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COMMENTS FROM THE NATURAL RESOURCES DEFENSE COUNCIL ON THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL DRAFT ALTERNATIVES ANALYSIS GUIDE

We appreciate this opportunity to submit comments on behalf of the Natural Resources Defense Council (NRDC), a non-profit organization with over 2.4 million members and activists, 380,000 of whom are Californians. NRDC has no financial interest in any of the chemicals or products that may be affected by the subject matter of these comments.

We commend the Department on the Alternatives Analysis (AA) Guide, which provides resources and elaborates on the particulars of the AA framework and the first and second stage requirements under the Safer Consumer Products (SCP) regulations. SCP's mission is to reduce toxic chemicals in consumer products, and a strong, comprehensive alternatives analysis process is critical to achieving this mission and avoiding 'regrettable substitutions' and risk trade-offs. Through a robust AA process, potential replacements for chemicals of concern are first evaluated and then a safer replacement is made, avoiding regrettable substitutes and reducing adverse effects on human health and the environment.

The Safer Consumer Products Program has the potential to deliver better health and a cleaner environment for all California families. Moving forward, the realization of this vision depends on the type and number of Priority Products identified, the integrity of the alternatives analysis process, and the concrete steps the Department takes to protect the public.

The Guide follows through on the Department's obligations pursuant to Section 69505 of the Safer Consumer Products regulations. As envisaged by the regulations, the Guide is advisory, non-binding, and provides resources to assist stakeholders in performing an alternatives analysis under the SCP regulation. Section 69505 requires that "[b]efore finalizing the initial Priority Products list, the Department shall make available on its website guidance materials to assist persons in performing AAs under this article." The finalized Guide would satisfy the Department's obligations under this section. As the draft Guide notes, the Guide creates no new legal obligations, is informational in content, and does not alter the regulatory and statutory requirements. We support the Department's approach to the Guide and believe that it provides useful advice and guidance on resources, approaches, methods, tools, and examples to help meet the regulatory and statutory requirements for AAs.

We agree that the Commons Principles included in DTSC's Guide (p. 6) are a useful reference for responsible entities and provide an excellent foundational set of principles for an alternatives analysis. The principles complement the SCP tenets and AA framework. For example, the Commons principle of hazard reduction aligns with the SCP regulations' preference for 'inherent protection' over risk reduction through exposure controls (Section 69506).

NATURAL RESOURCES DEFENSE COUNCIL

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The Safer Consumer Products program is the first in the nation to put forward an alternatives analysis framework to avoid regrettable substitutions. We look forward to seeing robust implementation of the principles and processes outlined in the Guide, as this is a critical step in achieving the aspiration of SCP: a paradigm shift towards safer chemicals that will benefit consumers, families, communities and our environment.

Thank you for your consideration of these comments. Please feel free to contact us with any questions.

Respectfully submitted,



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