

A New Approach to Chemical Regulation: Safer Consumer Products

What is the Safer Consumer Products (SCP) Regulation?

The Department of Toxic Substances Control's (DTSC) Safer Consumer Products Regulations aim to create safer substitutes for hazardous ingredients in consumer products sold in California. DTSC crafted the SCP Regulations to require responsible entities (such as the manufacturer) to examine ingredients used in their products through an alternatives analysis process. This approach will make responsible entities ask key questions about both the chemicals currently used in their products, and their potential substitutions. The regulation emphasizes safer products and healthier lives by reducing and eliminating the use of toxic chemicals, and selecting alternatives that are safer for people and the environment.

How Do the SCP Regulations Work?

The SCP regulations provide for a four-step continuous, science-based, iterative process to identify safer consumer product alternatives. <http://www.dtsc.ca.gov/SCP/index.cfm>

1. **Chemicals** – The regulations establish an immediate list of Candidate Chemicals (~1,100) based on the work already done by other authoritative organizations, and specifies a process for DTSC to identify additional chemicals as Candidate Chemicals (CCs). (www.dtsc.ca.gov/scp/chemlist.cfm)
2. **Products** – The regulations require DTSC to evaluate and prioritize product/Candidate Chemical combinations to develop a list of “Priority Products” for which Alternatives Analyses must be conducted. A Candidate Chemical that is the basis for a product being listed as a Priority Product is designated as a Chemical of Concern (COC) for that product. (<http://www.dtsc.ca.gov/SCP/PriorityProducts.cfm>)
3. **Alternatives Analysis** – The regulations require responsible entities (manufacturers, importers, assemblers, and retailers) to notify DTSC when their product is listed as a Priority Product. Manufacturers (or other responsible entities) of a product listed as a Priority Product must perform an Alternatives Analysis (AA) for the product/chemical combination. (<http://www.dtsc.ca.gov/SCP/AA.cfm>)
4. **Regulatory Responses** – The regulations require DTSC to identify and require implementation of regulatory responses designed to protect public health and/or the environment, and maximize the use of acceptable and feasible alternatives of least concern. Potential regulatory responses may include actions such as requiring manufacturers to; provide additional information to DTSC, provide consumers with information or implement engineering or design changes. DTSC may also impose a regulatory response that restricts or bans the sale of a priority product.

What is an Alternatives Analysis?

An alternative analysis is a process described in the Safer Consumer Products Regulations that compares the existing product formulation with potential alternatives (e.g. chemical substitution or product redesign) throughout the product's life cycle. Upon conclusion of the alternative analysis, the manufacturer (or another responsible entity) will select an alternative chemical ingredient or alternative product design, or decide to retain the existing product-chemical combination, and provide the results of their analysis in a report submitted to DTSC.

What is the Timeframe for Implementation of the Safer Consumer Products Program?

Timeframe for Implementation Milestones

1. Initial Candidate Chemical list → Effective October 2013 (see DTSC webpage for lists)
2. First “Proposed” Priority Products list → Will be posted prior to April, First Priority Products list finalized → Requires rulemaking (may take up to one year)
3. Priority Product Notification → 60 days after listing on final Priority Products list as adopted in rulemaking for each Priority Product
4. Preliminary AA Report → due to DTSC 180 days after listing on final Priority Products list
5. Final AA Report → due to DTSC 1 year after the notice of compliance for the Preliminary AA Report
6. Regulatory Response Implementation → To be specified by DTSC in the regulatory response determination

Who Must Comply with the Regulation?

Businesses that manufacture, import, distribute, sell, or assemble consumer products listed by DTSC as Priority Products (containing chemicals of concern) and placed into the stream of commerce in California.