

Talking Points
letters to DTSC Director Debbie Raphael and Governor Brown
concerning changes in the Safer Consumer Products regulations

As many of you know, CHANGE has closely followed the development of California's landmark Safer Consumer Products regulations. These regulations are required in response to a law enacted in 2008 (AB 1879 – Feuer), and are being written by CalEPA's Department of Toxic Substances Control (DTSC).

The regulations will empower California to develop a list of "Chemicals of Concern" in priority consumer products, and then mandate that manufacturers conduct alternative analyses to determine if a safer chemical alternative can be used that will reduce toxic exposures to Californians.

The draft regulations have been developed with widespread participation and input from the public, including CHANGE. They have been through formal public comment, and stakeholders have been told the regulations are almost final and the program will likely be officially launched in early 2013.

However, it appears that negotiations have been reopened on a number of critical points, and letters are needed to both DTSC and Governor Brown that call for important provisions to be retained in the regulations. Without them, the Safer Consumer Products program will be fundamentally weakened.

There are three key points to be made in letters.

1. A large Chemicals of Concern list is an essential piece of the program and must be retained. DTSC is considering substantial reductions in the initial list of chemicals of concern that can be considered in the program. The large CoC list has been a central pillar of the program from the earliest drafts of the regulations. A large list that identifies "chemicals of concern" will send important market signals that will drive change in the marketplace much faster than DTSC regulation.

2. DTSC must hold on to ability to set exemption thresholds based on scientific criteria. New proposals may impose arbitrary exemption levels for chemical concentrations across the board, thereby excluding problematic chemicals that affect health at low doses. We know that some chemicals can be harmful in small amounts and at sensitive life stages. DTSC should follow the science and set exemption limits (called Alternative Analysis Thresholds in the regulations) that rely on a review of science, not a one-size-fits-all model that will result in ongoing exposure to toxic chemicals.

3. DTSC should have the right to act based on the potential of a chemical to cause harm. Early drafts of the regulations granted DTSC the right to include chemicals in the program based on their "potential" to cause harm. This is the language that is used in the law. But now DTSC is considered replacing "potential" with "ability" to cause harm. This would be a much higher standard to meet and would A) reduce the number of

chemicals that could be included; and B) open DTSC decisions to many more legal challenges from the chemical industry. DTSC should follow the letter of the law and use "potential" language.

Letters should be faxed and emailed to:

DTSC Director Debbie Raphael
916-324-3158 fax
Debbie.Raphael@dtsc.ca.gov

Governor Jerry Brown
916-558-3160
Jerry.Brown@gov.ca.gov
Be sure to include these emails of the Governor's staff:
ken.alex@gov.ca.gov
nancy.mcfadden@gov.ca.gov
mike.rossi@gov.ca.gov