

✘ If you have not yet seen it, I encourage you to check out our newest [Pritzker Policy Brief](#), on California's Green Chemistry regulations. Written by our own [Timothy Malloy](#), *Toxics in Consumer Products* takes a critical look at these new regulations.

Fellow blogger Matt Kahn [mentioned](#) the other day that he was a big fan of California's Green Chemistry Initiative. I agree that the green chemistry movement shows a lot of promise for improving our largely ineffective chemical regulations.

Malloy notes that the federal Toxic Substance Control Act (TSCA), passed in 1976, is basically a failure because it gives EPA little authority and less funding to test and review thousands of new and existing chemicals.

California's green chemistry program would shift the focus to *alternatives analysis*. This means the California Department of Toxic Substances Control (DTSC) would be tasked with identifying and prioritizing products containing chemicals of concern. Then product and chemical manufacturers would be required to determine the relative safety and viability of potential substitutes for those priority chemicals of concern. DTSC reviews these alternatives analyses and develops regulatory responses to limit use of the priority chemical accordingly. Unlike TSCA, California's program would shift much of the analysis burden to producers and manufacturers, encouraging them to design safer products and taking advantage of their existing chemical expertise.

Professor Malloy's four key recommendations seek to improve the implementation and effectiveness of California's green chemistry program:

1. DTSC should require review of new chemicals and new uses of existing chemicals before they are put into the marketplace. This pre-market review is a common-sense preventative measure. Currently, scientific studies of chemical toxicity and exposure can be years or decades behind the introduction of a chemical into the marketplace, meaning that we have no information on the toxicity of many chemicals in use today.
2. In order to regulate these chemicals, product manufacturers need to disclose to DTSC the use of these chemicals in their products. In this regard, TSCA's requirements on information gathering and submission are currently superior to that of California's Green Chemistry Initiative.
3. California should prioritize prevention over management of toxic chemicals by expressly preferring the adoption of safer alternative products. Instead of managing exposure by, for example, creating buffer zones around schools for spraying of certain chemicals, a prevention-based approach would focus on alternatives to the chemical first, with exposure controls as a secondary level of protection.

4. Establish adequate, stable funding. California's green chemistry program places a significant resource burden on DTSC but lacks a funding mechanism. The response should be either authority for a regulatory fee or shifting market oversight to qualified, independent third-party consultants who certify manufacturers' alternatives analyses.

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