

Chemistry regulation called 'a step backward'?

Wyatt Buchanan, Chronicle Sacramento Bureau

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A coalition of environmental and health organizations has accused the Schwarzenegger administration of gutting a proposed regulation intended to ensure consumer products contain chemicals that are safe for human use and the environment.

The regulation would implement California's Green Chemistry Initiative, a program to identify harmful chemicals in products such as toys, makeup and household cleaners, and in product manufacturing. The state Department of Toxic Substances Control is overseeing the planning for the initiative, which would force manufacturers to replace harmful products with safer alternatives.

On Thursday, the coalition members said the agency abruptly revised a section of the proposed regulation to benefit the chemical industry. Coalition members said the changes, which include limiting the focus of the regulation to three specific types of products at the start of the effort, could reverse progress.

"It's particularly troubling because this version of the regulation represents a step backward from even what we have today," said Ansje Miller, campaign director of Californians for a Healthy and Green Economy, the coalition that has been involved in the green chemistry effort.

She said the proposed regulation would make it easier for manufacturers to replace known harmful chemicals with others that have yet to be determined to be safe.

Other concerns

Members of the coalition also are concerned that the regulation does not apply to multiple points in the supply chain, puts the burden of proof for toxicity on the regulators and not manufacturers, and exempts from scrutiny products that contain less than one-tenth of 1 percent of certain chemicals, such as lead and bisphenol A.

Administration officials leading the green chemistry effort said the intent is to begin by focusing on chemicals that are the most harmful to the most people and said the scope of the regulation would expand over time.

"We didn't get to this problem overnight, and everybody recognizes we're not going to solve it overnight," said Maziar Movassaghi, acting director of the Department of Toxic Substances Control.

He said beginning with chemicals in three specific types of products - those for children younger than 12, household cleaners and personal care items - makes sense because they are used by the majority of

Californians. Keeping cancer-causing chemicals out of those "sounds like a pretty good place to get started," Movassaghi said, adding that the list "absolutely" would be expanded.

He said the burden of proof has not undergone any fundamental changes from earlier proposals and said it makes more sense to focus on chemicals that make up a larger percentage of the overall product.

Once the public comment period ends today, the agency will review the comments and if there are no major changes needed in the regulation, it will be sent to the Office of Administrative Law for review and approval. The department is targeting January for the regulation to take effect.

Public had reviewed

The conflict has flared because of both the scope and timing of the changes. The department had proposed a broader regulation that had already been reviewed by the public. Members of the coalition opposed to the new version said that while the previous version was not perfect, they supported it.

Then, on Nov. 16, days after the public comment period closed, the department announced a revised version of the regulation and created a much smaller window for public review and comment - 15 days, which ends today.

Opponents of this new version said that they were blindsided by the changes and that the timing - falling in part during the Thanksgiving holiday - made it impossible to fully absorb and respond to the proposal. They also say the changes were so substantive that a longer comment period is required by law.

On Thursday, they said they would consider suing to block the implementation if it continues at the current pace.

Department officials counter that the changes in the regulation are modifications that eliminate repetitive requirements and will actually make implementing it more efficient and that the 15-day period is appropriate.

Industry's response

The leader of a coalition of chemical industry companies that has been involved in the effort called any notion that the changes were a sweetheart deal for business "totally bizarre." John Ulrich, co-chairman of the industry-backed Green Chemistry Alliance, said that the regulation has undergone significant changes throughout the process and that his group's members still have substantial concerns with it.

"We still don't know after all these months of work exactly how this process is going to be applied to different products," Ulrich said. He said he and others have been working nonstop to meet today's deadline to submit their comments, which he said run 40 pages.

Ulrich said he believes the concerns expressed on all sides are sincere and "it is unfortunate it has devolved to this," adding that his group is "not trying to do anything to delay or create some sort of political dynamic. We're trying to keep this on a higher plane, a scientific plane."

The department will next review the comments received on the latest proposed regulation, then

determine whether to move forward or continue revising it.

E-mail Wyatt Buchanan at wbuchanan@sfgate.com.

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