

## **CALIFORNIA ENVIRONMENTAL POLICY COUNCIL**

### **NOTICE OF PUBLIC HEARING**

Department of Toxic Substances Control's  
Safer Consumer Product Alternatives Draft Regulations

Need for a Multimedia Evaluation

The Secretary of the California Environmental Protection Agency (Cal/EPA) will convene a public hearing of the California Environmental Policy Council (CEPC) to consider the need for a multimedia evaluation of the Safer Consumer Product Alternatives regulations proposed by the Department of Toxic Substances Control (DTSC). The public hearing will commence as follows:

**Wednesday, October 27, 2010 at 2:00 p.m.**

2<sup>nd</sup> Floor – Byron Sher Auditorium  
Joe Serna, Jr. Cal/EPA Building  
1001 "I" Street, Second Floor  
Sacramento, California

### **PURPOSE OF HEARING**

At the public meeting, the CEPC will consider the DTSC report, entitled *Recommendation on Need for a Multimedia Evaluation of the Safer Consumer Product Alternatives Regulations*. DTSC will provide a presentation to the CEPC and will summarize the findings in the report. Based on the report and public comments, the CEPC will determine whether or not DTSC's proposed regulations will have a significant adverse impact on public health or the environment. The public comments made in this public meeting should be focused on the recommendations contained in the DTSC report.

Persons interested in commenting on the DTSC Safer Consumer Product Alternatives regulations or the Office of Environmental Health Hazard Assessment (OEHHA) proposed companion regulation must do so to the respective agencies, as explained later in this notice.

### **ISSUE**

Can the CEPC conclusively determine, following an initial evaluation of the proposed regulation, that the regulation will not have any significant adverse impact on public health or the environment?

## **BACKGROUND**

The CEPC consists of the Secretary for Environmental Protection (Chair), the Chairman of the Air Resources Board (ARB), the Director of the Department of Pesticide Regulation, the Director of the Department of Toxic Substances Control, the Director of the Office of Environmental Health Hazard Assessment, the Chairman of the State Water Resources Control Board and the Director of the California Department of Resources, Recycling and Recovery.

The CEPC was originally established by the Environmental Protection Permit Reform Act of 1993 to designate a consolidated permit agency for applicants for environmental permits from multiple environmental agencies. In 1999 the CEPC's functions were expanded to review multimedia environmental evaluations of new motor vehicle fuels. ARB may not adopt any regulation that establishes a motor vehicle fuel specification unless a multimedia evaluation conducted by affected agencies and coordinated by the ARB is reviewed by the CEPC. For more information on the CEPC go to:

<http://www.calepa.ca.gov/CEPC/>

## **PROPOSED ACTION**

Existing law (Sections 25252 and 25253 of the Health and Safety Code) requires DTSC to adopt regulations to identify and prioritize chemicals of concern in consumer products and to evaluate those chemicals and their alternatives so as to reduce exposure and limit hazards posed by such chemicals.

Additionally, existing law (Section 25252.5 of the Health and Safety Code) requires DTSC to prepare, and submit to the CEPC for review, a multimedia evaluation prior to adopting these regulations. However, the law provides an exception to this process. Specifically, DTSC is authorized to adopt the regulations without preparing a multimedia evaluation if the CEPC conclusively determines that the regulation will not have any significant adverse impact on public health or the environment.

The proposed DTSC regulations would do the following: (1) establish a process to identify and prioritize 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 assessment.

## **SUBMITTAL OF COMMENTS TO CEPC**

The CEPC will receive public comments on whether DTSC's proposed regulations will have any significant adverse impact on public health or the environment. Written comments directed to the CEPC should be sent by U.S. mail or by email. All written

comments **must be received by noon on October 26, 2010**. Please include in the subject line of any written communication or e-mail: **COMMENTS FOR OCTOBER 27, 2010 CEPC HEARING**. Please submit written comments to the address below:

Secretary Linda S. Adams, Chair  
Environmental Policy Council  
1001 I Street, P.O. Box 2815  
Sacramento, California 95812

Email: [cepc@calepa.ca.gov](mailto:cepc@calepa.ca.gov)

The CEPC will hold a public hearing on October 27, 2010 at which time any person may present statements or comments orally. PowerPoint presentations or written summaries of oral comments will be accepted at the hearing. Representatives from Cal/EPA will preside at the hearing. Persons who would like to speak at the public hearing are requested to fill out a speaker's card, available at the back of the hearing room, before the hearing.

A copy of the report will be available on the CEPC's website at: <http://www.calepa.ca.gov/CEPC/>. The public may view comments submitted to the CEPC at: <http://www.calepa.ca.gov/CEPC>.

**Please note:** Comments submitted to the CEPC will be for the purposes of informing CEPC's determination of whether DTSC's proposed regulations will have a significant adverse impact on public health or the environment. Persons interested in commenting on DTSC's or OEHHA's proposed regulations must do so directly to DTSC or OEHHA, respectively as discussed below.

## **PROPOSED REGULATIONS**

Comments on the proposed DTSC Safer Consumer Product Alternatives regulations themselves must be submitted to DTSC no later than November 1, 2010, in accordance with the procedures set forth in DTSC's 45-day public notice for the draft regulations. The public notice can be found on DTSC's website at:

<http://www.dtsc.ca.gov/LawsRegsPolicies/upload/SCPA-45-Day-Notice-and-Comment-Period.pdf>

DTSC will hold a public hearing on the proposed DTSC regulations at 1:00 p.m. on November 1, 2010 in the Byron Sher Auditorium, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or comments relevant to the proposed rulemaking.

OEHHA is developing a companion regulation to the DTSC Safer Consumer Product Alternatives regulation. The OEHHA regulation will specify chemical hazard traits, toxic

and environmental endpoints, and other relevant data for use by DTSC, businesses and the public in conducting activities pursuant to the DTSC regulation. OEHHA posted a pre-regulatory draft on its web site in August. At the time of this notice, OEHHA was preparing a draft regulation. For updated information on the draft regulation, public hearing and comment period, please check OEHHA's web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

## **PARKING ACCESSIBILITY AND SECURITY**

A map to the Joe Serna Jr./Cal/EPA Building and parking information are available at <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required to the security level so please allow up to 15 minutes for this process.

The Joe Serna Jr./Cal/EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal/EPA Building are requested to contact Ms. Roberta Potter at (916) 322-7315 or [rpotter@calepa.ca.gov](mailto:rpotter@calepa.ca.gov).

## **QUESTIONS**

If you have any questions regarding the public meeting or need special arrangements please contact Ms. Roberta Potter at (916) 322-7315 or [rpotter@calepa.ca.gov](mailto:rpotter@calepa.ca.gov).