

The Sacramento Bee

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Deal seeks oversight by state

GOVERNOR, LOBBY GROUPS, LAWMAKERS CRAFT BROAD APPROACH ON HAZARDOUS MATERIALS

BY STEVE WIEGAND
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An ambitious proposal crafted in the dwindling days of the legislative session would for the first time give state regulators broad authority to oversee chemicals in consumer products.

The two-bill deal, negotiated among legislators, the Schwarzenegger administration and environmental and chemical industry groups, also would lay the foundation for the administration's "Green Chemistry Initiative," which would fundamentally change the way the state handles hazardous materials.

"I think we're on the verge of enacting groundbreaking legislation," said Assemblyman Mike Feuer, D-Los Angeles.

Feuer's measure, Assembly Bill 1879, would give the Department of Toxic Substances Control until January 2011 to establish a science-based process to identify and evaluate problem chemicals in their manufacture, use and ultimate disposal.

It would give the department authority to regulate the chemicals, including banning their use in California.



State Sen. Joe Simitian's bill would create a state-run Web site where customers could search the information on chemical hazards.

It also would create a "Green Ribbon" panel of scientists to advise the department.

Senate Bill 509, by state Sen. Joe Simitian, D-Palo Alto, would create a state-run Web site where consumers could search for information on chemical hazards.

State environmental regulators have traditionally focused mostly on problems such as air pollution and hazardous waste disposal, while chemical regulation has been left to the federal government.

But environmental groups have complained for years that federal agencies such as the Environmental Protection Agency and the Food and Drug Administration move too slowly, when they move at all.

In April 2007, the administration began formulating plans for

overhauling the state's approach to dealing with the waves of new chemicals that wash over consumer products each year.

Specific recommendations were to be in place by last month. But administration officials said it would likely be sometime in September before they're done.

In the meantime, elements of the plan were negotiated into the Feuer and Simitian bills to serve as a beachhead for the program.

"This is essential for us to begin to really start looking at toxics in products," department director Maureen Gorsen said. "Right now everything we look at, and have been looking at, are emissions, wastes and discharges."

For example, Gorsen said: "We have lunchboxes that contain lead. When you throw them out, we can treat them as hazardous waste. But a kid could eat out of it every day ... and there's not much we can do about it right now."

Feuer said that when he gives talks on the subject, "people are not only surprised to find that the state currently doesn't have authority over products that contain

dangerous chemicals, they expect that the state should."

Environmental groups praised the plan as a good first step.

"We're strongly supporting this," said Bill Magavern, lobbyist for the Sierra Club. "Right now, most Californians assume that state government has the authority to take toxic products off the shelves. That's actually not true, except in a very few specific cases where the Legislature has acted. ... This would be a really important breakthrough."

The chemical industry has generally been more cautious than aggressively opposed to the proposals.

"Officially, we don't have a position," said Tim Shestek, lobbyist for the American Chemistry Council, "but we're encouraged by it. ... This kind of format is much more preferred than what we're dealing with in the Legislature."

Shestek was referring to dozens of bills in the past few years that dealt with individual chemicals or specific chemical groups.

Chemical companies and manufacturers have complained that

legislators lack the scientific knowledge to decide what is potentially dangerous, and are too often swayed by emotion rather than science.

Last year, Gov. Arnold Schwarzenegger indicated while signing a bill that phased out chemicals called phthalates from toys that he was weary of the one-chemical-at-a-time approach.

"I strongly believe there needs to be a systemic way to address these types of concerns," Schwarzenegger said.

That, plus the looming approval of the administration-backed Simitian and Feuer bills, could doom two other bills that seek to ban chemicals from fast food containers, microwave popcorn bags and some plastic baby bottles.

Those measures, Senate Bill 1713 by Sen. Carole Migden, D-San Francisco, and Senate Bill 1313 by Sen. Ellen Corbett, D-San Leandro, were defeated in the Assembly last week, but were scheduled for new votes this week.

Los Angeles Times

September 30, 2008

Chemical regulation broadens

New state laws target 80,000 toxics, rather than narrowly focusing on specific substances in certain products.

By MARGOT ROOSEVELT
Times Staff Writer

California on Monday launched the most comprehensive program of any state to regulate chemicals that have been linked to cancer, hormone disruption and other deadly effects on human health.

Gov. Arnold Schwarzenegger signed two broad laws that shift the state away from a scattershot approach in which bills targeting individual chemicals and products have passed or failed depending on the intensity of the lobbying and media attention.

The new measures are designed to encompass 80,000 chemicals now in circulation, rather than focus narrowly, as previous bills have, on specific substances in products such as baby bottles, toys, mattresses, computers or cosmetics. State regulators are to inventory the most dangerous, widespread chemicals first and control them at the manufacturing stage, before they are handled in workplaces, incorporated into products or allowed to escape into air and water.

The "green chemistry" initiative, Schwarzenegger said, will propel California to "the forefront of the nation and the world. . . . With these two bills, we will stop looking at toxics as an inevitable byproduct of industrial production."

The laws come as public alarm is on the rise over dangerous substances in consumer products. The federal Toxic Substances Control Act, passed three decades ago, has failed to control an explosion of hazardous materials, according to consumer and environmental groups. It exempted existing chemicals and requires the Environmental Protection Agency to prove a chemical is toxic before requesting data from manufacturers.

Automakers and electronics manufacturers lobbied heavily against California's initiative, saying that they are complying with European standards that are far stricter than U.S. federal law.

California's legislation would probably result "in higher costs with little or no benefit," Melanie Wiegner, a lobbyist for Ford Motor Co., wrote legislators. Automakers are concerned that the state could regulate brominated flame retardants in automobiles. The chemicals, which accumulate in human bodies, have been linked to neurodevelopmental problems.

The electronics industry opposed the laws on the grounds that they could result in different warning labels for California and European markets. "A patchwork of differing regulations . . . would unfairly disadvantage companies," said Joe Gregorich, a lobbyist for AeA, the electronics industry group. Computers, stereos and TV sets can contain substances that are harmful to the environment and that can cause neurological or reproductive problems in humans.

More than 164 million
[See *Chemicals*, Page B8]



IRFAN KHAN Los Angeles Times

'BREAKTHROUGH': Gov. Arnold Schwarzenegger hands a copy of the signed bill to Assemblyman Sam Blakeslee at the Nelson Nameplate factory in Los Angeles. One scientist called the legislation "the toughest, most comprehensive law in the country."

State broadens chemical controls

[Chemicals, from Page B1] pounds of chemicals are sold each day in California in consumer and commercial products, a figure that does not include substances used in industrial processes. Until now, state laws have covered only the disposal of chemicals in consumer products, not their manufacture, sale or labeling.

One of the new laws, AB 1879, sponsored by Assemblyman Mike Feuer (D-Los Angeles), lays out a framework to regulate toxics over their life cycle. It also requires the state to promote safer alternatives, some of which have emerged from "green chemistry" initiatives in industry and academia.

"Leading scientists have concluded that children in the womb are pre-programmed to get cancer, diabetes and other serious illnesses, because their moms are exposed to toxic chemicals," Feuer said. "And you can never un-program them. This legislation protects generations to come."

A companion law, SB 509, sponsored by Sen. Joe Simitian (D-Palo Alto), creates a scientific clearinghouse for information on chemicals' effects.

Feuer had originally introduced legislation directing the state to take action on seven substances, including lead, mercury, arsenic, cadmium, polybrominated diphenyl ethers (PBDEs), hexavalent chromium and phthalates, all of which have been linked to serious disease.

But the chemical industry opposed the naming of specific substances in legislation, saying that state agencies should determine targets based on science. Legislators and environmental groups concurred.

A more controversial decision removed a provision in the Simitian bill that would have required industries to disclose

Toxics in everyday products

California lawmakers have passed limited bills, such as bans on lead in jewelry and mercury in thermometers. Now the state will be able to regulate toxics in any consumer product. Several substances likely to be targeted by state regulators:

Chemical	Health effects	Found in
Phthalates	Endocrine disrupters; affect reproductive health; linked to male reproductive tract abnormalities	Plastics, shower curtains, cars, personal care products
PBDEs*	Neurotoxins; accumulate in body; can affect cognitive development/function	Electronics and furniture
Lead	Neurotoxin	Electronics, older pipes, paint in older homes
Bisphenol A	Prostate cancer, heart disease, diabetes; neurotoxin	Canned food, reusable water bottles
Arsenic	Carcinogen	Electronics
Mercury	Neurotoxin	Light bulbs, some electronics

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Sources: Breast Cancer Fund, Environmental Health Sciences
Graphics reporting by MARGOT ROOSEVELT

Los Angeles Times

to the state all of the chemical ingredients used to manufacture their products and any information about their health effects. Aides to Schwarzenegger agreed with businesses that the provision would encroach on trade secrets.

In the end, the bills were endorsed by diverse groups, including the Sierra Club, the Breast Cancer Fund, DuPont and the Chemical Industry Council of California.

Michael P. Wilson, a UC Berkeley public health researcher who wrote a 2006 report on the need for a state toxics program, praised California's new laws as a first step. But he said they may "continue to place the burden of proving the safety of chemicals on the government, rather than on

producers."

Federal law prohibits the Environmental Protection Agency from sharing industry information with the states, he noted. "California agencies do not know what chemicals are sold in the state, where they are sold, by whom, for what purpose, how people might be exposed or where they ultimately end up in the environment," Wilson said. "This is the same situation for all U.S. states. There are large public health data gaps."

Sierra Club California director Bill Magavern acknowledged that "earlier versions of the disclosure legislation were stronger." But he called the new laws a "breakthrough."

"Right now," he said, "if lunch boxes are found to have

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J.P. Myers, chief scientist and chief executive of Environmental Health Sciences, a Virginia-based nonprofit, called California's legislation "the toughest, most comprehensive law in the country." The federal Toxic Substances Control Act is "decades out of date and has failed repeatedly to allow regulators to intervene in the face of new scientific evidence," he added.

Among states, according to Myers, Washington has passed several chemical-specific laws, but only Maine has recently passed broad legislation, restricting substances of "high concern" for children's health.

Schwarzenegger signed California's new laws on the factory floor of Los Angeles' Nelson Nameplate, a company that has cut back its use of dangerous solvents.

Green chemistry, he said, "can improve a company's bottom line. ... These two landmark bills ... will transform the way we deal with chemicals."

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September 30, 2008

California First in Nation to Enact Green Chemistry Program

SACRAMENTO, California, September 30, 2008 (ENS) - California will reduce or eliminate hazardous chemicals in consumer products and the environment under legislation signed Monday in Los Angeles by Governor Arnold Schwarzenegger.

The two bills enable the state to take more responsibility by 2011 for identifying and regulating dangerous chemicals and for analyzing safer alternatives.

Governor Schwarzenegger said the legislation "will spur a new era of research and innovation and promises to drive economic growth and competition in the green chemistry sector."

"This bi-partisan package of environmental legislation propels California to the forefront of the nation and the world with the most comprehensive green chemistry program ever established," the governor said.

"It also puts an end to the less effective 'chemical-by-chemical' bans of the past," he said. "With these two bills, we will stop looking at toxics as an inevitable byproduct of industrial production. Instead they will be something that can be removed from every product in the design stage - protecting people's health and our environment."

The legislation is a response to growing concerns raised by scientists and public health advocates about unsafe and untested chemicals in consumer products.

While many consumer products include harmful substances, from lead-tainted toys to linens with toxic flame retardants, there is currently no state agency that has broad-based authority to take these products off the shelves or spur the development of safer alternatives.

The governor signed AB 1879 by Assemblymember Mike Feuer, a Los Angeles Democrat, and SB 509 by Senator Joe Simitian, a Palo Alto Democrat. Each legislator also co-authored the other's companion measure, and they both worked with Republican lawmakers to craft the bills.



From left: Assemblymember Mike Feuer, Governor Arnold Schwarzenegger, and Senator Joe Simitian at the bill signing news conference. September 29, 2008 (Photo courtesy Office of the Governor)

Assemblymember Feuer said, "Instead of putting partisan politics first, we're putting peoples' health first."

AB 1879 establishes authority for the state Department of Toxic Substances Control to develop regulations that create a process for identifying and prioritizing chemicals of concern and to create methods for analyzing alternatives. It allows DTSC to impose "restrictions or bans" on chemicals of concern.

The bill establishes a Green Ribbon Science Panel made up of experts to provide advice on scientific matters, chemical policy recommendations and implementation strategies, and to ensure implementation efforts are based on science.

It expands the role of the Environmental Policy Council, made up of the heads of all California Environmental Protection Agency boards and

departments, to oversee implementation of the green chemistry program.

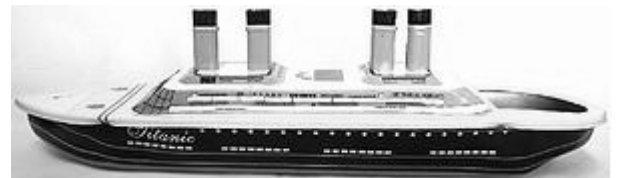
SB 509 creates an online Toxics Information Clearinghouse, a database to increase consumer knowledge about the toxicity and hazards of thousands of chemicals used in California every day.

"Californians currently have little if any access to information about the many thousands of chemicals that are commonly used in their products, released into the environment, or present at their workplaces," said Senator Simitian. "The governor's signature on SB 509 represents a significant breakthrough in the ultimate goal of protecting people from exposure to harmful products."

Simitian chairs the Senate Environmental Quality Committee which held hearings in 2006 to discuss the findings of a report by the University of California's California Policy Research Center entitled "Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation." The report revealed that on any given day, the United States produces or imports 42 billion pounds of chemicals that may cause problems for human health and the environment.

The Chemical Industry Council of California is supportive of the new legislation, endorsing the comments of attorneys Todd Maiden and Eric McLaughlin of the council's affiliate member, the law firm of ReedSmith.

"The most prominent features of California's green chemistry law are its foundation on science and real-life assessment of chemical usage and exposure risk," write Maiden and McLaughlin.



The federal Consumer Product Safety Commission recalled this toy boat today for excessively high levels of lead. (Photo courtesy CPSC)

"Like all new regulations, those promulgated under the Green Chemistry law will impose operational changes and up-front compliance costs on the regulated community. However, change also presents new opportunity," they write. "Compliance with California's green chemistry law will likely reduce the costs of proper hazardous waste management and disposal, and satisfaction of workplace safety and health requirements. New opportunities to market products and processes as eco-friendly will also arise."

Sierra Club California Director Bill Magavern helped to shape the legislation and he was present at the signing ceremony. He asserted Sierra Club's position that, "Californians should be able to buy products for our households without having to worry that we're bringing home hazardous substances that could harm our families."

"We worked hard all year long with Mr. Feuer and our allies at Breast Cancer Fund, California League of Conservation Voters and Environment California to craft this landmark legislation," Magavern said.

"These legislative measures are the beginning of a much-needed overhaul of the state's broken chemicals management system," said Jeanne Rizzo, R.N., president of the Breast Cancer Fund. "With the signing of these bills, our state is taking a historic step toward reducing Californians' exposure to toxic chemicals."

Advocates say they are committed to working with the governor over the coming months to implement the legislation. But they also urge the Schwarzenegger to release his Green Chemistry Initiative recommendations, which are expected to include a more comprehensive plan for chemical policy reform and the search for safer, less toxic chemicals.