

# CALIFORNIA SAFER CONSUMER PRODUCTS REGULATION

The California Safer Consumer Products Regulations, promulgated under AB-1879 and SB-509, require the development of green chemistry alternatives for chemicals present in consumer products that are sold in California. This law was implemented on October 1, 2013. Unlike California Proposition 65, which focuses primarily on exposures to reproductive/developmental toxicants and cancer-causing substances, the California Safer Consumer Products Regulations expand the focus to include, in addition to these endpoints, a wide variety of toxicological properties, including persistence and bioaccumulation, mutagenicity, neurotoxicity, and endocrine disruption. This program is administered by the California Department of Toxic Substances Control (DTSC). The intent of the statute is to foster evaluation of chemicals of concern in consumer products and to determine how best to limit the exposures or to reduce the levels of hazard posed by a chemical of concern. The measure includes the use of “green” substitute chemicals that are associated with reduced hazard or reduced adverse effects, ostensibly resulting in safer consumer products. There are 4 major steps to this process:

- **Development of Candidate Chemicals List.** DTSC selects candidate chemicals from various authoritative lists, including the Centers for Disease Control (CDC) National Exposure Report; the Agency for Toxic Substances and Disease Registry (ATSDR) health effects reports; the USEPA’s Integrated Risk Information System (IRIS); chemicals for which drinking water standards have been developed in California; European lists of endocrine disruptors, sensitizers, and persistent chemicals; IARC carcinogens; and chemicals regulated by OEHHA. There are over 1,000 chemicals on the initial list of candidate chemicals.
- **Development of a Priority Products List.** DTSC will propose, in groups, priority products to be evaluated. When a “Candidate Chemical” is listed as a “Priority Product”, it becomes a “Chemical of Concern.” Once a Priority Product is listed, the manufacturer, importer, retailer or “assembler” has only 2 months in which to respond under DTSC’s notification requirement.
- **Completion of an Alternatives Analysis.** Responsible entities have only 6 months following notification to submit a preliminary Alternatives Analysis (AA) to DTSC. The final AA must be submitted within 12 months following DTSC review of the preliminary AA. The AA must address product life-cycle considerations, including resource consumption, water use, water quality impacts, air emissions, transportation and energy use, energy efficiency, greenhouse gases, end-of-life disposal, sensitive subpopulations, environmental impacts, and economic impacts.
- **DTSC Regulatory Response.** Following review of an Alternatives Analysis, DTSC may request additional information, or may require notification of consumers or implementation of additional safety measures. DTSC may impose restrictions or prohibitions on sales of the product, and may require evidence of end-of-life product stewardship or additional research.

toXcel provides support to industry in response to this new statute, including technical assistance in legal challenges; determination of whether exemptions apply; management of chemical analysis of the product; assistance in filings to DTSC; and monitoring of the DTSC portal for changes to the list of candidate chemicals and the priority products list. toXcel will also assist in development of delisting petitions to remove one or more candidate chemicals from the list; review and comment on the Priority Products Workplan (October 2014); and review and comment on the draft DTSC guidance on AA development. In addition, toXcel will provide the best strategy to protect trade secret and confidential business information in dealings with DTSC and with industry trade associations and consortia.

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