California’s
Safer Consumer Products Regulations
Karl Palmer, Chief
Safer Consumer Products Branch
Spray Polyurethane Foam Alliance
SPRAYFOAM 2015 Convention and Expo
January 29, 2015
Albuquerque, New Mexico
My Presentation

- Purpose and Objectives of California’s Program
- Background and Process: A New Approach
- Proposed Priority Products
- Why Spray Polyurethane Foam Systems?
- Changes and Refinements
- Next Steps
- Q/A and Discussion
Basics: The Goal:

- Safer consumer products

- Asks the questions:
  - Is this chemical necessary?
  - Is there a safer alternative?

- Greater market opportunities for innovative companies
Basics: Impetus for California’s Program

- 2008 Green Chemistry Law (AB 1879/SB 509)
- Address problems with chemical bans
- Legislature asked us to look at:
  - Not only chemicals
  - Also products
California’s Path

- 2008 Green Chemistry Report
- Green Chemistry Options
- Legislature Acts
- 2010 Draft Regulations
- 2013 Safer Consumer Products Regulations
- 2014 Implementation

AB 1879/ SB 509
Statutory Authority
How it Works: The SCP Regulations

1. Chemicals
   
2. Products
   (Product-Chemical Combinations)

3. Alternatives Analysis

4. Regulatory Response

- Candidate Chemicals List
- Priority Products
- Alternatives Selection

- 1. Chemicals
- 2. Products
- 3. Alternatives Analysis
- 4. Regulatory Response
1 Candidate Chemicals Identification
1100 Candidate Chemicals

23 Authoritative Lists referenced

- 8 exposure potential lists (NHANES, Cal Biomonitoring)
- 15 hazard trait lists

Exclusions

- FIFRA pesticides
- Prescription drugs
- Metabolite/breakdown products
- Radioactive chemicals
- Natural toxins

>1,100 Chemicals
http://www.dtsc.ca.gov/SCP/ChemList.cfm
2 Priority Products with Chemicals of Concern
Basics: Prioritization Principles for Picking Products

- Potential *exposure* to the Candidate Chemicals in the product

**AND**

- Potential for exposures to contribute to or cause *significant or widespread adverse impacts*
Prioritization Factors

- Adverse Impacts and Exposures
  - Chemical properties, traits, env/tox endpoints
  - Potential human/enviro adverse impacts
  - Sensitive subpopulations-e.g. children, workers
  - Market presence of product
  - Potential exposures...in households, workplaces and throughout product’s life cycle

- Availability of Information
- Other Regulatory Programs
- Availability and feasibility of alternatives
What an Alternatives Analysis does

- Answers key questions
  - Is it necessary?
  - Is there a safer alternative?
  - Have regrettable substitutes been avoided?

- Informs
  - Regulated entities’ decisions
  - DTSC’s regulatory response
Factors AA Must Consider
(“A-M” Criteria from Statute)

A. Product function/performance
B. Useful life
C. Materials/resource consumption
D. Water conservation
E. Water quality impacts
F. Air emissions
G. Product use, transportation, energy inputs
H. Energy efficiency
I. Greenhouse gas emissions
J. Waste and end-of-life disposal
K. Public health impacts: sensitive sub-populations
L. Environmental impacts
M. Economic impacts
How do I conduct an Alternatives Analysis?

Guidance - Tools - Approaches - Options
4 Regulatory Response
List of Regulatory Responses

- No response
- Additional information to DTSC
- Additional information to consumer
- Additional safety measures
- Restrictions/Prohibitions on Sales
- End-of-life product stewardship
- Research funding
Spray Polyurethane Foam (SPF) Systems with unreacted diisocyanates

- The product
  - Systems with unreacted materials
  - Used for
    - Home and building insulation
    - Weatherizing & sealing
    - Roofing

- The chemical of concern
  - MDI (Methylene diphenyl diisocyanate)
Spray Polyurethane Foam (SPF) Systems with unreacted diisocyanates

- **Hazard** - MDI
  - Asthmagen
  - Respiratory and dermal sensitizer

- **Exposure**
  - **Who**: Workers & DIYers
  - **How**: Inhalation
  - Cured product NOT focus of concern

- **Alternatives?**
Potential significant impact???
Changes and Refinements

- Original Concept:
  - Pressurized Insulation and Roofing Systems and One Component Systems
  - Chemicals of concern: MDI, TDI and HDI

- Current Concept:
  - Insulation and Roofing Systems (high and low pressure, two component)
    - Roofing Systems do not include coatings
      - Eliminates TDI and HDI as chemicals of concern
    - Eliminated One Component Systems

Updated information


- Read the [Revised Product Profile](http://www.dtsc.ca.gov/SCP/Spray_Polyurethane_Foam.cfm) (rationale for Priority Product selection)

- Notes to readers:
  - Product Profile was a snapshot of understanding
  - Not asserting product not safe
  - Not saying that alternative products are safer
Next Steps...

- Evaluating comments and input from statewide public workshops
- Refine Priority Product regulatory scope
- Enter rulemaking to adopt list of initial Priority Products (Early 2015)
Next Steps

March 13, 2014
Draft Initial Priority Products List
(Up to 5 Products)

May / June 2014
Priority Product Workshops

Projected: Early 2015
Begin Rulemaking on Proposed Priority Products List
Public Comments/Public Hearing

Within one year of rulemaking start
Final Priority Product List
(Adopted through Rulemaking)

Regulatory reporting requirements begin:
Projected Early 2016

Notification of responsibility for Priority Product
(Up to 60 days)

Preliminary Alternatives Assessment Rprt
(Up to 180 days)
Important Perspectives

- Hazard Reduction results in Risk Reduction without mitigation measures
- NO presumption on outcomes
  - Not an automatic ban or restriction
  - No algorithm or prioritization dictated
- Not an endorsement of any alternatives
- No duplication/conflict with state/fed laws
- Long process requiring stakeholder input
Opportunity for innovation
Protecting People and the Environment
Questions and Information?

- SaferConsumerProducts@dtsc.ca.gov
- http://www.dtsc.ca.gov/SCP
- Karl.Palmer@dtsc.ca.gov