



CALIFORNIA GREEN CHEMISTRY INITIATIVE



STRAW PROPOSAL FOR SAFER ALTERNATIVE REGULATIONS & CPSC COMMENTS

Presented to the Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force on November 19, 2009



*California Department of
Toxic Substances Control*

Green Chemistry Initiative

- ❑ Launched in 2007
- ❑ Goal: the development of policy recommendations
- ❑ Shift in chemical and product regulation



Relevant Legislation



AB 289 (2006)

- Authorizes DTSC, to require "manufacturers" to submit information about chemicals in California commerce.

SB 509 (2008)

- Establishes a web-based Toxics Information Clearinghouse to provide the public with chemical toxicity and hazard information about consumer products.

AB 1879 (2008)

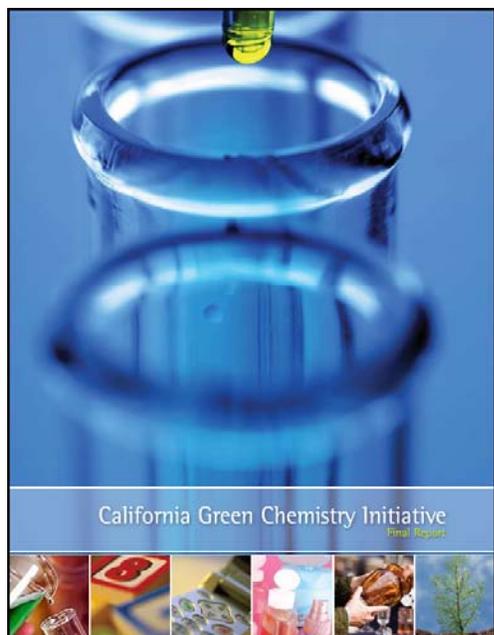
- Requires DTSC to develop "safer alternatives regulations" by Jan. 1, 2011 which must contain:
 - a process for identifying chemicals of concern ("CoCs")
 - a process for prioritizing CoCs in consumer products
 - and methods for analyzing safer alternatives to prioritized CoCs in consumer products
- The safer alternatives assessment must include a lifecycle analysis.

California Green Chemistry Initiative

Final Report (12/2008)

□ Summary of Recommended Policy Actions:

1. Expand Pollution Prevention
2. Develop Green Chemistry Workforce Education and Training, Research/Development and Technology Transfer
3. Create an Online Product Ingredient Network
4. Create an Online Toxics Clearinghouse
5. Accelerate the Quest for Safer Products
6. Move Toward a Cradle-to-Cradle Economy

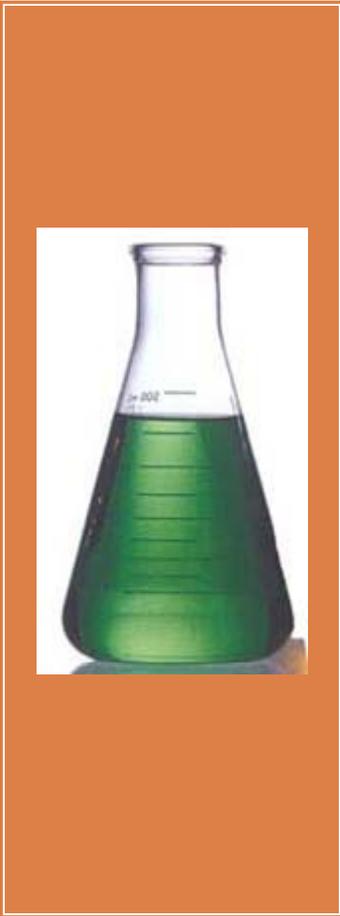


Straw Proposal for Safer Alternative Regulations

- ❑ Released October 1, 2009
- ❑ Concept document intended as the starting point for drafting regulations implementing AB 1879.
- ❑ Purpose: “to accelerate the transition to safer, environmentally more benign consumer products”



The Straw Proposal includes:



- ▣ A process to identify and prioritize CoCs
- ▣ A list of CoCs
- ▣ A list of consumer product categories of concern
- ▣ A list of chemical lists
- ▣ A requirement that manufacturers determine if any CoC might be released either during their product's use or at disposal
- ▣ A process to evaluate potential alternatives
- ▣ A requirement that information and hazard data on chemicals in products be provided to the State for inclusion in a toxics clearinghouse
- ▣ Regulatory responses are outlined for manufacturers

Relevancy

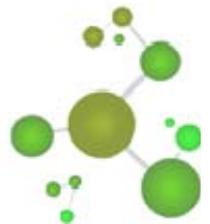
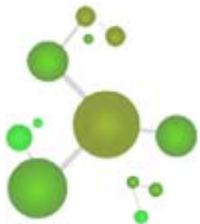
- AB 1879 provides DTSC with authority to require product take-back in Section 25253(b) 7:
 - *(7) Imposing requirements for the manufacturer to manage the product at the end of its useful life, including recycling or responsible disposal of the consumer product.*

- Potential Response Action:

End-of-Life Management

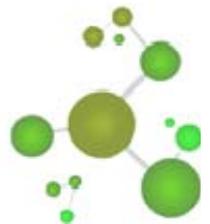
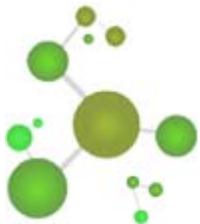
On or before one (1) year from the date the alternative analysis required by article XX has been completed, a manufacturer of a consumer product shall implement any of the following strategies for managing and reducing the life cycle impacts of the consumer product, including establishing and maintaining:

- *(A) take-back programs; or*
- *(B) statewide or local recycling or collection programs, or*
- *(C) statewide or local programs to control priority chemical of concern or consumer product impacts to the environment.*



Recommendations

- Regulate products containing CoCs using an EPR approach to mitigate end-of-life impacts
 - ▣ Regulatory language should follow the Extended Producer Responsibility Framework adopted by the CIWMB in January of 2008.
 - ▣ Even with an EPR approach in place to manage end-of-life impacts, CoCs could still make their way into the waste stream. Therefore, the regulations should reference:
 - Nothing adding to local governments' existing solid waste management responsibilities
 - Specifying compensation for local government services provided



Green Chemistry Initiative Future



Major Milestone	Target Date
Draft of unofficial draft (Straw Proposal)	October 2009
Complete Draft of Proposed Rule	November 2009 to February 2010
Workshop / Public Input	February 2010
External Scientific Peer Review	April 2010
Environmental Policy Council Review of Multimedia Evaluation	April 2010
OAL 45-day Public Notice & Comment Period	June 2010
Public Hearing	July 2010
Complete Regulatory Package for OAL	November 2010
OAL Review & Approval	30 working days later
Rule becomes effective	30 days later



Questions

