



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

EDMUND G. BROWN JR.
GOVERNOR

State of California
California Environmental Protection Agency
ENVIRONMENTAL POLICY COUNCIL
Resolution
February 28, 2013

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

WHEREAS, with one important exception, as noted in the following paragraph, DTSC in adopting the proposed Safer Consumer Products regulations is required to prepare and submit to the 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 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, the proposed regulations would require a comprehensive alternatives analysis to be completed for each prioritized product-chemical combination (referred to as a Priority Product), subject to specified exceptions and notification to DTSC of an alternate means of compliance.

WHEREAS, multimedia considerations are included throughout the proposed regulations by requiring a comparative life cycle evaluation of an expansive list of potential public health (including worker health) and multimedia environmental impacts, potential waste and end-of-life

effects, and exposure potential factors during both the prioritization and alternatives analysis 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 public health or the environment.

WHEREAS, DTSC's eventual implementation of the proposed regulations may result in potential impacts to public health or the environment; however, because it is impossible for the Council to know at this time what chemicals in which products might be affected by a future action by DTSC in accordance with the regulations, any such potential public 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 would not result in any meaningful information or analysis for the Council to consider.

WHEREAS, if DTSC, in finalizing its Safer Consumer Products regulations, fundamentally alters the regulations in such a manner that the regulations directly affect specific consumer products, DTSC shall re-submit its regulations to the Council.

WHEREAS, the Council has conducted a public meeting on February 28, 2013 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: 2/28/13



Matthew Rodriguez, Secretary
California Environmental Protection Agency