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California toxic chemical rules were watered down, environmentalists charge

Gov. Schwarzenegger's Green Chemistry Initiative was designed to regulate harmful ingredients in hundreds of thousands of products. Activists allege a sellout to industry; agency says it's focusing on products with the 'biggest impact that are most widely distributed.'

By Marc Lifsher, Los Angeles Times

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Reporting from Sacramento

A dozen environmental groups have accused Gov. Arnold Schwarzenegger's administration of caving in to pressure from business and industry by significantly watering down proposed regulations to reduce toxic chemicals in consumer products.

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Schwarzenegger's so-called Green Chemistry Initiative, which has been in the works for more than two years, was to provide comprehensive regulation to reduce or eliminate harmful ingredients in hundreds of thousands of products, including automotive engine additives, shampoos, children's pajamas and cleansers.

The broad concept, authorized by 2008 legislation signed with fanfare by Schwarzenegger, was to avoid the need for lawmakers to pass individual bills to crack down on potentially dangerous products, such as mercury in children's jewelry or softeners in baby bottles.

But environmentalists Thursday denounced the administration's latest regulations under the proposal as an industry-friendly sellout. They threatened to sue the state if the regulations become law by a Jan. 1 legal deadline. The groups also publicly called on Democratic Gov.-elect Jerry Brown to invalidate the regulations if they become law.

"They are not going to regulate anything for years, and when they do, the scope of the regulation will be very small," said Bill Magavern, staff director of the California Sierra

Club.

Brown spokesman Sterling Clifford declined to comment, noting that California has "only one governor at a time."

Charlotte Fadipe, a spokesman for the California Department of Toxic Substances Control, said the regulation was the result of negotiations among dozens of interest groups.

"We are confident that the proposed regulation is a great start for California and will put us in step with other European countries who are already embracing this issue," Fadipe said.

Environmentalists embraced the first set of proposed regulations released in June by the agency. Industry, however, called them onerous, rife with confusing language and lacking a prioritization of which products should get special attention because of their potential to harm.

The agency revised the regulations and released them Nov. 16. The California Retailers Assn. called them "doable" and "more targeted."

The environmentalists' comments came one day before the public comment period on the regulations was set to expire.

The new rules, said Maziar Mavassaghi, the toxic-substance agency's acting director, were designed to streamline and prioritize the scientific work while focusing on consumer products with the "biggest impact that are most widely distributed." Those included personal care items, such as skin creams; children's products, such as toys; and household products, such as cleaning sprays and oven cleaners.

"Some of these chemicals and products go back to the building blocks of the industrial age," Mavassaghi said. "We're not going to solve this overnight."

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