

March 19, 2021

Via: CalSAFER Portal

Meredith Williams, Deputy Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: Draft Priority Product Work Plan (2021 – 2023)

Dear Ms. Williams:

The Household & Commercial Products Association or HCPA¹ appreciates the opportunity to provide comments on the Draft Three Year Priority Product Work Plan (2021-2023). HCPA and our member companies have participated throughout the years-long regulatory development process through submission of written comments and participation in public hearings and workshops/seminars.

HCPA members are committed to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers. We continue to support the broad goals of the Safer Consumer Products regulation and will continue to work with the Department and other stakeholders to help spur innovation and continue to ensure that products are safe.

We appreciate the DTSC mission “to advance the design, development, and use of products that are chemically safer for people and the environment” and encourage DTSC to seek ways to acknowledge voluntary efforts by manufacturers to develop and market innovative products, such as U.S. EPA’s Safer Choice program. As described on the Safer Choice website, “Safer Choice helps consumers, businesses, and purchasers find products that perform and are safer for human health and the environment.”² Manufacturers invest millions of research and design dollars to continuously improve their products, they have and will continue to utilize their own and other programs to communicate effectively with consumers. It is important to recognize

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

² <https://www.epa.gov/saferchoice>

that “green chemistry” and product innovation are not new to manufacturers and that the DTSC Safer Consumer Products regulation overlays the work many manufacturers have engaged in through their product innovation efforts.

We have commented and participated throughout the process of the initial Priority Product Work Plan and we offer the following comments on the updated Draft Priority Product Work Plan for 2021-2023:

- We encourage DTSC to utilize a science-based and transparent priority product selection process to send appropriate “market signals” while spurring innovation in the marketplace. The addition of the “SCP Timeline” outlined on the department website, allowing stakeholders to anticipate new information and milestones is a helpful addition for stakeholders and HCPA applauds DTSC for this effort.
- We continue to encourage DTSC to provide more clarity on how the prioritization factors have and will be applied in the selection process to arrive at the Priority Products and Chemicals. We certainly appreciate the inclusion of the *Priorities and Consideration for Implementation* section which provides more refined information about the categories under consideration. We encourage DTSC further elucidate upon the science-based factors utilized in the product category selection process to improve clarity and confidence in the selection process and to ensure the regulatory implementation is based on best available and reliable science.
- We encourage DTSC to utilize the recent efforts by U.S. EPA on the TSCA risk evaluations which may assist in focusing DTSC efforts.
- We appreciate the engagement to date with stakeholders and impacted industries and continue to encourage active engagement and dialogue with potentially impacted industries and their trade associations. This engagement is critical to ensure the understanding of products and allows appropriate refinement of priority product profiles. This also allows DTSC to focus resources where they are best served and benefits industry by minimizing inadvertent market signals.
- We appreciate the expanded descriptions of product categories which provides potentially impacted entities a better understanding of the focus of the Work Plan.
- We suggest that DTSC add additional context or define the “Designated Products” with respect to the California Cleaning Product Right to Know Act of 2017 as this may lead to confusion by a casual reader of the Work Plan. As currently written, we are concerned that the Work Plan implies that Cleaning Products are *de facto* included within the scope of the Safer Consumer Products regulation which we do not believe is the intent of DTSC. This is

particularly noticeable with respect to “disinfectants” which are not within the scope of the Safer Consumer Products Regulation.³

- We remain concerned that extensive use of subjective terms without substantiation is inappropriate, especially without taking into account labeling and proper use information that is required to be included with products. For example,

People *may* be exposed to Candidate Chemicals in these products both during and after use. People *may* get cleaning products directly on their skin or in their eyes. They *may* inhale vapors from volatile Candidate Chemicals emitted by cleaning products. This *may* be especially problematic when cleaning products are used indoors where ventilation *may* not be adequate.⁴ (emphasis added)

We respectfully request that DTSC either substantiate the statements in question or remove them from the Work Plan.

We appreciate the opportunity to comment on Draft Priority Product Work Plan (2021-2023). We continue our commitment to working with DTSC and other stakeholders in the implementation of the regulation and offer our continued assistance to assist the regulated community with compliance.

Respectfully submitted,



Steven Bennett, Ph.D.
Executive Vice President, Scientific & Regulatory Affairs

cc: HCPA Scientific Affairs Committee Green Chemistry Task Force
HCPA State Affairs Council
Nicole Quinonez, Madden Quiñonez Advocacy

³ California Code, Health and Safety Code § 25251 and as explicitly noted in definition of a Consumer Product in the Work Plan

⁴ Draft Three Year Priority Product Work Plan (2021-2023), page 13.