

Good Afternoon, my name is Avinash Kar. Thank you for the opportunity to speak today. I am a senior attorney and director for state health policy with the Natural Resources Defense Council. NRDC has a long history of working on toxics issues. Our work is focused on eliminating human exposure to the most harmful chemicals and on ensuring robust laws and programs to protect our communities from the risks from harmful chemicals. Americans continue to be exposed daily to toxic chemicals in their homes—in their drinking water, food, household and personal care products, and furniture. Additionally, workers are exposed to toxic chemicals in job settings ranging from construction companies to oil refineries. California's green chemistry initiative, the Safer Consumer Products Program, and its mission of making products safer and driving innovative chemistry is thus a program of great interest for NRDC.

As Dr. Solomon's report shows, the Safer Consumer Products program has tremendous promise. It is an essential component of addressing the problem of toxic chemicals up front rather than after the fact—i.e. preventing toxic exposures in the first place rather than cleaning up or fixing the effects of that exposure. It reflects an approach of asking the question of whether the use of toxic chemicals or chemicals of concern is necessary, evaluating the alternatives, and moving us towards safer chemicals and products, especially with a view to the protection of vulnerable populations. We are hugely supportive of all these goals.

And we are supportive of the leadership at the program and heartened by the direction that the program is headed in: for instance, with its evaluation of stain-resistant (and toxic) "Teflon" perfluorinated compounds in carpets and rugs. The program is taking on a huge category of potential exposure to a hazardous class of chemicals and looking at the whole class to ensure that we don't end up on what we often refer to as the "toxic treadmill" where one hazardous chemical is replaced by a similar chemical, with all the attendant risks. That's an all too familiar story.

However, because of a number of structural factors, the program has been unable to deliver fully on its potential. In a period of ten years, we have seen only a handful of product-chemicals addressed and only one that has made it all the way through the process, and even that did not result in regulatory action. Some of this is to be expected, as Drs. Williams and Holder outlined. However, structural factors play a key role as well. I'll briefly address some of the most significant factors.

One key issue from our perspective is DTSC's lack of access to product ingredient data—program staff have had to resort to Google searches and unsuccessful voluntary industry requests to get information on product ingredients. The result has been long delays and hesitation to consider all the principal ingredients making a product unsafe. This clearly needs to be addressed with clearer, stronger DTSC data collection authority that still preserves the trade secret protections already in the green chemistry law.

The second issue is a lack of deadlines and of clear requirements for the program to outline timelines for action, which would drive transparency and accountability. The current three-year workplans are not specific enough to be meaningful, and thus facilitate the lengthy delays that have been an unfortunate feature of the program to date. Improvements on this front will help with the prioritization process improvements that Dr. Solomon highlights.

A third factor likely to become more problematic if not corrected is the one-size-fits-all approach of requiring a new company-driven alternatives analysis for every manufacturer and product even when information on alternatives is already available from reliable sources. A fast-track option that allows the

agency to move faster (with an opportunity for notice and comment) when such information is available is important for allowing the program to address more of the huge universe of products and chemicals out there in a timely manner. The fast-track process could also reduce the burden on companies, especially on more resource-strapped smaller companies, which would otherwise have to conduct their own alternatives analysis.

Finally, there is a great need for substantially better and more funding for the Department of Toxic Substances Control and its important mission of protecting the health of communities, including the Safer Consumer Products Program.

With such improvements, and a more efficient process, we believe that the program can deliver on its vast potential.