

ESTM/EQ Joint Hearing on Green Chemistry
Remarks of Tom Jacob
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Thank you Chairs. My name is Tom Jacob. I am Executive Director of the Chemical Industry Council of California. I am also on the Steering Committee of the Green Chemistry Alliance.

The Council, along with a number of companies and other trade associations, have been involved with this Green Chemistry effort since Mike Wilson's 2006 Report. When these discussions led to the Green Chemistry bills in 2008, many of us in industry actively joined with our environmental colleagues and supported their passage.

The bills demanded a more wholistic perspective on chemicals. We recognized that would take a dedicated staff of scientists, open to input from all stakeholders, investing significant time to do justice to the task.

This was preferable to a legislative process burdened by having to address thousands of bills, in a very limited time with limited scientific expertise. That simply cannot do justice to the more wholistic approach demanded of us.

We were conscious, though, that comprehensive evaluation of possible impacts of chemicals and their alternatives, was new to regulatory programs in the US, and very ambitious. We rallied to that challenge with one of the broadest and deepest efforts ever to be mounted by industry to enable State-level environmental policy.

The Green Chemistry Alliance brought to California expertise from leading national companies and trade associations. The aim was, and still is, to help DTSC develop and implement regulations that do justice to the Green Chemistry laws, in ways manageable for both the Department and industry.

But the pioneering character of this effort proved to be demanding. It took 5 years for DTSC to finalize its initial regulatory package. The laws may be 10 years old, but the "10-year anniversary" of the Sustainable Consumer Product Regulatory program shouldn't be celebrated until 2023. This process is really just in its infancy.

That said, we are now finally testing the process; and feel many of the issues pointed to in Dr. Solomon's report, justify engagement and dialogue. To highlight a few:

We share the view that this process can and should be more efficient and are prepared to engage with DTSC and other stakeholders to address that. Greater clarity regarding the evaluation process for selecting Candidate Chemicals would be a start; as would earlier direct engagement with key companies and industries, when contemplating specific product areas.

We believe the process may also be more efficient by allowing strategic off-ramps, for companies or industries that commit to proposals clearly meeting the aims of the law. Importantly, though, we see such refinements as being within the scope of regulatory domain. We do not see legislative change as appropriate at this early stage.

We note the issue of data call-in authority, but see that DTSC already possesses authority for product-specific call-ins. It is not clear to us why the existing authority is not adequate. We suspect, however, that this authority is not sought for the traditional need of better-understanding specific products; but rather for wholesale call-in of a very broad range of products, whether or not they are being focused upon by the program. That is a far different challenge.

And yes, we, too, see funding as an issue warranting attention and dialogue, despite the resource infusion you appropriated last year. In this context, it is indeed unfortunate that larger funding questions may be lurking in the background for DTSC, as you'll be discussing in your joint hearing on the 27th.

Finally, we continue to oppose Legislative interventions that bypass critical areas of the SCP process. As recommended, they would directly obstruct the flow of that process, and impede gaining the experience needed for its improvement. More importantly, they would effectively undermine the aim of the laws, and risk throwing us back into an era of competition among one-off chemical bills.

Rather, we believe that we can work within the present laws to improve this process, now that the regulations are playing-out and enabling necessary learnings. For that reason, we appreciate our environmental colleagues taking the initiative to put these challenges back on the table. We thank the Committees for indulging this. It is timely now that we are finally gaining experience with these regulations.

Thank you. I and my GCA colleagues who are here, will be happy to address any questions you may have.