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California to Regulate Chemical Products

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SACRAMENTO, Calif., Feb. 22 (LID) – California officials are drafting what are expected to be sweeping regulations that could force product manufacturers to use alternative, safer chemicals or risk their product being banned from sale in the Golden State.

The Safer Consumer Products (SCP) regulations are the bedrock of the California Environmental Protection Agency's (Cal/EPA) Green Chemistry Initiative (GCI), aimed at curbing public exposure to dangerous toxins.

Among the initiative's stated goals: To develop a consistent means for evaluating risk, reduce exposure, encourage less-toxic industrial processes and identify safer, non-chemical alternatives.

Draft SCP regulations by the state Department of Toxic Substances Control (DTSC) are scheduled to be released in March. An informal draft of the SCP regulations was released Oct. 31.

Signed into law by former Gov. Arnold Schwarzenegger (R) in 2008, Assembly Bill 1879 granted DTSC statutory authority to control toxic substances in everyday consumer products (Chapter 559, Statutes 2008).

The SCP regulations will establish an immediate list of roughly 3,000 so-called "chemicals of concern," which would include carcinogens, mutagens, neurotoxins and compounds that disrupt hormones. From the list, DTSC will develop a list of "priority projects" that require alternatives assessment by the manufacturer.

AB 1879 also allows DTSC to identify, prioritize, evaluate and regulate any harmful chemicals in all consumer products and collect vital hazard and toxicity information on chemicals in commerce.

Under the law, DTSC may require special product labeling, mandate producer responsibility programs and require the funding of Green Chemistry challenge grants to look for safer alternatives to a chemical.

Companion legislation, Senate Bill 509, calls for an online Toxics Information Clearinghouse to provide information about chemicals used in California (Chapter 560, Statutes of 2008).

Supporters of the Green Chemistry Initiative say the effort will lead to safer consumer products, decreased exposure to dangerous chemicals and a healthier environment. Critics, however, say the sweeping program could be very onerous to chemical companies and the wider manufacturing sector.

The California Chamber of Commerce, in January, warned that the informal draft SCP regulations "create an uncertain regulatory environment that makes investing, innovating and doing business in California substantially riskier."

In formal comments to DTSC, CalChamber wrote: "A fundamental problem with the draft regulations is that DTSC retains so much discretionary power that it virtually eliminates any certainty that a business might have in terms of regulatory treatment."

