



## California Environmental Protection Agency



State of California  
ENVIRONMENTAL POLICY COUNCIL

Resolution  
October 27, 2010

WHEREAS, the California Environmental Policy Council (Council) consists of the Secretary for Environmental Protection, the Chairman of the California Air Resources Board (ARB) the Chair of the State Water Resources Control Board (SWRCB); and the Directors of the Office of Environmental Health Hazard Assessment (OEHHA), the Department of Toxic Substances Control (DTSC), the Department of Pesticide Regulation (DPR) and the Department of Resources, Recycling and Recovery (CalRecycle).

WHEREAS, with one important exception, DTSC in adopting the proposed Safer Consumer Product Alternatives regulations is required to prepare and submit to the Environmental Policy Council a multimedia life cycle evaluation of the proposed regulations.

WHEREAS, existing law provides that a multimedia life cycle evaluation is not required if the Environmental Policy Council, following an initial evaluation of the proposed regulations, conclusively determines that the proposed regulations will not have any significant adverse impact on public health or the environment.

WHEREAS, DTSC's proposed regulations would: (1) establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern; (2) establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by the chemical of concern; and (3) specify the range of regulatory responses that DTSC may take following the completion of the alternatives analysis.

WHEREAS, the California Green Chemistry Initiative called for a systematic scientific and engineering approach that seeks to reduce the use of hazardous chemicals in the manufacturing of consumer products and the generation of toxic wastes by changing how society designs, manufactures, and uses chemicals in consumer products.

WHEREAS, state law and the proposed regulations shift the manufacturing paradigm to designing chemicals and consumer products that have less of an adverse effect than the status quo or no adverse effects – throughout their life cycle – on California's people and our environment.

WHEREAS, toxic chemicals are inherently hazardous to the health and well-being of all Californians, and the proposed regulations use a science-based prioritization and alternatives analysis framework that will lead to the use of safer chemicals in consumer products.

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WHEREAS, the proposed regulations would require a comprehensive alternatives assessment to be completed for each Priority Product.

WHEREAS, the proposed regulations would require notification to DTSC of the reformulation or redesign of a consumer product that contains a Chemical under Consideration or a Priority Chemical (but that has not yet been listed as a Priority Product).

WHEREAS, the early consumer product reformulation / redesign notification will enable DTSC to quickly determine if the new consumer product should be listed as a Priority Product and evaluated through a comprehensive alternatives assessment.

WHEREAS, multimedia considerations are included throughout the proposed regulations by requiring a comparative evaluation of an expansive list of potential public health, worker safety, and multimedia environmental impacts and exposure potential factors during both the prioritization and alternatives assessment processes.

WHEREAS, DTSC's adoption of the proposed regulations will not affect any specific chemicals or products, and therefore will not result in any direct physical impacts to human health or the environment.

WHEREAS, DTSC's eventual implementation of the proposed regulations may result in potential impacts to human health or the environment; however, because it is impossible for the Council to know at this time what chemicals or products might be affected by a future action by DTSC in accordance with the regulations, any such potential human health or environmental impacts are speculative and not reasonably foreseeable.

WHEREAS, the proposed regulations include provisions that will assist DTSC in evaluating whether any of its potential chemical-specific or product-specific actions to implement the regulations may have a significant adverse effect on public health or the environment.

WHEREAS, Health and Safety Code section 25252.5, subdivision (g), defines a "multimedia life cycle evaluation" as "the identification and evaluation of a significant adverse impact on public health or the environment, including air, water, or soil, that may result from the production, use, or disposal of a consumer product or consumer product ingredient."

WHEREAS, requiring DTSC to prepare a multimedia life cycle evaluation, as defined above, of the proposed regulations without identifying any specific consumer products or consumer product ingredients would not result in any meaningful information or analysis for the Council to consider.

WHEREAS, the Council has conducted a public meeting on October 27, 2010 to receive written and oral comments from interested parties on whether the Council should conclusively determine that the regulation will not have any significant adverse impact on public health or the environment.

NOW, THEREFORE BE IT RESOLVED that the Council, following an initial evaluation of the proposed regulations, conclusively determines that the regulations will not have any significant adverse impact on public health or the environment.

DATED: Oct. 27, 2010

Linda S. Adams  
Linda S. Adams, Secretary  
California Environmental Protection Agency