



DTSC Adds Food Packaging and Lead Acid Batteries to Product Categories for Possible Regulation under the SCP

SAFER CONSUMER PRODUCTS, GREEN CHEMISTRY, DTSC

By ROGER PEARSON, February 16, 2018

The Department of Toxic Substances Control has **released a draft**¹⁾ of what would be its second Priority Product Work Plan laying out product categories that it will study for possible identification as "priority products" under the Department's Safer Consumer Products (SCP) Program. The new plan carries five product categories over from the Department's previous work plan, drops two categories from that plan, and adds two new ones—food packaging and lead acid batteries.

The regulations implementing the SCP Program require the adoption of a Work Plan that:

- Describes the product categories that the Department will evaluate to identify product-chemical combinations that might be added to the Priority Product list during the next three years; and
- Contains a general explanation of the Department's reasons for selecting the product categories included in the Work Plan.

The first Work Plan was adopted in April 2015 and covered the three year 2015-2017 period [see **DTSC's Final Priority Product Work Plan Retains Same Seven Candidate Categories**²⁾, April 30, 2015]. That Plan contained seven broad product categories. The proposed plan, the second Work Plan, will cover the period 2018-2020. In selecting the product categories for the upcoming plan the Department was guided by four "policy statements" that are designed to meet the Department's goals:

- protect children, women of child-bearing age, and pregnant women from exposure to harmful chemicals; especially carcinogens, mutagens, reproductive toxicants, neurotoxicants, developmental toxicants, and endocrine disruptors;
- protect California's valuable water resources and aquatic ecosystems from consumer-product derived contamination;
- protect Californians from chemicals found in the indoor environment; and
- protect Californians from chemicals that migrate into food from food packaging.

Product Categories

Categories Carried Over

The draft Work Plan contains a general description of each product category together with a listing of the "chemicals of concern" found in one or more of the products in the category. There are five categories carried over from the 2015-2017 Work Plan:

- Beauty, personal care, and hygiene products,
- Cleaning products,
- Household, school, and workplace furnishings and décor,
- Building products and materials used in construction and equipment, and
- Consumable office, school, and business supplies.

The category descriptions and chemicals of concern for these product categories are generally the same as contained in the description of the category in the 2015-2017 Work Plan, although there have been some minor changes and some reconfiguration of the groups.

Categories Dropped

Two categories from the 2015-2017 Work Plan have been dropped:

- Clothing
- Fishing and Angling Equipment

The Department does not indicate why it dropped these two categories. However, during the comment period on the 2015-2017 Plan there were numerous objections raised by fishing groups to the inclusion of fishing and angling equipment.

Categories Added

- Food Packaging. Food packaging is described as any product used to package hot, cold, or room temperature food items for wholesale sale to restaurants and grocery stores or for retail sales to consumers. DTSC has added this category due to concern over the migration of some candidate chemicals found in food packaging to the food itself. In particular the Department lists the following candidate chemicals:
 - Bisphenol A and S
 - Perfluoroalkyl and polyfluoroalkyl substances

- Phthalates
- Styrene

- Lead Acid Batteries. Lead acid batteries are found in vehicles and in small, sealed forms in consumer electronics. The chemical of concern is lead.

The Department added this category, because it was instructed to do so by Governor Brown and the state Legislature last year.

What's Next

The inclusion of these product categories in the Work Plan does not mean that all or any of them will ultimately be designated as a priority product. The 2015-2017 Plan included potentially hundreds of chemical-product combinations. So far only three priority products have been formally proposed and only one of those, children's bedding containing flame retardants, has actually been identified as a Priority Product.

The Department will accept comment on the draft Plan through Friday, March 9. It will also hold a workshop at CalEPA Headquarters in Sacramento on Monday, February 26 from 10 a.m. to 12 p.m.

Resources for this article

1. released a draft

<http://dtsc.ca.gov/SCP/PriorityProductWorkPlan.cfm>

2. DTSC's Final Priority Product Work Plan Retains Same Seven Candidate Categories

<https://prop65clearinghouse.com/articles/12139>