

City of Palo Alto

Public Works Department

Transmitted via email: green.chemistry@dtsc.ca.gov

November 16, 2007

Maureen Gorsen
Director
Department of Toxic Substances Control
P.O. Box 806 Sacramento, CA 95812-0806

Dear Ms. Gorsen,

The City of Palo Alto commends your efforts to engage the public in compiling options for promoting Green Chemistry and for improving California's policies for addressing toxic pollutants. Palo Alto operates a regional wastewater treatment plant that serves a population of 220,000 people. As a leader in Bay Area pollution prevention efforts, Palo Alto spends considerable resources attempting to address water pollution issues resulting from toxics incorporated in consumer products by accident and by design. In reviewing the "Emerging Options" document, we are pleased to see that many of our concerns related to these issues have been addressed in your dialogue with the public.

We do, however, wish to submit a suggestion for addressing a specific type of "Toxics in Products by Design". Over the past several years, we have noted an increasing trend of the incorporation of antimicrobial ingredients in consumer products. Recent examples include marketing of kitchen appliances, washing machines, and clothing impregnated with or designed to release silver or copper. These products incorporate silver or copper for antimicrobial purposes, although the manufacturer may or may not choose to make specific antimicrobial claims when marketing the products. Such products are used in residential settings that can result in the antimicrobial ingredients being discharged into wastewater from home cleaning, kitchen activities, and clothes washing. We are very concerned that this growing market trend will lead to increased concentrations of these toxic metals and of other toxics in residential wastewater, ultimately causing environmental harm as they pass through wastewater treatment plants.

We suggest that DTSC, in developing a comprehensive chemicals policy for California, require the following before allowing the sale of a consumer product that incorporates an antimicrobial ingredient:

1. A demonstration of efficacy, to assure that the antimicrobial ingredient is not present solely as a marketing aid; and
2. An analysis of the potential water quality impacts of the product. This analysis should include estimates of the amount of antimicrobial ingredient that would be released by the product, the ability of wastewater

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treatment plants to remove the ingredient, and the incremental increase in environmental concentrations of the ingredient that would result from widespread use.

Products incorporating antimicrobial ingredients should then not be allowed to be sold in California unless they are demonstrated to be efficacious and to pose an insignificant threat to water quality.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Bobel". The signature is fluid and cursive, with the first name "Phil" and last name "Bobel" clearly distinguishable.

Phil Bobel, Manager
Environmental Compliance Division