

California is out in front on emerging environmental issues once again. Using authorities provided under [AB 289](#), the Department of Toxic Substances Control (DTSC) recently issued a call to manufacturers for information relating to carbon nanotubes manufactured in or imported into California. Carbon nanotubes have received significant attention of late given their growing level of use in commerce, and [a series of studies suggesting that they may present significant health hazards](#). Late last year EPA required [limited testing of carbon nanotubes](#) in response to a pre-manufacture notice submitted under the federal Toxic Substances Control Act. It is notable that DTSC is not requiring the generation of new health and safety testing or studies. In fact, while the language of AB 289 is murky on this point, from the legislative history it appears that the statute does not grant DTSC the authority to mandate health testing.

[DTSC's request](#), which was sent to over 26 companies and academic institutions, seeks commercial information regarding distribution, end use, and disposal of carbon nanotubes as well as sampling, detection and measurement methods. It also requests information known to the companies concerning releases to the environment and health hazards. Submission of the information is not voluntary. Under AB 289, the companies have one year to provide the requested data. This appears to be only the first wave of DTSC action; DTSC characterized the request as the "initial phase of the data call-in." One likely expansion may be coverage of manufacturers and importers of products containing carbon nanotubes. Another is the issuance of future call-ins for other nanomaterials such as nanometals and quantum dots.