

# The Draft Initial Priority Products List Department of Toxic Substances Control

#### What are the Safer Consumer Products regulations?

The Safer Consumer Products (SCP) regulations seek to reduce toxic chemicals in consumer products, create new business opportunities in the emerging safer consumer products economy, and make it easier for consumers and businesses to identify what chemicals are present in the products they buy. Instead of banning the use of a chemical without knowing the availability or safety of alternatives, the regulations provide a process for manufacturers to answer two questions: 1) Is this chemical necessary? 2) Is there a safer alternative?

# What is a Priority Product?

A Priority Product is a consumer product that contains one or more chemicals—known as Candidate Chemicals—that have a hazard trait that can harm people and the environment. The SCP regulations require the Department of Toxic Substances Control (DTSC) to publish a draft Initial Priority Products List by April 28, 2014. Publication of this draft list of products imposes no new regulatory requirements on manufacturers until DTSC finalizes it by adopting regulations.

# What are the Priority Products and Candidate Chemicals being selected?

The draft initial Priority Products list identifies three products:

- 1. Spray Polyurethane Foam (SPF) Systems containing unreacted diisocyanates
- Children's Foam Padded Sleeping Products containing Tris(1,3-dichloro-2-propyl) phosphate or TDCPP
- 3. Paint and Varnish Strippers, and Surface Cleaners with methylene chloride More product-chemical combinations will be added in the future.

# Why were these products picked?

DTSC is placing these products on the initial Priority Products list based on two criteria in the SCP Regulations: 1) the products have the potential to expose people or the environment to one or more Candidate Chemicals, and 2) this exposure has the potential to "contribute to or cause significant or widespread adverse impacts."

### Is this a ban?

No. Listing a product on the initial Priority Products list is only the second step of a four-step process that could eventually lead to DTSC implementing a regulatory response. Once the initial Priority Products list is adopted in regulations, manufacturers of Priority Products will be required to notify DTSC and begin the Alternatives Analysis (AA) process. The findings of each manufacturer's AA report will ultimately determine what regulatory response, if any, DTSC may impose. The SCP regulations provide a range of regulatory responses, ranging from product labeling to a sales prohibition.

# What happens next?

- DTSC will hold a series of three public workshops in May and June 2014 to engage in a dialogue with stakeholders on the product-chemical combinations identified on the Initial Priority Products List.
- DTSC expects to initiate rulemaking to codify the initial Priority Products list in regulations in the latter part of 2014, a process that may take up to one year.