On March 19, the California Department of Toxic Substances Control (DTSC) hosted its third symposium on nanotechnology. The symposium featured speakers from industry, government, the NGO community, and academia and focused upon potential regulatory approaches for dealing with health and environmental effects of nanotechnology. In his remarks, Assemblyperson Mike Feuer announced his intent to introduce nanotechnology legislation this year. While the content of the legislation is still under consideration, Feuer noted that it was likely to include some form of notification regime, and address management standards relating to worker exposure and environmental releases. In response to questions, Feuer invited input from industry and others regarding whether the legislation should include some form of fee to finance necessary toxicity testing or other aspects of the potential legislation. It looks like he is serious-he has been holding informal working group meetings with interested stakeholders and has already introduced a spot bill as a placeholder to meet the deadline for introduction of bills in the California legislature.

Ironically, Feuer appears to have already authored nanotechnology legislation in AB 1879, which was signed into law late last year. That bill provides DTSC with broad authority to regulate chemicals of concern in consumer products, with tools ranging from notification to product bans. The term “consumer product” is broadly defined so as to include just about any chemical used or bought by any person for any purpose. DTSC is at currently at work developing the implementing regulations, due to be promulgated by 2011. Under separate authority from Assembly Bill 289, DTSC has called-in information from manufacturers of carbon nanotubes with more call-ins to follow.

One way or another, it appears that state government may well be in the business of regulating nanotechnology in the relatively near future.