

Risk Policy Report

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California Experts Lay Out Plans To Pursue Green Chemistry Policies

Sustainable chemistry backers last week laid out potential legislative and administrative avenues to overhaul California's chemical policy to bolster labeling, data availability and safer alternatives. But industry stakeholders are continuing a campaign to dissuade policymakers from taking significant action anytime soon, recommending that such a complex issue begs much more discussion and analysis.

Crucial new discussion about green chemistry policies in California is expected by some stakeholders in the coming months, following a June 28 legislative informational hearing held by Sen. Joe Simitian (D). The hearing focused on a University of California, Berkeley, report by researcher Michael Wilson released earlier this year that provides a potential framework for California to implement green chemistry policies.

"This is the start of the next step," said Simitian, who chairs the Senate Environmental Quality Committee. "Some form of working group" or task force will begin meeting soon to discuss chemical policy, he said.

Green chemistry involves substitution, where possible, of less hazardous chemicals for chemicals that pose higher threats to human health. Wilson's report, *Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation*, includes recommendations intended to "solve, not exacerbate" public and environmental health problems through industry-wide changes.

"California can position itself to be a global leader in green chemistry," Wilson testified at last week's hearing.

Some environmentalists and other stakeholders said the state could begin to lead the green chemistry movement by aligning chemical policy with pesticide policy. The Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) -- which mandates detailed, health-protective labeling for pesticides -- might be a good regulatory model for all chemicals, said Debbie Raphael, representing the San Francisco Department of the Environment.

FIFRA-like regulation may "lead to the reformulation of products containing toxic chemical constituents," Raphael said, because new, tougher labeling may narrow allowable uses of particular chemicals.

Participants in the hearing also generally favored improving the information that is available about chemicals, both through improved data collection and testing by companies, as well as through better material safety data sheets (MSDS). These sheets provide exposure information for chemicals, including any health hazards the chemicals pose.

The UC report also recommends a fix for the MSDS. "Health and environmental information supplied by chemical producers, distributors, or consulting firms on [MSDS] is often incomplete and can be inconsistent or conflicting even for the same chemical."

Other environmentalists sought "immediate phaseouts" of chemicals that can bioaccumulate in the environment, or that pose risks of cancer or reproductive harm.

Robert Donkers, a European Union environment counselor-delegate, spoke in favor of California adoption of an "overarching policy" toward sustainability in California's chemical industry. Europe's Registration, Evaluation & Authorization of Chemicals (REACH) legislation is one example of such an overarching policy, Donkers said.

REACH, which Donkers said may be adopted later this year, sets up a framework that regulates chemical users and producers and bans some higher-toxicity chemicals.

But industry representatives testified that a "stakeholder dialogue" -- not immediate regulation -- should be the approach toward greener chemistry in the state. The Chemical Industry Council of California (CICC) took a survey of its members following the release of the report, said CICC representative John Ulrich. Members "overwhelmingly indicated support" for the stakeholder process, he said.

Industry does not support the report's idea of using regulation to mandate green chemistry. "Companies participate in green chemistry not because of government, but because it is profitable," Ulrich said.

Several industry groups have combined forces to dissuade lawmakers and administration officials from pursuing the report's recommendations. A group of about 18 industry organizations has already begun quarterly meetings with top Cal/EPA officials to air green chemistry and other industry concerns, an industry source says. Representatives of DuPont, the American Chemistry Council, Dow Chemical Co. and other leading chemical companies and organizations have already begun drawing up specific recommendations to respond to the California proposals, industry sources say.

Following the testimony of industry and environmentalists, Simitian concluded that he wanted to "regulate with the lightest possible touch" in a manner "consistent with public health and safety."

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