

CALIFORNIA SAFER CONSUMER PRODUCTS REGULATION

Scientific and Regulatory Services—US

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. The California Safer Consumer Products Regulations focus on 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 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 those from the Centers for Disease Control (CDC) National Exposure Report; the Agency for Toxic Substances and Disease Registry (ATSDR) health effects reports; the USEPA; drinking water chemicals in California; the EU; IARC carcinogens; and chemicals regulated by California OEHHA.
- Development of a Priority Products List. When a “Candidate Chemical” is listed for 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 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; and review and comment on the Priority Products Workplans; and review and comment on other draft DTSC documents.

Please contact Gary Whitmyre, Director of Human Exposure and Risk Assessment, by email at Gary.Whitmyre@toxcel.com for further assistance.

toXcel, LLC

7140 Heritage Village Plaza
Gainesville, Virginia 20155
USA

Phone: 703-754-0248 x8113
Email: Gary.Whitmyre@toxcel.com

www.toxcel.com