

Ask the 3Expert

How would California's Department of Toxic Substances Control (DTSC) proposal to establish a new set of "Priority Products" impact manufacturers?

Alert Summary

California's Department of Toxic Substances Control (DTSC) is considering prioritizing a new set of "Priority Products" under the Safer Consumer Products (SCP) regulations. A Priority Product is a consumer product that contains at least one hazardous Candidate Chemical, as listed on the DTSC website, and is regulated under the SCP regulations. The aim is to reduce exposure to hazardous chemicals.

3E Review

The DTSC is currently considering prioritizing products including:

- Cleaning, personal care and clothing products that contain chemicals such as nonylphenol ethoxylates (NPEs) and triclosan
- Products used in nail salons which may contain hazardous chemicals
- PFASs used in carpets, rugs, upholstered furniture and/or their care and treatment products

Once a Priority Product is finalized, manufacturers of that product are required to conduct alternative analyses to determine whether safer substitutes are available for the Chemical(s) of Concern in that product. After receiving the alternative analysis, the DTSC may then make a number of regulatory responses. The aim of the law is to incentivize companies to reformulate, reduce or eliminate exposure to the listed substances before regulatory responses are needed.

In April 2015 the DTSC published the Priority Product Work Plan for the years 2015-2017, which listed the following products as possible foci of the law during this time period: beauty, personal care and hygiene products; building products; cleaning products; clothing; household and office furnishings and furniture; consumable office machinery products such as inks and toners; and fishing and angling equipment.

Business Impact

The agency will host a webinar on [15 November 2016](#) to invite stakeholder involvement in this Priority Product selection process. The webinar is the first step in the public engagement process to determine the next round of Priority Products.

Manufacturers with products that fall within these categories should determine if any Candidate Chemicals are found in the products. The next step would be to understand routes of exposures to the Candidate Chemical(s) in that product. Reducing exposure is one possible route to addressing the regulation rather than undertaking an alternatives analysis and being subject to possible regulatory actions.

The Candidate Chemical list can be accessed in 3E's Ariel® WebInsight. The list contains more than 2000 chemicals. For more information on the topic and history of the California SCP regulations, please search for "California Safer Consumer Products" in the "Topic" field on the 3E Regulatory Monitoring homepage.