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Greening of State's Chemicals Suggested

A UC research team urges the Legislature to enact a policy to restrict dangerous materials and replace them with safer substitutes.

By Marla Cone, Times Staff Writer
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A University of California research team assembled by the Legislature has recommended that the state adopt a comprehensive policy to identify and restrict the most dangerous chemicals used by American industries and replace them with safer substitutes.

In a report to be released today, the researchers advise California legislators to pioneer a "green chemistry" strategy because the "United States has fallen behind globally in the move toward cleaner technologies."

Federal law is too weak to protect the public from toxic chemicals that can build up in the human body and the environment, so California should take the lead, said Michael Wilson, the report's lead author and assistant research scientist at UC Berkeley's Center for Occupational and Environmental Health.

Two Senate and Assembly committees commissioned the report to obtain advice on what role California should play in regulating toxic compounds. Legislators have debated many bills recently that would have banned or restricted individual chemicals, including ones in cosmetics, plastic and toys. But most were rejected after industries campaigned against them.

The report is the first in the nation to lay out a framework for government to implement an approach called "green chemistry," an international movement toward designing and using chemicals that are less hazardous to people and ecosystems.

"A modern, comprehensive chemicals policy is essential to placing California on the path to a sustainable future," the report said.

The authors advise the Legislature to name a task force to develop a detailed proposal to be considered in the 2007 legislative session. The goals are to require chemical producers to provide data on toxicity and other hazards of individual chemicals, grant state officials more authority to restrict the riskiest ones and motivate industries to find safer substitutes.

More than 80,000 chemicals have been registered in the United States, and about 15,000 are now in use. At least several hundred accumulate in human tissues, including breast milk, and persist in the environment without breaking down. Some have been linked to cancer, reproductive or neurological damage, or altered hormones. Babies and fetuses are considered particularly vulnerable.

For most chemicals, the health and ecological effects are uncertain. Under the federal Toxic Substances Control Act, chemical companies are not required to report hazards of compounds in use when the 1976 law was enacted.

The UC report recommends that parts of California's strategy be modeled on the European Union's controversial plan, called REACH, for regulating chemicals. Under that plan, which was approved by the European Parliament and could become law at the end of this year, industries must provide safety and health data on about 30,000 chemicals and a new regulatory agency

would review their use. The Bush administration and the U.S. chemical industry have opposed that strategy, calling it unworkable and costly.

California's policy "would be very similar" to the European law "because we have the same problems," Wilson said. State agencies have "too many barriers to assessing hazards of chemicals and taking action" against risky ones.

"What we need is smarter regulation and a functioning regulatory system, no question about it," Wilson said. "That said, whether the REACH model would work in California, that has yet to be seen. What we're recommending is that the California Legislature convene a task force or commission that would consist of stakeholders to look at this very question."

Industry representatives said that chemicals were already heavily regulated and that they were concerned about the recommendations for more regulatory oversight and data collection, which could lead to California banning substances important to the economy.

"We have some particular concerns about California adopting its own chemical policy," said Michael Walls, managing director of the American Chemistry Council, a trade group for chemical manufacturers. "Californians are living longer, healthier lives because of chemistry. There are more than 400,000 Californians employed by the business of chemistry. And we also know that chemistry is not just a state business or a national business, it's a global business. We have to be careful so we don't disadvantage the industry in one state."

But Wilson said it was not only a sound public health policy; it made good business sense for California to take the lead. The Legislature should not "just add another layer of regulation." Instead, he said, a new government system would motivate companies to invest in "greener" technologies.

Rachel Gibson of the activist group Environment California called the report "the opening salvo" that she hoped would bring legislators, industry and environmentalists together to "start to grapple with the chemical pollution problem. There are a lot of different options as to what type of program would fit best for California."

Some California businesses have voluntarily established policies to avoid toxic compounds, including IBM, Hewlett-Packard and Kaiser Permanente. But some said they were frustrated by the lack of disclosure requirements under the federal law.

Lynn Garske, environmental stewardship manager at Oakland-based Kaiser Permanente, said the report's recommendations would give the company the data it needed to pursue its pledge to use nontoxic medical devices and other equipment.

"We make requests to our vendors and suppliers, but we have a lot of difficulty getting true information. The safety testing isn't there, so we aren't getting the answers to help us make decisions," Garske said.

Developing a proposal for the Legislature by next year may be overly optimistic.

John Uhlrich of the Chemical Industry Council of California, which represents about 50 manufacturers and distributors, said he agreed with some points but "when we begin to get down to how we implement these things, questions will arise."

"In California we have more regulation than nearly any state. In fact, our industry in California is so heavily regulated it is not growing," Uhlrich said. "My definition of a better policy is more streamlined and less obtrusive. Someone else's idea of better would be more regulation and more reporting."

The recommendations come as the U.S. House of Representatives is trying to scale back states' control. Last week, the House passed legislation that would give federal regulators the final word over food-safety warnings, which could nullify state laws such as California's Proposition 65.

The UC team was advised by 13 environmental health and policy experts from the Berkeley campus, UCLA, UC Riverside and the state Department of Health Services.