

Priority product notifications

Notification options in lieu of AA –

- chemical removal,
- product removal,
- replacement with existing alternative, and
- alternatives analysis threshold exemption

Alternatives Analyses

- Goals - to encourage a shift toward safer products and to reduce the chances of regrettable substitution.
- How - inform decision makers with a study of relevant impact differences between alternatives and the original product.
- Why - externalized impacts = social costs.

"A-M" Criteria for Alternatives Analyses

- 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

First Stage of Alternatives Analyses

ID Product Rqmts

- Function, performance, standards & legal requirements
- Function of Chemical of Concern
- Is the chemical necessary?
- Is replacement chemical necessary?

ID* Alternatives

- Meet product requirements
- Reduce / eliminate CC
- Reduce / eliminate exposure
- Look at existing alternatives

Screening Alternatives

- Determine relevant hazards
- Compare alternatives
- Eliminate replacements with greater adverse impacts

Next Steps

- **Preliminary AA report**
- 180 days
- Work plan for 2nd AA Stage



*should ID chemical substitutes AND other alternatives.

Second Stage of Alternatives Analysis

Step 1 – ID Relevant Comparison Factors

- In conjunction with exposure pathways & lifecycle phases
- Quantitative / qualitative analysis
- Available information

Step 2 – Compare Priority Product & Alternatives

- Quantitative / qualitative analysis
- Relevant factors
 - *exposure pathways*
 - *life cycle segments*
- Available information

Step 3 – Alternatives Selection Decision

- **Final AA Report**
- 1 year
- Reason & justification for decision

Guidance Development

- ❖ DTSC reconstituting the Green Ribbon Science Panel in January 2014 to provide input on AA guidance development
- ❖ Preliminary Draft Guide- available for public comment this winter – workshops/webinars
- ❖ Second Phase Draft- available for public comment next summer
- ❖ Anticipated Final Guide circa December 2014

Approach

- Assess the presence or release of harmful substances through production, use, and end-of-life phases.
 - Account for impacts to a variety of media and endpoints.
 - All “A-M” criteria addressed.
 - Identify burden shifting of an environmental impact from one stage in a product chain to another, from one hazard endpoint to another, between health and resource efficiency, between media, between countries, etc.
 - Make the data sources, assumptions and decision-making methods transparent and well documented.
-

When is it good enough?

Effort should lead to being able to discriminate between alternatives and the base product, and to justify conclusions

= informed comparison

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

Transparency

- AA final reports posted – allow for some redaction due to trade secrets
- Public comment period for final AA Report
- DTSC will review comments to determine which warrant a response from manufacturer

Regulatory Responses

- Additional information to DTSC
 - Additional information to consumers
 - Use restrictions
 - Sales prohibitions
 - Additional safety measures / controls
 - End-of-life product stewardship
 - Research funding
-

Implementation Timeline

Section	What	When
Candidate Chemical ID	Initial Candidate Chemical List released	October 1, 2013
Priority Product Selection	First “Proposed” Priority Products list	6 months after regulations effective date (Before April, 2014)
	First Priority Products list finalized; requires rulemaking	Up to 12 months per priority product
Alternatives Analysis	Priority Product Notification due	Two months after final Priority Products list adopted in regulation
	Preliminary AA Report due	6 months after listing on final Priority Product list
	Final AA Report due to DTSC	12 mos. after Notice of Compliance for the Prelim AA Report
Regulatory Response	Regulatory Response Implementation	Specified in the regulatory response determination

Challenges

- Prioritizing chemical/product combinations despite limited data.
- Determining what is relevant and important for comparison purposes.
- Dealing with trade-offs and uncertainty in the AA.
- Comparing chemicals against non-chemical process changes.
- Dealing with confidential business information while maintaining transparency.
- Avoiding getting bogged down in excessive detail.
- Finding experts and resources with the needed skills.

Questions??

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