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Unity Is Urged on Chemical Policy in State

Industry leaders and others weigh how best to respond to calls for lawmakers to give the public more protection from toxic compounds.

By Marla Cone, Times Staff Writer
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Leaders of California's chemical companies gathered Wednesday in Los Angeles to discuss how best to respond to growing pressure to develop a new state policy that would provide the public more protection from toxic compounds in consumer products and the environment.

The chemical industry forum was spurred by a University of California report, released to the state Legislature in March, that advises California to adopt a comprehensive policy because the public is inadequately protected from toxic compounds that are amassing in people's bodies and the environment.

John Ulrich, a senior consultant to the Chemical Industry Council of California, called the report a "call to action" for businesses and urged them to act now to help craft a state strategy for regulating chemicals. About 100 industry representatives, from industrial giants such as Dow Chemical Co. and DuPont Co. to small biotech firms, attended the forum.

However, chemical company representatives at the meeting expressed mixed feelings about California charging ahead.

"We all agree with the mission" to move toward safer chemicals, said Martin La Benz of Spectrum Chemicals & Laboratory Products in Gardena. "The question is, can we execute it workably?"

He said he was worried that it could lead to a misguided policy and a "burgeoning paper flow" that would just move chemical production to other countries, such as China.

The discussions about California taking the lead in chemical policy come at a time when several dozen bills regulating chemicals are before the Legislature, many scientists are voicing concerns about various compounds in everyday consumer products and Europe is about to adopt a revolutionary law regulating chemicals.

People are exposed to hundreds of chemicals in consumer products and in the environment, some of which have been linked to cancer, reproductive damage or altered hormones. Many chemicals are known to accumulate in human tissue, and many can cross into the womb and build up in breast milk.

About 80,000 chemicals have been registered in the U.S., and roughly 15,000 are in use. Although new chemicals are required to undergo thorough testing, federal law does not require chemical companies to review potential hazards of the thousands of compounds in use when the law was adopted in 1976.

The UC report, commissioned by two state Senate and Assembly committees, concluded that "a modern, comprehensive chemicals policy is essential to placing California on the path to a sustainable future." The report is the first in the nation that offers a framework for government to promote "green chemistry," a global movement to design and use chemicals that are less hazardous.

In remarks to the group Wednesday, Michael Wilson, the report's lead author and an assistant scientist at UC Berkeley's Center for Occupational and Environmental Health, said the Legislature considered 35 bills related to chemicals last year, most of which were defeated.

"Each of these bills addressed an isolated issue, but none was designed for the purpose of framing a comprehensive approach to chemicals policy," he said.

The report advised the Legislature to name a task force to develop a proposal by next year that would fill data gaps on the health and safety of chemicals, grant state officials more authority to tighten restrictions on risky chemicals and motivate industries to find safer substitutes.

Calling California an incubator of ideas, Wilson said he was encouraged by the chemical industry's willingness to open the talks because the federal government would not reform chemical policy anytime soon.

Although it is unusual for industries to start a dialogue that could lead to new regulations, Ulrich warned his colleagues in the industry that they must begin to grapple with the issue or risk being left out of the process.

"We can stop right here and do nothing, but the process will continue whether we're participating or not," he said. "If you're not at the table, you will be on the menu."

The state Senate's Committee on Environmental Quality is planning to lead efforts that could reform chemical policies.

Bruce Jennings, principal consultant to the Senate committee, said legislators and environmentalists have tried to ban or restrict many compounds individually but failed to act after industry opposition. He warned that this must change or California was likely to face a voter initiative forcing stronger laws.

Tom Jacob, DuPont's Western regional manager of government affairs, said the chemical industry was facing an "evolution of public consciousness" about the risks of its products and "government is struggling to adapt." Industries are grappling with new technologies that enable chemicals to be detected in human bodies and the environment in extremely low levels, and uncertainty about what such discoveries may mean to health.

Jacob and many of his colleagues said they were worried that California would embrace a sweeping policy similar to one expected to be adopted by the European Union this fall. Under Europe's plan, industry must provide safety and health data on about 30,000 chemicals and the most dangerous ones could be phased out.

Although the California chemistry council is supportive of discussions about new state policies, a powerful national group, the American Chemistry Council, has said there already is sufficient protection under federal laws and California should not act on its own.

Environmentalists commended the California council for opening the dialogue. But they expressed doubts about whether industry would support a reform of chemical policy.

"We're open to their perspective and ideas to the extent we are at the same starting point that the current regulation of chemicals is a broken system in need of repair," said Rachel Gibson of Environment California.

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