



*Advancing public policy to
improve the health and safety
of workers and the community.*

April 14, 2009

Mr. Mazier Movassaghi
Director, Department of Toxic Substances
P.O. Box 806
Sacramento, CA 95812-0806

Subject: Green Chemistry Initiative

Dear Mr. Movassaghi:

The California Industrial Hygiene Council (CIHC) is writing to respectfully convey its general support, views and expectations for California's Green Chemistry Initiative.

By way of background, the CIHC was founded in 1990 to establish a legislative presence in California to represent the Industrial Hygiene profession. The field of Industrial Hygiene is dedicated to the anticipation, recognition, evaluation, and control of occupational and environmental health hazards. CIHC, representing the five Local Sections of AIHA in California, views its mission as bringing good science to the legislative and/or regulatory table which impacts the health of both workers and the public. It is affiliated with the National American Industrial Hygiene Association (AIHA), a 12,000 member organization, as well as the International Occupational Hygiene Association (IOHA), which represents the global community of Occupational Hygiene organizations in over 26 countries.

After attending numerous meetings, hearings and conferences with the designers of this Initiative, and disseminating information to our profession, we would like now to comment on the following specific issues our organization has identified as being of concern:

- The general concept of an overarching Initiative that attempts to streamline chemical policy has value. While the 1976 U.S. Toxic Substances Control Act (TSCA) endeavored to do some of this, it fell short of actually requiring a comprehensive understanding of a chemical's life

cycle and its exposure implications (occupational, consumer, community and disposition). In retrospect, while more might have been done in the 1970s to strengthen broad based regulations (such as TSCA), the country was truly on the front end of promulgating significant federal regulations and still fairly inexperienced as to how best to accomplish this.

- At present, there does not appear to be a comprehensive analysis as to existing chemical policy regulations and how they fit into the overall Green Chemistry Initiative. This Initiative must serve to integrate the pieces and add to them where gaps exist, but not require that we start from the beginning. As drafted, the regulatory text fails to consider the significant regulatory programs already in place to regulate chemicals and consumer products. Beyond the federal Toxic Substances Control Act (TSCA), manufacturers are already subject to a host of rules and regulations:
 - Occupational Safety and Health Act
 - Hazardous Materials Transportation Act
 - Clean Air Act
 - Clean Water Act
 - Emergency Planning and Community Right-to-Know Act
 - Toxic Release Inventory
 - Pollution Prevention Act
 - Federal Insecticide, Fungicide and Rodenticide Act
 - Consumer Product Safety Act
 - Federal Hazardous Substances Act
 - Food Quality Protection Act
 - Poison Packaging Prevention Act
 - Safe Drinking Water Act
 - Resource Conservation and Recovery Act
 - Food, Drug and Cosmetic Act
 - Proposition 65

The DTSC should consider a comprehensive regulatory analysis to clarify the strengths and opportunities for remedy that the Green Chemistry Initiative would bring to the table. Absent this, the Initiative just appears to be one more set of regulations for consumption.

- Although the Cal EPA Green Chemistry Initiative has endeavored to be a transparent and stakeholder driven process, the stakeholder input (both professionals and public alike) remains sparse. Fewer than several hundred responders have provided input on the Wiki or in the Workshops held this year. This is troubling in that the input process does not appear to be robust and cannot be construed to represent a broad based feedback loop. An affirmative outreach effort should be undertaken to secure the appropriate scientific input from risk related professional groups, the public and manufacturers.

- There does not appear to be much leveraging undertaken at this time. As a case in point, the DTSC shared its thoughts about the need for an alternative life cycle analysis during its first Berkeley Workshop this year. There was no mention made of EPA's life cycle model, nor the many others in existence, both in government and by use in industry. We would encourage DTSC to sponsor a one day meeting of government (to include federal EPA, NIOSH, CDC, OSHA, others) and industry partners to share the models each have used over the years and the circumstances under which these models hold value. The meeting should result in the selection or drafting of a template life cycle analysis model (or models) to be used in determining potential hazards and risks.
- The Workshops and draft regulatory text have been heavily oriented to ecosystem and environmental risks. Occupational risks have been rarely noted, although it was during the most recent Workshops that DTSC Staff affirmed the Initiative's intent to encompass worker health and safety issues. The occupational health risk segment needs to be bridged and practically integrated into any final life cycle analysis templates, relying on the existing regulatory architecture to determine potential occupational health exposure and risk.
- The discussions surrounding the Clearinghouse focus on an inventory of chemicals that is comprehensive and accessible by all. The required eco/tox/epidemiological information that manufacturers and governments alike will be responsible for providing should leverage existing scientific data sets that are internationally available. Some decisions will need to be made about how one addresses data for the same chemical that is not aligned from one data base to another or even non-existent. Some question also remains about having a Clearinghouse that is not staffed by experts who can interpret the data for those using the database. Data absent an interpreter (or at least someone who can scientifically guide the understanding of its importance) is not very useful.
- The identification of "chemicals of concern," their potential use, and what constitutes a "consumer product" is critical, for this triggers the risk assessment process. Criteria to determine whether a chemical moves onto a list of "chemicals of concern" must be scientifically and technologically sound. Also, there should also exist a process to add or delete chemicals from this list.
- The discussions and regulatory language proposed suggest that the mere presence of a chemical is cause for concern. The central principle of the science of toxicology is that the degree of toxicity is dependent upon the dose. USEPA, like the Centers for Disease Control and Prevention (CDC), readily acknowledges that there are dose levels that are without any appreciable risk of deleterious effects over a lifetime of exposure, including exposures of sensitive subgroups.

In summary, the California Green Chemistry Initiative (and its companion regulations) has the potential to strengthen efforts geared to protecting California workers and the public. It is critical, however, that a thoughtful analysis be performed to ensure this Initiative's chances of supporting and enhancing the existing state regulatory architecture as opposed to imposing yet

another regulatory scheme with potential resulting confusion. Broad stakeholder input (risk-related professionals, manufacturers and the public) is important in leveraging learning, expectations and ultimate implementation—DTSC may want to consider an affirmative outreach process to include all three groups (risk-related professionals, manufacturers and the public) which, thus far, appears to be limited.

The California Industrial Hygiene Council (CIHC), comprised of members dedicated to the anticipation, identification, evaluation and control of occupational and environmental health risks, is available to assist in the scientifically sound development of this Initiative's goals. At the end of the day, our charters remain the same—to protect our workers and the public!

Sincerely,

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