



american cleaning instituteSM
for better living

October 26, 2010

Secretary Linda S. Adams, Chair
Environmental Policy Council
1001 I Street, P.O. Box 2815
Sacramento, California 95812
(via e-mail: cepc@calepa.ca.gov)

Re: COMMENTS FOR OCTOBER 27, 2010 CEPC HEARING

Dear Secretary Adams:

The American Cleaning Institute[®] (ACI) appreciates this opportunity to provide comments to the California Environmental Policy Council (CEPC) regarding proposed Safer Consumer Product Alternatives (SCPA) regulations by the California Department of Toxic Substances Control (DTSC or the Department) for the implementation of AB 1879.

ACI is the trade association representing the \$30 billion U.S. cleaning products market. ACI members include the formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. ACI and its members are dedicated to improving health and the quality of life through sustainable cleaning products and practices. ACI's mission is to support the sustainability of the cleaning product and oleochemical industries through research, education, outreach and science-based advocacy.

Our understanding of the purpose of the October 27, 2010 meeting of the CEPC is to establish whether or not the CEPC can conclusively determine that the Safer Consumer Product Alternatives regulations will not have any significant adverse impact on public health or the environment.

We do believe that there may be significant adverse impacts on public health or the environment as a result of the regulations. However, we would like to state at the outset our disappointment in the short two-week time frame CEPC has given the public to consider the DTSC analysis. This is not sufficient to conduct the kind of analysis necessary to determine conclusively whether the regulations will or will not have significant adverse impacts. Similarly, given the concurrent comment period to the Department on the SCPA regulations, our resources and those of other stakeholders have been very limited in evaluating the DTSC analysis.

For the reasons stated below, we do not believe the CEPC can conclusively determine that the SCPA regulations will not have an adverse impact on public health or the environment:

- There is likely to be significant overlap between the SCPA regulations and those overseen by other state agencies; this is likely to result in confusion among regulators and the regulated communities leading to delays in implementation of a number of environmental and public health regulations, and related adverse impacts.
- These regulations will effectively govern the entire economy of California:
 - The proposed initial list of Chemicals of Concern (Carcinogens, Mutagens, Reproductive Toxicants, and Persistent, Bioaccumulative and Toxic chemicals) would likely include over 1,500 chemicals; these are likely to be found in tens of thousands of products.
 - The laundry list of “prioritization factors” found in the regulations is likely to classify upwards of 10,000 chemicals as Chemicals of Concern found in countless products.
 - There is no way a regulation with such comprehensive coverage of the economy could be conclusively determined to have no significant adverse impact in the absence of more a rigorous analysis.
- There are a number of disincentives to industries currently formulating and designing safer and more sustainable products; we believe these regulations would slow the introduction of products to the market in California with potentially lower human health and environmental burdens than would otherwise be possible, resulting in adverse human and environmental impacts. By way of example, consider that the US Department of Energy and the State of California are preparing new requirements for dishwashers and (laundry) washing machines to be much more energy and water efficient; to work properly and to be accepted by consumers, they will require newly formulated detergents which are currently being developed. Given the overwhelming scope of these regulations and the increased burdens on product design, introduction and acceptance of more efficient dishwashers and washing machines could be delayed in California resulting in greater strain on water resources and the energy grid, and related adverse public health and environmental impacts.
- The next generation of safer and more efficient consumer products will require significant innovation and product development; these regulations discourage innovation and will slow product development because they greatly increase the burdens on innovators and there are not sufficient protections of intellectual property. Without the assurance that their proprietary formulae will be protected from being disclosed to competitors, companies are unlikely to continue to invest in innovation. Likewise, the bureaucratic burdens of the regulations will take those staff engaged in innovation out of the labs to satisfy the massive reporting requirements specified.
- The alternatives assessment accreditation process will require significant capacity building and will be a bottleneck in bringing improved products to the market.
- Lack of access to products in California could lead consumers to travel to other states or Mexico to purchase products that are safe and legal in California but for which the

regulations have effectively “black listed” in the state; such unnecessary travel would result in adverse environmental impacts. It is our understanding that this presently occurs for things like low-flow toilets. However, the effect will be greatly magnified.

- The regulations could lead to premature disposal of safe products resulting in increased use of natural resources, burdens on waste handling systems and related adverse impacts.
- The resource intensive nature of the regulations are likely to require those resources to be drawn from other state agencies (these could be dollars, or expertise – there are only so many toxicologists available), and may result in those programs being reduced, resulting in adverse impacts.

We are sincere in our belief that many of the adverse impacts described may occur as a result of the implementation of the SCPA regulations. However, we acknowledge that we cannot quantify their magnitude given the extremely short period we have been given to conduct such an analysis. We appreciate the opportunity to present these arguments and urge the Council to rightly find that it cannot conclusively determine that the Safer Consumer Product Alternatives regulations will not have any significant adverse impact on public health or the environment.

Thank you for your consideration of our comments. If you have any question regarding our submission, please feel free to contact me by phone at 202-662-2516 or by e-mail at pdeleo@cleaninginstitute.org.

Sincerely,



Paul C. DeLeo, Ph.D.
Senior Director, Environmental Safety

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