California's Safer Consumer Products program

Karl Palmer, Chief, Safer Consumer Products Branch
24th Annual CIHC Conference
December 5, 2014
San Diego, CA
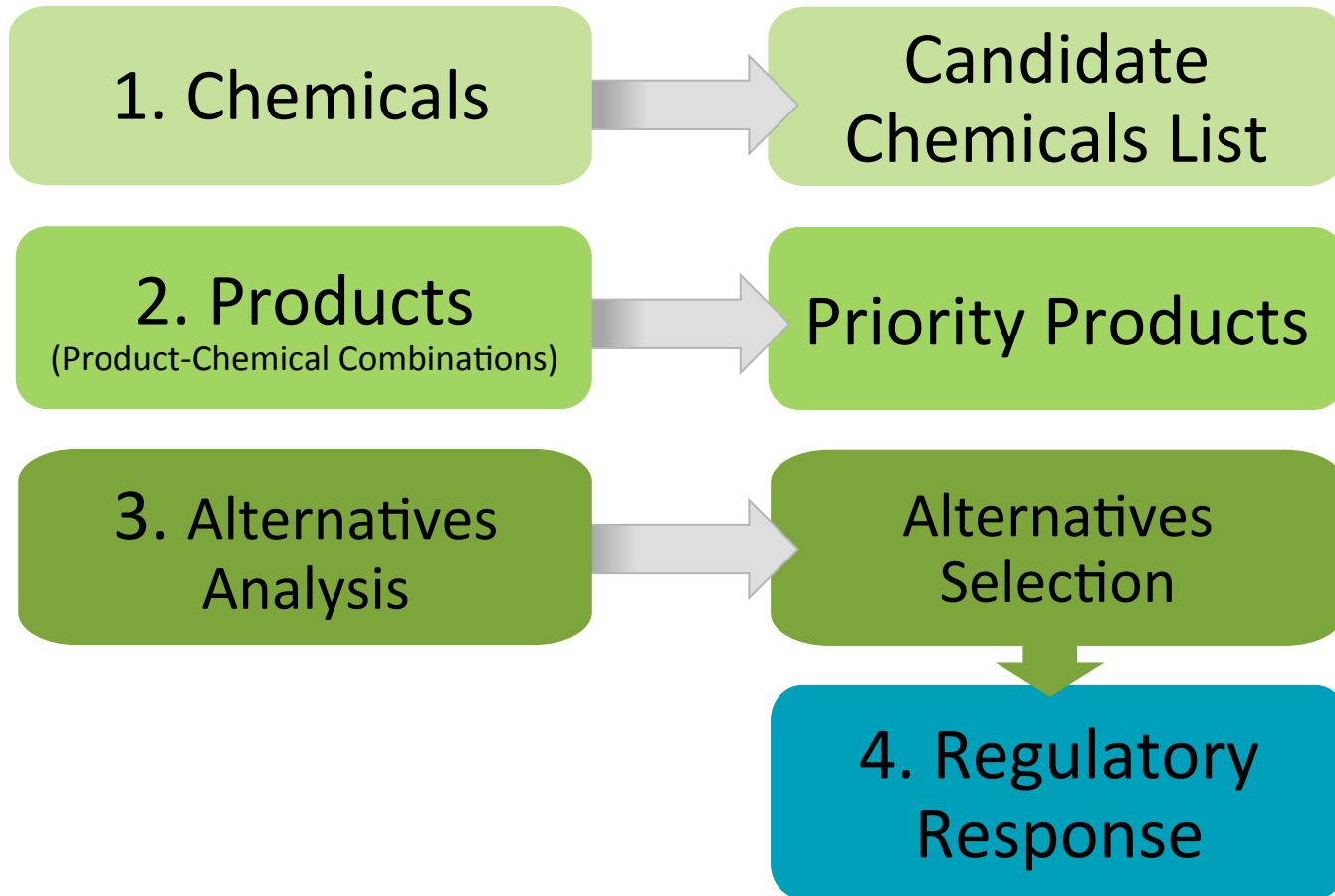
Department of Toxic Substances Control
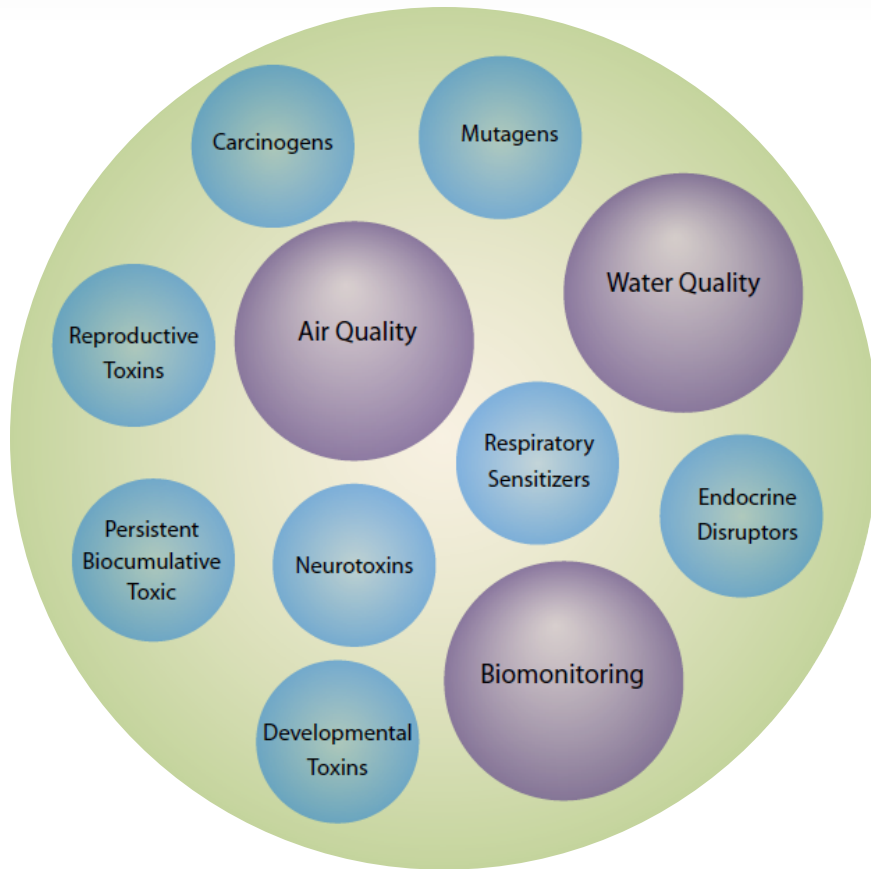
Cal/EPA

For today

- Regulation overview and status
- Three Year Priority Product Work Plan details
- Alternative Analysis process

How it Works: The SCP Regulations

1. Chemicals	Candidate Chemicals List
2. Products (Product-Chemical Combinations)	Priority Products
3. Alternatives Analysis	Alternatives Selection
	4. Regulatory Response

Candidate Chemicals

Carcinogens

Mutagens

Water Quality

Air Quality

Reproductive Toxins

Respiratory Sensitizers

Endocrine Disruptors

Persistent Biocumulative Toxic

Neurotoxins

Biomonitoring

Developmental Toxins

>1,100 Chemicals
http://www.dtsc.ca.gov/SCP/ChemList.cfm

23 Authoritative Lists referenced

- 8 exposure potential lists
- 15 hazard trait lists

Exclusions

- FIFRA pesticides
- Prescription drugs
- Metabolite/breakdown products
- Radioactive chemicals
- Natural toxins

Informational Candidate Chemical List
October update

- Updates reflected online

- 7 of 23 lists changed

- 19 Chemicals Added

- 10 Chemicals Dropped

- Ongoing QA

Work Plan list >1,100
http://www.dtsc.ca.gov/SCP/ChemList.cfm

Picking Products:
Key Prioritization Principles

- Potential **exposure** to the Candidate Chemicals in the product

AND

- Potential for exposures to contribute to or cause **significant or widespread adverse impacts**

Priority Product Selection

Initial Priority Products
Refined/revised scope based on stakeholder engagement

1. Children's Foam-padded Sleeping Products containing TDCPP and TCEP
2. Paint Strippers containing Methylene Chloride
3. Spray Polyurethane Foam Systems with MDI

Changes and Refinements to SPF

Original Concept:

- Pressurized Insulation and Roofing Systems

- One Component Systems

- Chemicals of concern: MDI, TDI and HDI

Current Concept:

- Pressurized two component Insulation and Roofing Systems

- Eliminated one component systems

- Roofing Systems do not include coatings
- Eliminates TDI and HDI as chemicals of concern

Dialogue is key

Finalizing the Initial Priority Products

Workshops
Meetings
Comments
Data/Information

Research
Q/A
Refinement
Dialog

Rulemaking:
- Supporting documents
- Formal comment period
- Formal hearing

Future Product Selections:
Draft Priority Products Work Plan

Priority Product Work Plan

- Identify product [categories](#) for next 3 years
- Provide market signals
- Engage stakeholders, gather data
- Identify potential Priority Products

Priority Product Work Plan

- What it is:
  - A starting point for further research
  - A menu of options & a list of [examples](#) and possibilities for further consideration
  - General – families of chemicals

- What it isn't:
  - In depth research on specific chemicals or products
  - Definitive list of all possible chemicals to be considered
  - Final decisions about products

Priorities

- Dermal, ingestion, inhalation exposure pathways
- Biomonitoring results
- Chemicals found in indoor air monitoring
- Sensitive subpopulations – children, workers
- Aquatic resource impacts
- Water quality monitoring evidence

5 of 7 Categories Affect Workers

- Beauty, Personal Care and Hygiene Products
- Building Products - Paints, Adhesives, Sealants, Flooring
- Household/Office Furniture/Furnishings
- Cleaning Products
- Clothing
- Fishing and Angling Equipment
- Office Machinery Consumable Products

What's different about SCP?

Statutory AA Factors

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

Why SCP is different?

Purposes of the green chemistry legislation

- Reduce exposure
- Reduce or eliminate hazards
- Look at full product lifecycle
- Encourage reformulation/innovation
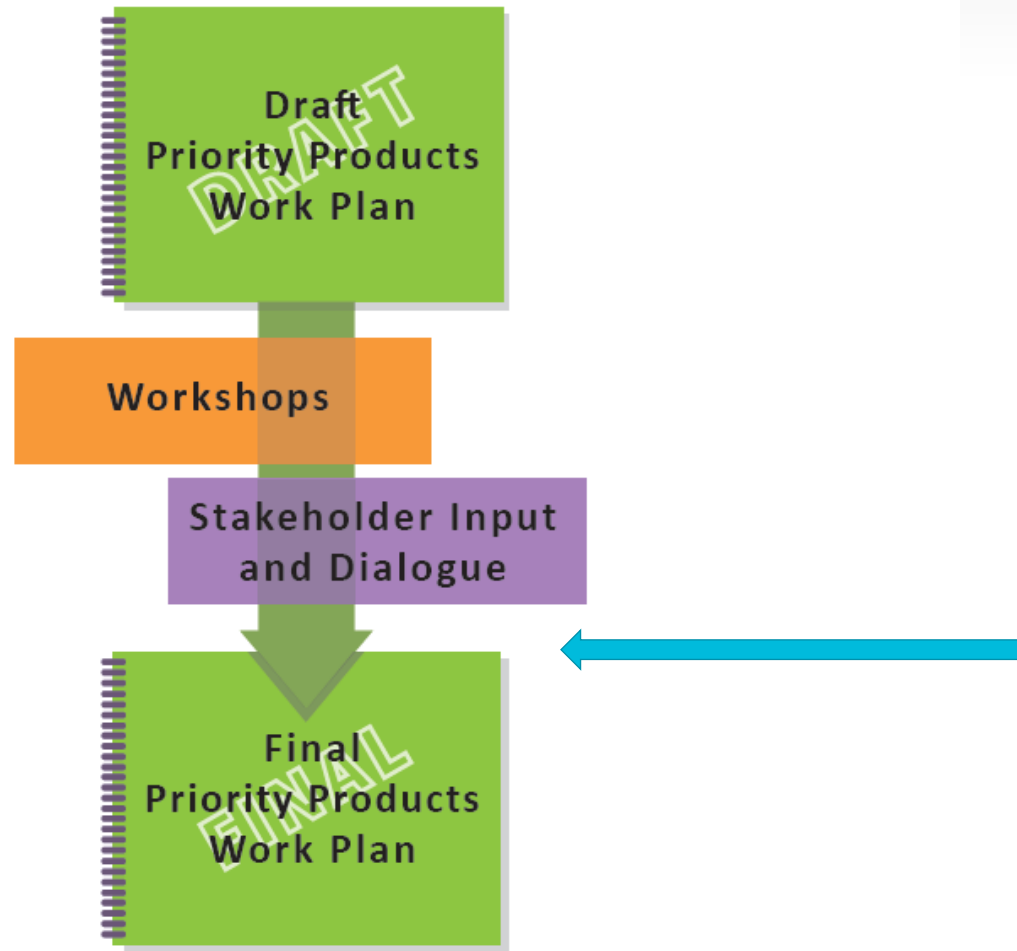- Independent of other regulations

Example: Building products

OSHA

- Limits exposure: risk management

- Protects workers

- Focus on workplace use of the chemical

SCP

- Risk reduction/hazard elimination

- May consider anyone who's exposed

- Focus on the chemical as used in the product

- Focus on the manufacturers

- Can address multiple points of exposure

- Full product lifetime – end of life

Process of Priority Product Selection:
Finalizing the Work Plan

Draft Priority Products Work Plan

Workshops

Stakeholder Input and Dialogue

Final Priority Products Work Plan

Facilitating the dialogue: CalSAFER System

- Fast and Convenient
- Allows comment entry and document upload
- More efficient for DTSC
- Allows users to review comments submitted by other stakeholders

https://cit.dtsc.ca.gov/scp/comments/commentslite/

344 comments received

California Department of
Toxic Substances Control

CA.GOV

DTSC HOME | SAFER CONSUMER PRODUCTS

Comments for: Draft Priority Product Work Plan

Search by Submitter

personal care products council | Search | Submit a Comment

Total Comments: 1

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Submitted Date: 10/7/2014 Pacific
Individual: Myers, Thomas
Organization: Personal Care Products Council

Published Date: 10/9/2014 Pacific
Comment ID: 13860

Categories:
- Beauty, Personal Care and Hygiene Products

Comment:

As the leading national trade association for the cosmetic and personal care products industry, our member companies would like to thank DTSC for issuing its draft Work Plan, which helps provide a degree of predictability to stakeholders regarding the types of products DTSC will be considering over the next three years. It is useful for us to understand the considerations behind DTSC's product category selections, as well as its rationale for identifying the future Priority Products.

Our member companies manufacture products that are among the safest on the market, and we welcome the opportunity to demonstrate this to DTSC. We ask only that you engage our industry early in the process – before finalizing the next set of Priority Products – and allow our input to be considered in your determinations. We would also like to extend to you an open invitation to speak with our scientists (to better understand the factors that go into ingredient selection) or tour a facility (to see first-hand our safety/manufacturing processes) anytime in the weeks and months ahead.
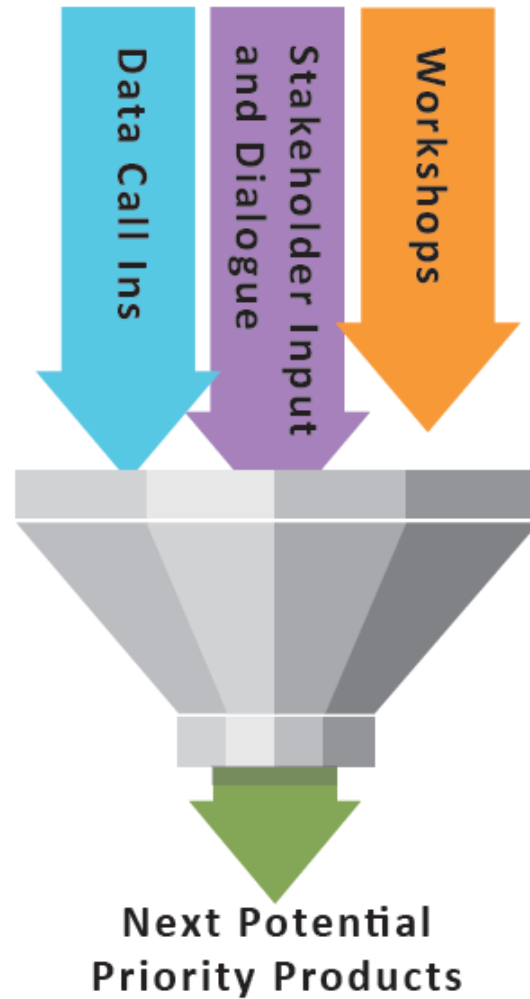
Our industry is strongly committed to making safe, sustainable products that are protective of both human health and the environment, and we look forward to working with DTSC to continue this commitment.

https://cit.dtsc.ca.gov/scp/comments/commentslite/ViewComments.aspx

Process of Priority Product Selection:
Executing the Work Plan

23

Priorities

- Dermal, ingestion, inhalation exposure pathways
- Biomonitoring results
- Chemicals found in indoor air monitoring
- Sensitive subpopulations – children, workers
- Aquatic resource impacts
- Water quality monitoring evidence

Priorities for product category selection will govern Work Plan implementation
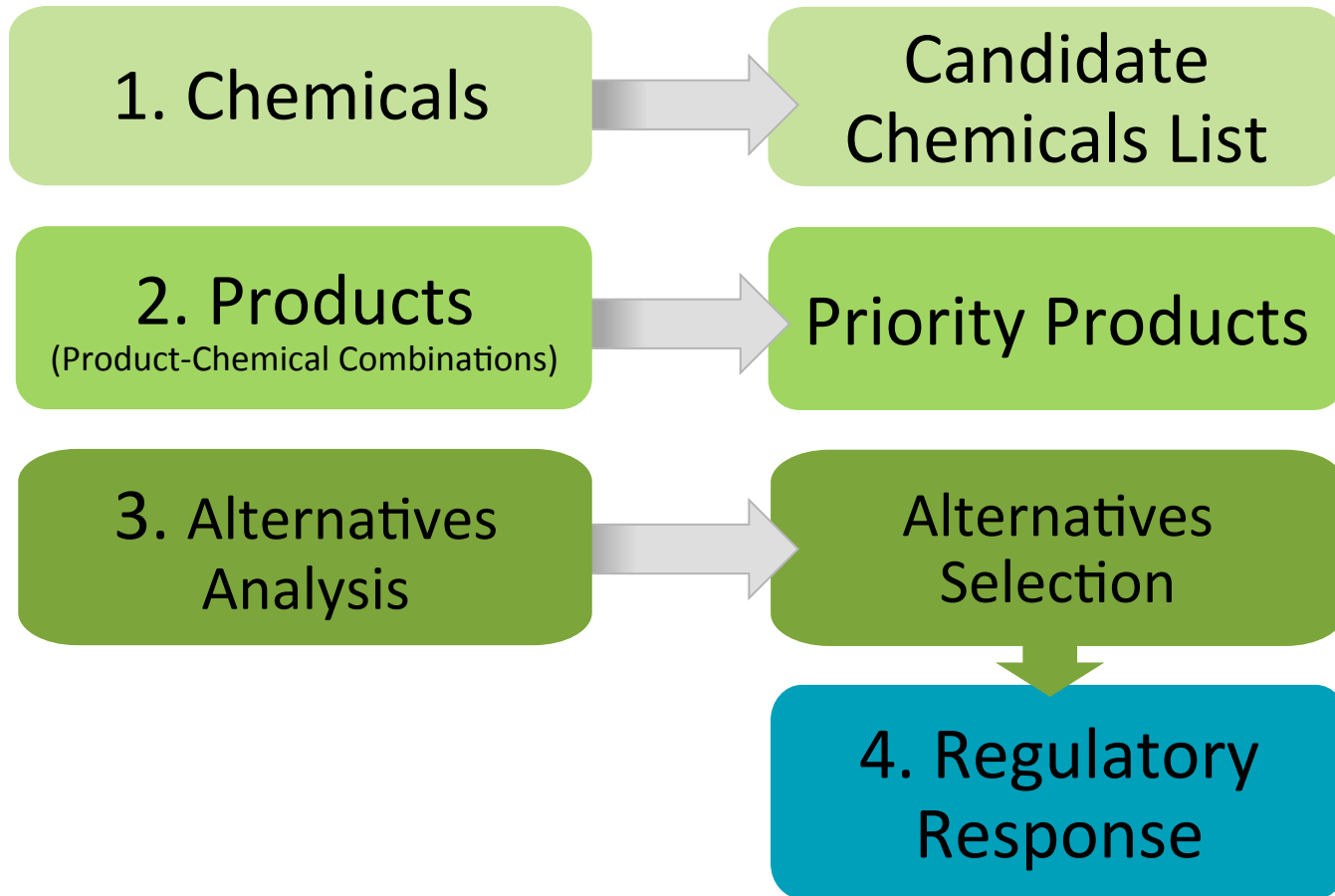
From Categories to Priority Products

- Still early
- No model exists
- Can't be prescriptive
- Beware underground regulations

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Alternatives Analysis

Answers key questions

- Is it necessary?

- Is there a safer alternative?

- Have regrettable substitutes been avoided?

Life cycle thinking informs

- Regulated entities' decisions

- DTSC's regulatory response

Alternatives Analysis Guide

- Tool Box approach
- Pilot AAs
- Tool use and training:
  - Green Screen
  - EPA Tools
  - Exposure modeling
  - LCA Tools

Alternative Analysis Guiding Principles

- Options beyond chemical substitution
- Use life cycle thinking
- Capture the breadth of impacts
- Be transparent
  - Disclose all information that supports decisions
  - Address uncertainties
  - Document assumptions, data sources, and data reliability
- Iterate

Alternative Analysis Guidance Draft

- Synopsis available
  http://www.dtsc.ca.gov/SCP/upload/AA-Guide-Synopsis-10082014.pdf

- Targeting release of draft early 2015

- Subsequent stakeholder input via comments, workshops, webinars, etc.

Possible Regulatory Responses

- No response
- Additional information to DTSC
- Additional information to consumer
- Additional safety measures
- Restrictions/Prohibitions on sales
- End-of-life product stewardship
- Research funding

What to watch for – early 2015

- Rulemaking for initial Priority Products
- Final Priority Products Work Plan
- Alternative Analysis Guidance
- Workshop schedule

Thank you

SaferConsumerProducts@dtsc.ca.gov

http://dtsc-scp-t/scp/feedback.aspx

http://www.dtsc.ca.gov/SCP