

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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STATE OF CALIFORNIA ISSUES LIST OF CANDIDATE CHEMICALS FOR GREEN CHEMISTRY INITIATIVE

The California Department of Toxic Substances Control issued the list of Candidate Chemicals on 26 September 2013.

California's Safer Consumer Products Act ("California Green Chemistry Initiative") was signed into law in 2008 and implementation rules have been under development for several years. The purpose of the law is to accelerate the quest for safer products by having toxic chemicals removed from or reduced significantly in consumer products, instead of managing these chemicals at the end of the product's lifecycle as hazardous waste.¹ The California Department of Toxic Substances Control (DTSC) characterized the proposed regulation as a "preemptive strategy that reduces the use of toxic substances in the design of products and industrial processes with the aim of creating safer and sustainable products that do not threaten human health or persist in the environment."²

¹ [California Green Chemistry Initiative: Frequently Asked Questions](#)

² [DTSC publication](#)

³ [SafeGuardS 165/13](#) and references therein

⁴ [DTSC—chemical list](#)

On 28 August 2013, the final draft of the regulation was approved by the Office of Administrative Law. The new law takes effect on 1 October 2013. Under the new law, the DTSC is required to establish (within 30 days) a list of Candidate Chemicals from which the Chemicals of Concern (COC) are chosen.³

On 26 September 2013, DTSC issued its list of Candidate Chemicals which is the list of chemicals that DTSC has determined to be problematic either to humans or to the environment. This list, which contains approximately 1060 chemicals, is available on the DTSC website⁴. The next step is for DTSC to give its list of Priority Products (PP), which it is not obliged to do under the law for 180 days. This list will initially consist of no more than 5 products, and the relevant Candidate Chemicals will be given at the same time. These chemicals are expected to be found in the Priority Products and will then be referred to as Chemicals of Concern (COC).

The manufacturers of those Priority Products will be required to notify DTSC that they are a manufacturer of a PP to be sold in California. A manufacturer with a Priority Product with a COC has three options: he can cease to sell in California; he can remove the COC from the product; or he can perform an Alternatives Assessment (AA). An AA is an evaluation of the risk of a Priority Product and a comparison of one or more alternatives to the COC contained within the PP. AAs may be conducted internally by a manufacturer or by a certified outside assessor, but all AAs will be made available for public review on the DTSC website. Part of the AA will be to determine if the COC is above or below the Alternatives Analysis Threshold (AAT). For COCs present as contaminants, this is defined as the Practical Quantitation Limit (PQL). DTSC may set AATs for COCs added to products deliberately and this limit should take into account the chemical, the matrix, and the state of current commercial analytical

technology. The goal is to limit exposure of the COC to both the environment and the general public, and to find safer alternatives for consumer goods sold in California.

After submittal and review of the AA, DTSC will issue a regulatory response that could entail providing more information to DTSC, prohibition on the sale of the product, requiring additional environmental protection measures such as an end-of-life collection programme, or more research into an alternative chemical if none currently exists.

Of the Candidate Chemicals, about 260 are already found on the Proposition 65

List. This includes three chemicals that were de-listed: allyl chloride, 5-nitro-o-anisidine, and bisphenol A (BPA). Presumably the limits that will be set by the Safer Consumer Products Act (SCPA) will take into account the requirements of Proposition 65, meaning any AATs set by DTSC will be in harmony with the Safe Harbor Levels set by Proposition 65. The SCPA does not mention Proposition 65 specifically, so it remains to be seen how the two will work together in the regulatory environment.

The list of Priority Products has not yet been released, but SGS will continue to monitor further developments and issue updates as these details are finalised.



Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing for various restricted substances in consumer products for compliance with regulations across the world. Please do not hesitate to contact us for further information.

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