



**Eileen M. Nottoli**  
San Francisco  
(415) 273-7481  
[enottoli@allenmatkins.com](mailto:enottoli@allenmatkins.com)

Visit Eileen's Blog: [California Consumer Product Health, Safety & Environmental Regulations](#)



#### About Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP is a California law firm with more than 220 attorneys practicing out of seven offices in Orange County, Los Angeles, Century City, San Diego, Del Mar Heights, San Francisco and Walnut Creek. The firm's broad-based areas of focus include intellectual property, real estate, construction, land use, environmental, corporate, finance, business litigation, tax, bankruptcy and creditors' rights, and labor and employment. [More...](#)

#### FOLLOW US



## California Department of Toxic Substances Control Issues Draft Regulations for Safer Consumer Products

This alert applies to any company that manufactures, distributes, or sells consumer products for use in California.

November 4, 2011

On October 31, 2010, the California Department of Toxic Substances Control ("DTSC") issued what the Agency is calling its "[Informal Draft Regulations for Safer Consumer Products](#)" as part of its Green Chemistry Initiative. DTSC will host a workshop on its draft regulations on December 5, 2011. The draft regulations and a [summary of the draft regulations](#) are posted on the DTSC website. State law required DTSC to have adopted such regulations by January 1, 2011.

The regulations require DTSC to develop a list of Chemicals of Concern. DTSC will prepare the initial list by reviewing chemicals that have hazard traits identified by several State, federal, Canadian, or European agencies, and estimates that the initial list will have about 3,000 chemicals. The regulations provide a mechanism for adding chemicals.

DTSC will then develop a list of consumer products sold for use in California that contain a Chemical of Concern and prioritize products for further evaluation based on potential adverse impacts and exposures as well as potential exposures. Products that are widely distributed and have a significant potential to cause adverse public harm will be given priority. DTSC will issue its draft list of products for public comment prior to adopting a final list which will be posted on its website.

Under the draft regulations, the manufacturer or importer of a listed product is required to contact DTSC and must submit a preliminary alternative assessment for the product and the Chemical(s) of Concern in the product to determine how to limit potential exposure or the level of potential adverse impacts. The draft regulations detail the information that must be contained in the alternative assessment report. DTSC will review the preliminary report and will issue a notice of compliance with a due date for submitting a final report or deficiency which must be remedied within 60 days. If neither the manufacturer or importer does not comply, DTSC will post the information on a Failure to Comply list on its website and the retailer will be required to comply.

Regulatory responses to the final alternate assessment include (1) providing product information to consumers, (2) establishing an end-of-life product

stewardship program if the product is required to be managed as hazardous waste, (3) requiring the responsible entity to provide additional information, (4) requiring the responsible entity to obtain or develop information to fill a data gap, or (5) prohibiting the sale of the product in California.

---

© 2011 Allen Matkins Leck Gamble Mallory & Natsis LLP. All rights reserved. This email is intended for general information purposes only and should not be construed as legal advice or legal opinions on any specific facts or circumstances. This email was sent by: Allen Matkins Leck Gamble Mallory & Natsis LLP, 515 S. Figueroa Street, 7th Floor, Los Angeles, California 90071. To stop receiving this publication, click on the "unsubscribe" button.