

DTSC Green Ribbon Science Panel

March 12, 2021

Background Document

This document provides a brief background on the topics to be discussed at the March 2021 meeting of the Department of Toxic Substance Control's Green Ribbon Science Panel (GRSP). The topics outlined below are focused on supporting the implementation of the Safer Consumer Products (SCP) regulations.

Meeting Theme: Transparency and Signaling – SCP Public Timeline and the 2021-2023 Priority Product Work Plan

Topic #1 – SCP Public Timeline

Problem Statement:

The Safer Consumer Products (SCP) Program conducts vast amounts of research, much of it to inform Priority Product selection. Yet the nature of this work, including projected timelines and completion dates, is not always communicated to the public. Consequently, stakeholders can interpret this communication void as an absence of action. This lack of transparency has been previously discussed by the Green Ribbon Science Panel (GRSP) at the November 2019 meeting, where the Panel advocated for developing a tool in which to share the status and estimated progress of project schedules. SCP recently published a public Timeline online (see <https://dtsc.ca.gov/scp/>) to provide information about SCP projects.

GRSP Input:

The Panel will provide feedback on the Timeline. SCP will attempt to incorporate feedback received from the Panel as well as from external stakeholders. The Department assumes that the SCP Timeline will evolve as we get more feedback and assess its utility.

Topic Summary:

SCP has developed a public Timeline to summarize the current and planned work of the Program. This Timeline presents 15 months of data at a time and will be updated on a quarterly basis. SCP activities and their respective milestones will be displayed on the Timeline. Some of these data are "best estimates" that include a broader range of dates to account for variability, unknown factors, and activities outside SCP control (e.g., Alternatives Assessment activities conducted by Responsible Entities). The public can view the Timeline to stay up to date on SCP's current and projected project statuses.

The goal of this Timeline is to allow the public to see what SCP is currently working on and view SCP's plans for completing specific projects. The Timeline has been designed to take into account the unpredictable nature of project forecasting and to provide reasonable best estimates for project milestones. SCP has received input from the Panel at previous meetings that stressed that the cost of missing deadlines is far outweighed by the benefits of publishing a Timeline. In addition to providing transparency, the Timeline will address some of SCP's stakeholder communication challenges around project updates that have been previously discussed by the Panel. This Timeline will benefit SCP and its stakeholders by increasing the Program's public transparency and accountability.

In addition to publicly announced projects, the Timeline also displays projects that have undergone the screening process, have been evaluated, and will *not* be moving forward with Priority Product designations. We recently began publishing documents that describe our findings about these product-chemical combinations, and the Timeline will assist in making these decisions more visible and available to the public. Historically, these decisions have not been made publicly available, despite representing a large proportion of the Program's output. However, displaying these projects on the Timeline, along with publishing the complementary decision documents, will present the findings of our evaluation process and explain our rationale in deciding not to list a product-chemical combination as a Priority Product. *While highlighting this "hidden work" is one of the goals of the Timeline, detailed discussion about the reports documenting the product-chemical combinations not pursued by SCP will be saved for a future GRSP meeting.*

Questions for the Panel:

1. Does this Timeline effectively provide transparency to the public about our work? If not, how can it be improved to better meet this goal?
2. Does the proposed look and feel of the Timeline work for its intended purpose?
 - a. How could SCP improve the functionality, usability, or clarity of the Timeline?
 - b. What additional features or information would the Panel suggest adding to future versions of the Timeline?
3. What problems may arise from SCP's publication/disclosure of a Timeline? What are the implications of not meeting proposed milestones and how could SCP manage them?
4. What information portrayed by the Timeline would be most helpful to industry and NGO stakeholders?
5. Are there other actions that SCP could take, in addition to the Timeline, to help improve transparency and provide some level of predictability regarding our future activities?

Topic #2 – 2021-2023 Priority Product Work Plan

Problem Statement:

Some SCP stakeholders have commented that SCP's prior Priority Product Work Plans (PPWP) have not provided sufficient certainty about, or transparency into, the work conducted by SCP, despite meeting the core requirements as outlined in the framework regulations (see attached Reg Text provided in Panelist's Packet; Chapter 55, § 69503.4).

Recommendations from stakeholders as well as the Panel for improving the PPWP have included specifying timelines for completion of various activities and identifying SCP's specific data needs and the actions it intends to take to address them. SCP has considered this input and, in concert with the Timeline (topic above), modified the 2021-2023 PPWP to address these concerns.

GRSP Input:

The Panel will provide helpful and timely comments to address concerns in the PPWP before it is finalized, as well as any ideas for future versions. Additionally, the Panel will weigh in on the progress that SCP has made in addressing previously feedback on this topic and provide recommendations for additional improvements to the PPWP.

Topic Summary:

SCP's PPWP is dictated by the framework regulations, which require that it:

1. Identify and describe the product categories the program will evaluate to identify Priority Products during the three years following its issuance; and
2. provide a general explanation of SCP's rationale for selecting the product categories.

In response to stakeholder concerns, SCP has streamlined and simplified the PPWP for 2021-2023 and described the work that it plans to do in more detail in order to increase transparency. SCP has added some new product categories and removed or revised other product categories. Additionally, SCP has attempted to better define product categories and provide stakeholders with a clearer picture of the work that we plan to do in an attempt to more clearly and effectively signal to the market.

Previous PPWPs contained "Policy Priorities," which described the basis for including those specific product categories in the Work Plan. Since many product categories are being carried over into the new PPWP, those same Policy Priorities still apply. Therefore, SCP chose not to repeat them. Instead, this PPWP includes "Priorities and Considerations for Implementation," which indicate some of the key factors that SCP will consider when prioritizing specific product-chemical combinations for evaluation.

The proposed 2021-2023 PPWP provides a great deal of continuity with the 2018-2020 PPWP. As noted above, the proposed PPWP **carries over** several product categories, some with updated scopes/definitions, including:

- *Beauty, Personal Care, and Hygiene products*
 - No proposed changes.
- *Cleaning Products*
 - No proposed changes.
- *Building Products and Materials Used in Construction and Renovation*
 - We propose expanding the scope of this product category to include products or materials used in outdoor settings such as recreational fields, community centers, parks, playgrounds, stadiums, daycare centers, and schools. This category was expanded, in part, in response to stakeholder concerns about artificial turf, especially related to the use of PFASs.
- *Food Packaging*
 - We propose revising the definition of Food Packaging in the new PPWP to better clarify to stakeholders what types of products may be included in this category.

The 2021-2023 PPWP also proposes the **addition** of two new product categories:

- *Children's Products*
 - We propose adding a new Children's Product category that aligns with WA Department of Ecology's definition. We included this category because children below the age of twelve, and notably infants and toddlers, are especially susceptible to adverse impacts from exposures to hazardous chemicals. Some children's products may contain Candidate Chemicals that are carcinogens, developmental toxicants, endocrine disruptors, immunotoxicants, or neurotoxicants.
- *Motor Vehicle Tires*
 - We are adding the Motor Vehicle Tires category after granting a petition to add "motor vehicle tires with zinc-containing tread" to the Priority Products List. The California Stormwater Quality Association (CASQA) petitioned DTSC on May 31, 2018. After evaluating the petition and supplemental information provided by CASQA, we decided to grant the petition in late 2020. Subsequent to the decision to grant the petition, Tian et al. published a paper that identified a transformation by-product of tire antiozonant, 6PPD, as being acutely toxic to Coho salmon, an endangered species in parts of California. Including motor vehicle tires in the PPWP will also allow SCP to evaluate tires containing 6PPD as a potential Priority Product.

Next, SCP **does not intend to carry over** certain product categories that were included in the 2018-2020 PPWP. Our work in these three categories will be limited to adopting regulations to add previously evaluated products to the Priority Products list. The three PPWP categories that SCP intends to drop from the 2021-2023 PPWP are:

- *Household, School, and Workplace Furnishings and Décor*
 - We previously evaluated rugs containing PFASs under this category.
- *Consumable Office, School, and Business Supplies*
 - We previously evaluated BPA in thermal receipts under this category. A key element of the SCP regulatory framework is the requirement for manufacturers of Priority Products to conduct an Alternatives Analysis. Since the U.S. Environmental Protection Agency has already published an Alternatives Assessment for BPA in thermal papers, and given that manufacturers of thermal receipts appear to have shifted away from the use of BPA, we felt that undertaking rulemaking to compel manufacturers to perform another Alternatives Analysis would not be an effective use of our limited resources.
- *Lead-Acid Batteries.*
 - In the wake of concerns regarding lead contamination in the community surrounding the Exide battery recycling facility, DTSC was asked by Governor Brown and the Legislature to evaluate lead-acid batteries as a potential Priority Product under our 2018-2020 PPWP. SCP conducted extensive research on potential adverse impacts from lead during the life cycle of batteries. DTSC concluded that listing lead-acid batteries as a Priority Product is not likely to enhance protection of human health, given that billions of dollars are already being invested worldwide in researching new, safer battery technologies.

Finally, as noted above, SCP has added the following “Priorities and Considerations for Implementation” section to the PWPP. These are the key factors that SCP will consider when evaluating PPs:

- The potential for Candidate Chemicals contained in the product to adversely impact the health of children and workers.
- The potential for the product to release Candidate Chemicals to indoor air and dust and to adversely impact the indoor environment.
- The potential for the product to release microplastics to the environment during the use or end-of-life stages of the product’s life cycle. The SCP Program is concerned with microplastics because they have the potential to contribute significantly to aquatic pollution.

- The extent to which listing a product as a Priority Product would leverage the work of other agencies within the California Environmental Protection Agency.

Questions for the Panel:

1. SCP has targeted the PPWP to manufacturers and the general public. What key audiences are missing, if any, and what should be our goals in communicating to those audiences?
2. We have heard concerns from some stakeholders that the PPWP does not effectively signal to the market. Do the proposed changes we have made in the 2021-2023 PPWP better accomplish that goal? Is there something else that we could include to more effectively signal and promote informed substitution?
3. Does our proposal to remove the above-mentioned product categories from the PPWP have any potential negative implications?
4. Should SCP consider revising the regulations in order to expand its authority to amend a PPWP? Right now, the SCP regulations allow amendments to a PPWP if required by a law or if DTSC grants a petition. Are there any other situations in which revising a current PPWP should be allowed, such as if new research pinpoints a chemical of concern in a product category not covered by the PPWP that requires urgent attention?
5. Are there product categories that GRSP members suggest that SCP consider adding to the PPWP, and if so why?
6. Are the Priorities and Considerations for Implementation helpful to include in the Work Plan to improve transparency around prioritization and decision making? What additional priorities or considerations should SCP consider adding to this list?