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**August 3, 2010**  
**Testimony before Joint Hearing of**  
**Assembly ES&TM, Health, and Natural Resources Committees**  
**RE: Draft Safer Consumer Product Alternatives (June 23, 2010)**

Chairmen Nava, Monning, and Chesbro and Members of the respective committees – My name is John Ulrich. I'm the Executive Director of the Chemical Industry Council of California (CICC), a statewide trade association representing California's chemical manufacturers and chemical distributors. On behalf of CICC I also participate in an *ad hoc* industry coalition known as the Green Chemistry Alliance (GCA). Together with my colleague Dawn Sanders Koepke, we serve as co-chairs.

The Green Chemistry Alliance (GCA) is a sweat equity coalition which has its roots in a group of business trade associations and companies that lobbied effectively in 2008 to help create a new science-based framework for chemicals management in California. The driving force behind the legislation, AB 1879 (Feuer 2008) and SB 509 (Simitian 2008), was a broad-based desire to delegate to state regulators the responsibility to exercise their expert scientific and engineering judgment to determine appropriate regulatory actions affecting chemicals of concern in consumer products.

To enable the Department of Toxic Substances Control (DTSC) to fully and successfully implement the legislation, GCA has strongly advocated for balanced and scientifically sound regulations and a process of continuous improvement. If properly conducted we believe this process holds the promise of enhancing public health and environmental protection, promoting innovation while still respecting confidential business information, and furthering the scientific principles of green chemistry and sustainable development.

GCA rejects recent criticism that the proposed regulations do too little and take too long. The regulatory process proposed by DTSC to manage chemicals in consumer products is the most aggressive in the world. To suggest that these draft regulations propose to do too little and take too long is simply to ignore the complexity of the task at hand. Members of the Green Ribbon Science Panel have cautioned DTSC against trying to do too much too quickly lest the process fail under its sheer size.

While we and our members appreciate the complexity of drafting the regulations, we are concerned the latest draft has increased rather than decreased the number of significant issues yet to be resolved. GCA is concerned over proposals to expand the scope of the regulations to include not only everyday consumer products on store shelves but intermediates and bulk chemicals in the workplace; we are concerned over proposals to insert public participation and oversight at every step; we are concerned over costly and

unnecessary third party certifications; and we are concerned over disclosing legitimate confidential business information and trade secrets.

As we have stated in other forums, the regulated community can only act as quickly as the regulators can perform their regulatory functions, e.g., the more complicated the regulation the slower the progress. Calls for greater regulation beyond that which is already proposed will serve to frustrate rather than stimulate product innovation and the development of safer alternatives. Greater regulation beyond that which is already proposed will impede rather than enable economic growth and green job creation in California. These are not the scenarios the Governor enunciated during the legislative signing ceremony in September 2008.

A partial list of issues, which we believe require more attention, includes the following:

- There is an absence of clear and workable science-based standards to support priority decisions – generic language such as, "pose threats" and "adverse impacts to public health and the environment" are not specific enough to be workable;
- *The De minimis* provision is inflexible and expands the scope beyond intentionally added Ingredients;
- Considerations regarding regulatory duplication must be more clearly addressed;
- The exposure standard in the applicability section must be modified to "reasonable and foreseeable" exposure;
- The requirement for 3rd Party verification of each and every Alternatives Assessment is wasteful, and unnecessary;
- Legitimate trade secrets must be adequately protected and protections must not be further eroded;
- Inclusion of "intermediates" in the regulatory framework duplicates a myriad of other workplace health and environmental regulation and once again penalizes those who would seek to manufacture in California as opposed to other U.S. and foreign jurisdictions outside the reach of state regulators.

GCA and its members appreciate the work DTSC and other interested stakeholders have invested in this process. And while we continue to voice strong concerns about the direction of the draft regulation, we remain committed to working with DTSC and other stakeholders to finalize reasonable and effective regulations that reflect the intent and specific requirements of AB 1879 and SB 509. Thank you.

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