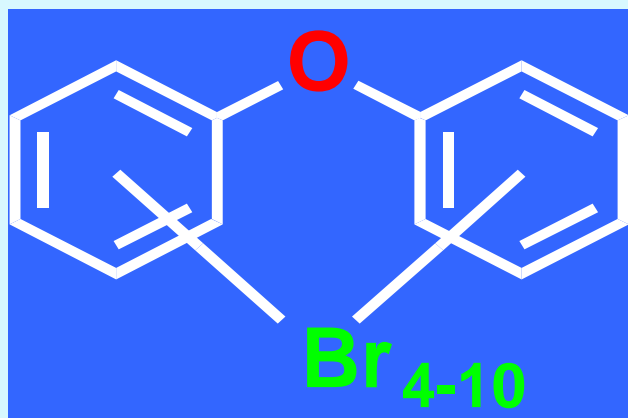


White Paper on the 'California Chemical Policy Symposium'

**March 16 & 17, 2006
Oakland, California**



Prepared By:

**Environmental Finance Center
Region IX &
WELL Network**

June

2006

Final Report



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A young child with long, dark hair is playing in the ocean waves. The child is looking down at their hands in the water, and the scene is captured in a soft, slightly overexposed style. The text of the white paper is overlaid on this image.

White Paper on the 'California Chemical Policy Symposium'

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Report Contents & Special Thanks

The following is a report on the California Chemical Policy Symposium, held March 16-17, 2006 in Oakland, California. The Environmental Finance Center, Region IX, in partnership with the WELL Network convened the Symposium to explore the issues, barriers and opportunities to developing a California Comprehensive Chemical Policy. The event was also sponsored by the Fred Gellert Family Foundation, the Marisla Foundation, the Women's Foundation of California and the Delegation of the European Commission to the United States.

The bulk of this Report includes a Symposium background, overview and breakout sessions summary followed by the actual breakout session minutes. The total contents of this Report include the following.

- EFC9/WELL Network Overview**
- Executive Summary**
- Symposium Background/Overview/Sessions Summary**
- Symposium Session Minutes**
- Post Symposium Comment by Professor Karina Garbesi, PhD**
- Symposium Registration List**
- Symposium Agenda**

WELL Network and EFC9 would also like to extend a special thank you to those organizations and individuals that provided early and wise advice during the planning process of this Symposium.

*Assemblymember Wilma Chan's Office
California Environmental Associates
Citizen's Environmental Coalition
Commonweal
Environmental Health Coalition
Environmental Justice Working Group
Health Care Without Harm*

CALIFORNIA CHEMICAL POLICY SYMPOSIUM PARTNERSHIP



Environmental Finance Center, Region IX (EFC9)

EFC9 is a university-based Center working for healthier communities through cleaner business, by advancing the environmental industry and promoting pollution prevention, source reduction and energy efficiency.

Our mission is three-pronged:

- To encourage business to adopt source reduction, pollution prevention and energy efficiency,
- To encourage consumers to choose green products and services, and
- To help communities promote cleaner business.

To that end, working with both the private and public sectors, EFC9 pursues its mission through numerous tools including:

- Green business development
- Business incubation
- Finance programs & directories
- Environmental mediation
- Conferences & Workshops
- Research publications and reports, and
- Hands-on assistance to business.

EFC9 is also part of a nine-member network of Environmental Finance Centers throughout the United States. Each EFC is associated with a local University and pursues its own environmental goals. EFC9, affiliated with California State University, East Bay, is the only Finance Center dedicated to resolving environmental issues in the private sector. All EFC Executive Directors sit on the Environmental Finance Advisory Board which advises the USEPA Administrator on issues pertaining to environmental finance.

For more information about EFC9, visit:

www.etc9.org.



WELL Network

WELL Network is a California-based, bi-partisan organization founded by women to unite individuals, organizations, commerce and government around actions to ensure the environmental health and well-being of families and communities.

WELL's short-term vision is to build relationships and trust between business, government and non-profit advocates for a comprehensive chemical policy to reverse the health and environmental hazards of potentially dangerous chemicals in our air, water and soil. Our long-term vision is a California green plan—setting goals and standards for the integrated, sustainable management of all resources.

For more information about WELL Network, visit www.wellnetwork.org.

CALIFORNIA CHEMICAL POLICY SYMPOSIUM EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

On March 16-17, 2006, the Environmental Finance Center, Region IX, in partnership with the WELL Network, held a California Chemical Policy Symposium in Oakland, CA. The event was also sponsored by the Fred Gellert Family Foundation, the Marisla Foundation, the Women's Foundation of California and the Delegation of the European Commission to the United States.

The Symposium was held to explore the issues, barriers and opportunities to developing a Comprehensive Chemical Policy, and to determine how the process could improve environmental and health issues in California. Although attendees came from a broad spectrum of industry, government, business and academic sectors, and from across the US, Europe, Canada and Mexico, there was more agreement on ways to move forward than expected.

California's health and environment were assumed to be the greatest beneficiaries of a Comprehensive Chemical Policy. In addition, as a result of general presentations and breakout sessions, participants agreed there can be many advantages to industry if California enacts a Comprehensive Chemical Policy.

Statewide criteria for defining and identifying what constitutes toxic chemicals would help manufacturers understand and use chemicals that are safer or less harmful. Chemicals criteria would enable manufacturers to standardize test methods and improve communication along the chain of commerce – and provide cost savings. Chemicals compliance could give industries the advantage in being a preferred state vendor, and improve their public relations with consumers concerned about chemical toxicity.

There was also a general consensus that convening a series of statewide meetings involving potential stakeholders would be a useful first step, and most agreed that a multi-sector state commission or working group should be created. Statewide

meetings would allow previously unidentified issues and stakeholders to be brought to the table. Additionally, a Comprehensive Chemical Policy will impact all Californians. By holding multiple meetings throughout the state a broader range of constituencies can be educated on and engaged in the issues.

The attendees also determined that there are many obstacles to creating a Comprehensive Chemical Policy. Marketplace forces in the US could limit California's ability to regulate the products flowing into the state, and the state would be hindered in monitoring all the imported chemicals for compliance with a Chemicals Policy. Without a system in California or the US to access chemical data and no set of chemical guidelines for manufacturers, it would be difficult to rank or prioritize the toxicity of chemicals.

"Make the science easy to understand, find legislators with a passion for the issues, involve a broad range of organizations and individuals, and understand the politics."

Assemblywoman Wilma Chan

Since downstream users in industry, such as the electronics industry or personal care products, are often unaware of toxicity problems with chemicals or even which chemicals are contained in their products, it would be difficult to track and control chemicals from development to final use. Trade secrets, intellectual property and even security concerns may also lead end users to not report their product materials.

Attendees agreed there is an urgency to stay connected and move fast and united toward a Comprehensive Chemical Policy, knowing that the process will likely take many years. Legislators must be engaged, but term limits can impede the political momentum. Therefore, it is important to engage a deep bench of legislative support rather than any one official.



CALIFORNIA CHEMICAL POLICY SYMPOSIUM BACKGROUND

INTRODUCTION

On March 16-17, 2006, the Environmental Finance Center, Region IX, in partnership with the WELL Network, held a California Chemical Policy Symposium in the State Building in Oakland. The event was also sponsored by the Fred Gellert Family Foundation, the Marisla Foundation, the Women's Foundation of California and the Delegation of the European Commission to the United States.

The Symposium was held to explore the issues, barriers and opportunities to developing a Comprehensive Chemical Policy, and how the process could improve environmental and health issues for California. Issues discussed included:

- The State Legislature debates over 30 chemically related bills every year. These bills focus on individual chemicals, products or industry processes and will only increase over time.
- The State's environment is steadily degrading as increasing numbers of pollutants are finding their way into our earth, water and air.
- California children are taking the brunt of this pollution. Born with a chemical body burden, the contamination only increases throughout their lives as they eat, breathe and drink toxic and bioaccumulative pollutants. This environmental degradation has led to increased cases of childhood asthma, certain cancers, and other diseases.

The Symposium was also structured to identify key stakeholders from industry, academia, government and the nonprofit sectors. While no one event can effectively establish a definitive list of necessary participants, the Symposium was a part of an evolving process that will move California toward establishing a Comprehensive Chemical Policy (CCP) in the short term, and a more integrated approach over time.

The following report includes a brief summary of the Day 1 panel discussions and an overview of the breakout sessions on Day 1 and Day 2, followed by the full minutes from both days and other Symposium related materials.

CALIFORNIA CHEMICAL POLICY SYMPOSIUM

The California Chemical Policy Symposium was held March 16- 17, 2006 in Oakland, and included attendees from across the United States, Europe, Canada and Mexico. The event was divided into two distinct segments: most of Day 1 was devoted to panel discussions, which explored the challenges and opportunities to developing a CCP. The morning panels focused on Industry, Labor and Nonprofits and the afternoon panel introduced the Government perspective.

Industry & Labor Panel

The first panel included:

- Lynn Garske, Environmental Stewardship Manager, Kaiser Permanente,
- Amanda Hawes, JD, Alexander, Hawes & Audet; Board Chair, CalCOSH,
- Morris Shriftman, Senior Vice President Marketing and New Product Development, Avalon Natural Products, and
- John C. Warner, Professor, Department of Plastics Engineering and Community Health and Sustainability; Director, Center for Green Chemistry, University of Massachusetts Lowell.

While Lynn Garske described the actions taken by Kaiser to green its hospitals using its purchasing power to influence manufacturing practices, Amanda Hawes emphasized the importance of improving OSHA standards on worker chemical exposure. She also stressed the necessity to pass the cost of worker chemical



exposure to the businesses that generate that exposure. Morris Shriftman described the benefits his company has experienced from choosing safer formulations, and John Warner suggested that incentives should be provided to teach industry green chemistry.

NGO Panel

The second panel included:

- Charlotte Brody, Executive Director, Commonwealth,
- Gregg Small, Executive Director, Washington Toxics Coalition,
- Joseph Guth, Legal Director, Science and Environmental Health Network, and
- Sheila Davis, Executive Director, Silicon Valley Toxics Coalition.

Charlotte Brody focused on the need to transform chemical policy by treating chemicals the way the FDA treats drugs, and Gregg Small pointed out that the chemical policy system is broken. But he also emphasized that there are models of innovation available and concluded with a call to build a movement for chemical reform.

In keeping with the policy discussion, Joe Guth described a variety of federal chemical policy models and concluded by recommending that the European policy, REACH, be used as a model for California. Finally, Sheila Davis emphasized the need to change legislation to encourage industry to change their behavior. She also stressed the need to harmonize laws worldwide and the importance of community involvement in the process.

Legislative Panel

The third panel included:

- Wilma Chan, Representative, California State Assembly,
- Robert Donkers, Counselor for Environmental Affairs, Delegation of the European Commission,
- Joel Tickner, Assistant Professor, Department of Community Health &

Sustainability, University of Massachusetts Lowell, and

- Michael Wilson, Assistant Research Scientist, Center for Occupational and Environmental Health, University of California Berkeley.

Wilma Chan led this panel by describing her efforts to reform chemical policy. She continued by describing the steps that will help promote this process including: make the science easy to understand, find legislators with a passion for the issues, involve a broad range of organizations and individuals, and understand the politics. Following Ms. Chan, Rob Donkers explained REACH and shared lessons learned.

To conclude the panel discussions, Joel Tickner described his state's Toxics Use Reduction Act, the history, drivers and policy, and pointed out that in the area of chemical policy reform states are the drivers. Mike Wilson completed the day by summarizing his recently released report on chemical policy and green chemistry.

Panel discussions were followed by breakout sessions in which participants were divided by sectors: 1) industry, 2) government, and 3) nonprofits, academia and labor. Day 2 was devoted entirely to discussion and debate through mixed sector breakout sessions and a concluding meeting in which all attendees shared their final thoughts.

The Symposium agenda is provided in the appendix and the panel PowerPoint presentations are available for download from the EFC9 website at www.efc9.org.

Day 1 Breakout Sessions

As described above, following panel discussions, breakout groups were divided by sectors and given the subsequent tasks based on the following press release issued by Senator Joe Simitian the evening before the Symposium. As a result, what might have been an academic exercise was transformed, literally overnight, into an opportunity for Symposium participants to be the first stakeholders to provide input on a CCP.



PRESS RELEASE: 3-16-06

Senator Joe Simitian (D- Palo Alto), following the University of California's publication and formal submission of its chemical policy report - Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation -- to the Legislature, has announced that he will be scheduling an informational hearing on the report.

Senator Simitian has also indicated that he will be convening a "work group" to provide additional guidance in the formulation of policy and recommended legislation. Senator Simitian chairs the Senate Environmental Quality Committee.

The impetus behind this press release, was the release of the report cited above: *Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation*. This report was commissioned by the State Legislature and produced by the University of California and authored by Mike Wilson, Ph.D. Much of the debate in the breakout groups focused on this report and whether or not its conclusions should be accepted and promoted by the State. The full report can be downloaded from the EFC9 website at www.efc9.org.

Breakout Group Tasks

Participants were instructed to assume that a California Workgroup on Chemical Policy (CWCP) would be launched and were asked to explore the following questions..

- What should be the key objectives and expected outcomes of a CWCP?
- What are the key issues that need to be addressed? What are your key concerns?
- Who should set up the workgroup and what powers should it have? What should it produce?

- What can your group contribute to the CWCP?
- What stakeholders would be key to include on the CWCP? What perspectives need to be brought to the table? Name names and affiliations, if you want.

At the end of the breakouts, groups reported back to the symposium attendees through an interview process with Mark Schapiro from the Center for Investigative Reporting.

Symposium and breakout participants included representatives from the following agencies, organizations and companies.

Nonprofits/Labor

- Alaska Marine Conservation Council
- As You Sow Foundation
- Asian Communities for Reproductive Justice
- Asian Law Caucus
- Beldon Fund
- Breast Cancer Action
- Breast Cancer Fund
- California Coalition on Occupational Safety and Health
- Center for Environmental Health
- Center for International Environmental Law
- Center for Investigative Reporting
- Chemical Strategies Partnership
- Citizens' Environmental Coalition
- Clean Water Action
- Collaborative on Health and Environment
- Commonweal
- Defense of Place
- Don't Be Fueled
- Ecology Center
- Environmental Working Group
- Fred Gellert Family Foundation
- Green Schools Initiative
- Health Care Without Harm
- Jenifer Altman Foundation
- Marin Cancer Project
- MOMS - Making Our Milk Safe
- National Environmental Trust
- Pesticide Action Network
- Resource Renewal Institute
- San Francisco Bay Area Physicians for Social Responsibility
- San Francisco Foundation
- Science and Environmental Health Network
- Silicon Valley Toxics Coalition
- The Women's Foundation of California



- Washington Toxics Coalition
- WELL Network
- Worksafe

Academia

- California State University East Bay
- New College of California
- University of California Berkeley
- University of California San Francisco
- University of Massachusetts, Lowell

Government

- California Department of Health Services
- California Department of Justice
- California Integrated Waste Management Board
- California Senate Committee on Environmental Quality
- California State Assembly
- City and County of San Francisco
- City of Palo Alto
- City of Santa Monica
- Delegation of the European Commission, Washington, DC
- Environment Canada
- Novato Sanitary District
- Office of Assemblyman Pete Grannis (NY)
- Office of Assemblywoman Wilma Chan (CA)
- San Francisco Department of Environment
- San Francisco Dept Public Health
- State of Washington Department of Ecology
- U.S. Government Accountability Office
- U.S. EPA Region IX

Industry

- AllenStrategic
- Applied Biosystems
- Avalon Natural Products
- Baccei Marketing & Media
- BASF
- Brady Inc.
- Consumer Specialty Products Association
- Elizabeth Treanor Associates
- Greenberg Traurig LLP
- Hewlett Packard
- IBM Corporation
- Intel Corp
- Kaiser Permanente
- Keller and Heckman
- Polyurethane Foam Association
- Rockwell Collins Display Systems

- Rohm and Hass
- Team Chemistry LLC

Day 2 Breakout Sessions

On Day 2, participants were again separated into breakout groups, however group assignments were random and all breakouts contained a mixture of academic, labor, nonprofit, government and industry representatives.

Participants were asked to focus on many of the unanswered questions from Day 1 including the following.

- What should be the scope of a California Chemical Policy?
- What should be the structure and goals of the working group and who should sit on it?
- What State mechanisms and barriers exist in the implementation of a California Chemical Policy?

The following is an overview of the results from the breakout sessions on Day 1 and Day 2. The minutes of the breakout are also presented in their entirety in the bulk of this report. Copies of presentations given at the conference on Day 1 may be downloaded from the EFC9 website at: www.efc9.org.



CALIFORNIA CHEMICAL POLICY SYMPOSIUM BREAKOUT SESSIONS

DAY 1: BREAKOUT GROUP 1 NONPROFITS/ACADEMICS/LABOR

Scope and Objectives

Participants believed that the scope of a CCP should be broad and include all existing and new chemical products, pesticides, and emissions from power plants or other energy plants. In addition, the scope should address synergistic toxicity, as well as the products of the environmental breakdown of chemicals, chemical byproducts in manufacturing and hazards of replacement products.

Labor representatives were focused on immediately reducing the use of toxics in the workplace, rather than finding replacement chemicals first.

Key Issues and Concerns

This stakeholder group was interested in strengthening current Right-to-Know laws, including the Toxic Release Inventory and using education to engage the public on this issue. They emphasized effective labeling and certification methods to inform the consumer. However, they also had some question involving the implementation of a CCP. Primarily they were concerned about how chemicals might be prioritized. Some potential options included by toxicity and/or volume.

Participants were also curious about Senator Simitian and how he might use the UC Report and they were also worried that the workgroup commissioned by the Senator may not respond to their concerns.

Working Group Composition

In response to their concerns about who might control the development of a CCP, breakout group 1 decided to focus on the CCP working group composition and function. Breakout

members agreed that an effective composition would include labor, community and industry representatives, but only those who were supportive of the process. They emphasized that there should be no delay and the process should not be stalled by industry and others who may oppose a CCP.

DAY 1: BREAKOUT GROUP 2 INDUSTRY

Scope and Objectives

Objectives:

The group agreed that the REACH objectives as presented by EU Representative Robert Donkers on the industry panel were appropriate for the CCP working group. These included:

- Protect environment, human health & safety
- Innovation & competitiveness
- Maintain California market
- Increase transparency & consumer awareness
- Integrate with international efforts & inter-State efforts
- Promote non-animal testing
- Conform with WTO obligations

Scope:

As industry representatives, they were concerned about the potential scope of the CCP and agreed that boundaries needed to be established around what should be addressed in a chemical policy. They emphasized that the logical step is to focus on chemical management reforms at the State level.

Looking at what the State could actually achieve, they agreed that California needed more information on the import of chemicals into the state (both raw and in finished products) and that the California chemical registry of pesticides, which provides annual information on the chemical supply chain, is a good template for



collecting this information. Some emphasized that the chemical producers need to take responsibility for their supply chain, which could increase their profits and reduce their liability.

Key Issues and Concerns

Barriers:

The group stressed that there are California limitations regarding ability to regulate the market in terms of what products flow into the state – California is not the European Union. In addition, there is no good system in California or the United States to share chemical data and no set of chemical guidelines for manufacturers. This makes it difficult to rank or prioritize the toxicity of chemicals. In addition, it was unclear how California would monitor industry compliance with a CCP when so many products are imported from outside the state or from abroad.

Ultimately they emphasized that it would be extremely difficult to track and control chemicals from development to final use when industry groups don't necessarily know about problems with chemicals or even what chemicals are contained within their finished product. Trade secrets, intellectual property and even security concerns may also cause end users to not report their product materials.

Advantages:

But while the group identified numerous barriers they also agreed that a CCP could provide some significant advantages. If the state could create a tiered criteria system for toxic chemicals it would help manufacturers determine which chemicals are safe or less harmful.

Manufacturers would have the ability to harmonize test methods and criteria, which could also improve lines of communication along the chain of commerce. Industry specific guidelines would also be extremely helpful and industry has an opportunity to save money if test methods in different states and countries could be harmonized.

In addition, industry representatives saw an opportunity to have a positive working relationship with the State. They would like the

State to use its buying power to promote those companies that produce less harmful products. They also saw participation in the CCP as a way to promote their products to a concerned consumer if the consumer were provided with more information on a company's environmental performance.

DAY 1: BREAKOUT GROUP 3 NONPROFITS/ACADEMICS

Scope and Objectives

Scope

This group believed that the Louisville Charter for safer chemicals would act as an appropriate framework for this process (for more information go to: <http://www.louisvillecharter.org/>). They also wanted to see an immediate timeline and list of deliverables for the CCP working group but they emphasized that shorter term legislative efforts should continue. In addition, they believed that the public's right to know, transparency and the precautionary principle should be cornerstones of a CCP.

They emphasized the need for change but believed in working with industry to see what it needed in order to move forward. A CCP should be long-term, comprehensive, pragmatic and geographically inclusive. It should build on what the State has already done and identify what the State can and cannot achieve. Like the other groups, Breakout Group 3 also agreed that a system is needed to evaluate chemicals and consolidate chemical data in a central place.

Objectives

Breakout Group 3 stressed that the current piecemeal approach to chemical legislation is ineffective and that a comprehensive policy that includes long-term principles and goals agreed upon by nonprofits, industry, and government is necessary. Thinking politically, they discussed opportunities to place the CCP on the Governor's agenda and agreed that while a long-term comprehensive policy was critical, implementation should be incremental.



Key Issues and Concerns

The group was concerned about the political will to move the CCP forward. They also emphasized the significant data gaps that would make this effort difficult including the need for testing criteria, the ability to track health problems and impacts, and the lack of information on alternatives.

Working Group Composition

Prior to:

Prior to the establishment of the CCP working group the breakout group stressed that nonprofits need to build their power and increase discussion among their allies. Nonprofits need to find consensus and educate and mobilize their constituencies to bring the issue back to every day lives.

Working Group Composition:

This group believed that no one should be part of the CCP working group who can't agree the system is already broken. They also agreed that the economy must be incorporated into the discussion and that any comprehensive policy would have to be pursued incrementally.

DAY 1: BREAKOUT GROUP 4 GOVERNMENT

Scope and Objectives

According to the government breakout group, the CCP working group should have a clear and specific purpose. The structure and roles should be well defined and an education program should be developed and implemented to reach out to diverse stakeholders. The approach should be incremental and criteria for prioritization must be developed. There must be a clear role for industry and measures for success and milestones should be achievable. Ultimately, a CCP working group should be developed to educate themselves and the public and to evaluate policy options.

Key Issues and Concerns

This group agreed that a CCP should develop an alternatives analysis and promote incentives for using the best alternative and it should provide disincentives for use of toxic chemicals. A CCP should encourage innovation and sustainability and incorporate taxes and subsidies to promote the use of less toxic chemicals. The CCP should also allow for better market function and be explicit about full cost accounting

Working Group Composition

According to this group a CCP working group should incorporate the use of a democratic and transparent process and should develop educational materials and disseminate information to key stakeholders. An effective CCP working group should educate decision-makers and stakeholders and work for engagement and consensus on key issues.

CALIFORNIA CHEMICAL POLICY SYMPOSIUM DAY 2

On Day 2 participants formed four new breakout groups. Day 2 breakouts were randomly assigned with no sector focus, and groups discussed questions not answered on Day 1. Those questions included:

- What should be the scope of a California Chemical Policy?
- What should be the structure and goals of the working group and who should sit on it?
- What State mechanisms and barriers exist in the implementation of a California Chemical Policy?

DAY 2: BREAKOUT GROUP 1

Scope of a California Chemical Policy?

The first question raised was: Should there even be a working group or even a comprehensive policy? Assuming the process would move forward the group agreed that a CCP should be broad and inclusive.



Workgroup Structure, Goals and Composition

Composition

A CCP working group should be diverse including farm workers, labor, environmental justice groups and church groups. It should also be geographically diverse. Funding should be made available to those stakeholders who can not afford to participate. In addition, chemical producers and users must also be included.

Structure:

The group stressed that hearings should be held around the State on the University of California report and that the entire process should start over so that a more diverse constituency can be included in the conversation.

DAY 2: BREAKOUT GROUP 2

Scope of a California Chemical Policy

This group emphasized broadening the scope of the CCP to include agriculture, energy and emerging risks like nanotechnology. They stressed that a CCP should take a broad ecological approach to chemical risks, because it might be the indirect effects of chemicals in the biosphere that ultimately cause the greatest risks. A chemical policy that ignores such risks would be inadequate. The CCP should also focus on substituting chemicals (green chemistry) and on immediately reducing the number and volume of chemicals in use.

Once again it was emphasized that any CCP needs to define criteria for determining which chemicals are most dangerous.

Workgroup Structure, Goals and Composition

Group 2 believed that inclusivity is the key and that there should be a process for including and funding under-represented groups and people. They suggested that there should be three representative groups from North, South and Central California with meetings held in each location to prioritize and define the scope of the policy and working group. Meetings should be

highly publicized with accompanying education and media coverage and presenters should include impacted communities, industry supporters and environmental justice groups.

DAY 2: BREAKOUT GROUP 3

Scope of a California Chemical Policy

This group disagreed with the scope of the University of California report and believed that the scope of a CCP should be expanded to include nanotechnology, pharmaceuticals and agricultural chemical residues in water. Overall the group wanted a bolder policy that encompasses all chemicals and pulls all California agencies together.

Again there was concern expressed over the lack of chemical data and agreement that a CCP needs to gather information on basic properties of chemicals using existing information from other states and from the federal government. A CCP should also develop a two-tiered process, which includes how to deal with new and replacement chemicals and establishes criteria to label and prioritize safe and toxic chemicals.

According to Group 3 a CCP should be non-industry specific, identify data gaps, track chemicals through the supply chain, produce data and make that data publicly available. A CCP would not ignore issues of exposure, including worker exposure. Research would be ongoing and the State would incorporate educational curriculum reform that requires toxicology and environmental coursework for chemists. A CCP should also provide a “competitive advantage” for California companies that are good performers.

Workgroup Structure, Goals and Composition

This group believed that the University of California report is the appropriate place to start and that a CCP working group would just generate another report. They recommended that a series of hearings be held throughout the State and then legislative staff should write a CCP bill. They emphasized the need for a



political champion and that statewide hearings should be hosted by a neutral body.

Group 3 also stressed that the nonprofit community should frame the debate and that perhaps they should develop a CCP proposal for legislative staff. At the same time they recognized the need to work with industry and to find ways that a CCP would be beneficial to all. According to this group, now is the time to start a conversation with industry, labor, and other constituencies to find out what each side needs to move the CCP forward.

DAY 2: BREAKOUT GROUP 4

Scope of a California Chemical Policy

The group began by addressing the three gaps identified in the University of California report. They expressed concern over the range of chemicals a CCP would cover and agreed that any effective CCP should be a building block to address all existing and new chemicals. Existing regulations should be rolled into one umbrella policy, which would define testing methods clearly and address what data industry must provide. A CCP should also incorporate a tiered approach to prioritize the chemicals.

Workgroup Structure, Goals and Composition

The group agreed that it was important to create a CCP working group that includes industry, chemical end users including healthcare, labor, fenceline communities, and environmental health and safety professionals. Statewide meetings should be held to identify stakeholders. This group also stressed that the CCP working group cannot be responsible for writing the legislation but should act in an advisory role and provide input to the legislator. Their role should include engaging community groups by conducting meetings to increase awareness around the issue.

NEXT STEPS

At the end of Day 2, the participants came together to discuss next steps. The following is an overview of that session.

The Legislative Process

The participants agreed that they need to move fast but also acknowledged that this process will likely take years. However, it is important to maintain political momentum, especially in the face of legislative term limits. Symposium participants need to create a "deep bench" of supporters so that if one legislator is "termed out" there are others who will take his or her place.

Sharing Information

The need to share information was emphasized so that attendees are aware of related events and meetings. They expressed a need to set up a listserv and think about other methods to keep in touch. EFC9 agreed to post relevant papers on their website. (www.efc9.org) Participants asked the WELL Network to send out a press release about the Symposium and all participants expressed the need to work with the media and their editorial boards to share this information.

Future Events

Future events related to a CCP included the May 10, 2006 California Chemical Industry Council forum on the University of California report for chemical users, manufacturers and distributors. Mike Wilson, the report author presented at that event as did the European REACH representative Rob Donkers. New York State is looking at replicating the symposium in the fall of 2006.

Moving Forward

There was concern that there was no uniting force. Who will bring the group together again? Who will move the participants forward? There was an interest in meeting with Senator Simitian's office to find out the next steps. Many groups looked to the WELL Network to move the process forward and to help formalize



the movement and shepherd the process. There was interest from WELL if the work on chemical policy was approached within the context of a larger, more integrated green plan for the state.

Participants agreed that this needs to be a partnership: that there is significant expertise in the group, which needs to be shared. Some suggested efforts to establish a California Chemical Policy Institute with support from the As You Sow Foundation and Kaiser.

Next Steps

Ultimately the Symposium participants recognized that these are all first steps into uncharted territory and that they need to work together to make this process move forward. They are the first stakeholders who have come together on this issue and as such have a unique opportunity to determine where it might proceed.



BREAKOUT SESSION MINUTES DAY 1

On Day One, following panel presentations, participants were divided into four breakout groups and given the following task.

Breakout Task

There are four breakout groups 1) non-profits/academics/labor, 2) non-profits/academics 3) government/regulators and 4) industry/private sector. In keeping with the state policy focus of the day, the following scenario was developed to help guide participant discussions.

PRESS RELEASE: 3-16-06

Senator Joe Simitian (D- Palo Alto), following the University of California's publication and formal submission of its chemical policy report - Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation -- to the Legislature, has announced that he will be scheduling an informational hearing on the report.

Senator Simitian has also indicated that he will be convening a "work group" to provide additional guidance in the formulation of policy and recommended legislation. Senator Simitian chairs the Senate Environmental Quality Committee.

Scenario: California Workgroup on Chemical Policy (CWCP) to be formed.

To frame your breakout discussion, assume that a CWCP **will** be launched. In the interim, you have been asked to help develop that workgroup. To that end, the following questions should be addressed.

- What should be the key objectives and expected outcomes of a CWCP?
- What are the key issues that need to be addressed? What are your key concerns?
- Who should set up the workgroup and what powers should it have? What should it produce?
- What can your group contribute to the CWCP?
- What stakeholders would be key to include on the CWCP? What perspectives need to be brought to the table? Name names and affiliations, if you want.

These are all difficult questions, which will lead to others. It is not expected that you will get through them all in the time allotted. At the end of these breakouts, groups will report back to the symposium attendees through an interview process with Mark Schapiro from the Center for Investigative Reporting. He will be looking for the key elements of your discussion and will have questions to further the dialog started in each breakout. One person from each group will be nominated as the group reporter at the beginning of the session.

Breakout Session #1: NGO/Academics/Labor

Scope and Objectives

The scope should be a broad approach including:

All existing and new chemical products, pesticides, and emissions from power plants or other energy plants.

The scope should address:

Synergistic toxicity, as well as the products of the environmental breakdown of chemicals, chemical byproducts in manufacturing and hazards of replacement products

From the labor perspective, we want to immediately reduce the use of toxics in the workplace, rather than finding replacement chemicals first.

Key Issues and Concerns

- Strengthen Right-to-Know laws, which have the effect of naming and shaming, as with TRI data.
- Get positive public attention for constructive goals.
- Use education to address the root problems in lifestyles and culture.
- Focus on reproductive and developmental toxicity (impact on children) to gain public attention.
- Define a comprehensive and fundamental approach and a commonsense explanation for the public.
- Provide effective labeling and certification to communicate harm to the consumer.

Questions:

Is tiering or prioritizing regulation by volume appropriate when very small volumes of production may be more toxic – this may be an issue to address with nano-materials mfg?

What should be the criteria for prioritizing chemicals for testing and regulation? Is body burden the best way?

Who is Simitian and what will he do with the report?

Should we have only an informational hearing rather than the working group? If there is such potential for the working group to be hijacked, and we already have the existing UC Mike Wilson report, why allow the potential to get stymied?

Working Group Composition

Perhaps a better approach is to design the process for designation of the criteria, i.e. design the working group process. If we design the working group composition and conduct correctly, we can achieve our goals.

Working group should:

- Bring together labor and community representatives.
- There should be no delay. Don't let it get stopped by industry stalling and blocking.
- Have well defined products, set goals and lead to action.
- Define both short and long term goals.
- Avoid a slow consensus process or not require consensus.
- Address the questions of how to structure chemical testing, as well as the burden of testing (on industry) and funding for implementation of regulation.
- Potentially use to use FIFRA as a model but it must include pesticides in the policy.
- Have a legislative hearing prior to the launch of the working group that would focus on impacted people, including industry.

Working Group should be composed of:

- Only working group members who are there to further the policy may be beneficial, i.e. have members sign a statement that they are present to support the policy and they are kicked out if they undermine policy development (this method was used by the Zero Dioxin campaign).
- But, in order to be politically meaningful we do need to include industry representatives who are supportive of a collaborative, stakeholder working group.

Breakout Session #2: Industry

Scope and Objectives**Objectives:**

Group agreed that REACH objectives as presented by EU Representative Robert Donkers were appropriate for the working group. These included:

- Protect environment, human health & safety
- Innovation & competitiveness
- Maintain California market
- Increase transparency & consumer awareness
- Integrate with international efforts & inter-State efforts
- Promote non-animal testing
- Conform w/WTO obligations

Scope:

A working group would need to establish boundaries around what should be addressed in a Chemical Policy, which could focus on manufacturing processes and/or chemicals. The logical step is to focus on chemical management reforms at state level.

Need more information on chemicals used and brought into California. The California chemical registry with pesticides is a good template for collecting this information: the

burden is on industry to provide information on importation of restricted substances & can sample to monitor truth of allegations.

Businesses report chemical inventory every year, this information is kept with local jurisdictions on paper. It does not include where chemicals are used, who takes possession & the supply chain. However, this is done with pesticides, so it could be done with other chemicals.

Chemical producers need to take responsibility for their supply chain; this could increase their profits and reduce their liability.

Focus on safe delivery of chemicals might be better than looking for safer alternatives

Key Issues and Concerns

Barriers:

- There are California limitations regarding ability to regulate the market in terms of what products flow into the state -- California is not the European Union. This will have a financial impact on state and domestic manufacturers. (REACH -- proposes full testing of new chemicals; they will be classified & product has to be labeled and report on importation; now looking into grandfathered chemicals. California can't do this; this is the purview of TOSCA.)
- Standardization of guidelines -- there is no good system in the United States to share reported data and no set of chemical guidelines for manufacturers. What is the minimum data we need to rank specific chemicals? How will they be ranked? By what criteria? Acutely toxic vs. chronically toxic? How to score risk: cancer-causing, environmental poison, reproductive hazard, biohazard, bioaccumulative?
- Monitoring & compliance -- how will California accomplish this, especially on finished products? Ability to monitor finished product content is nearly impossible (too expensive) & unenforceable. Importers would have to certify supply chain participants and California would have to sample products to rule out false certification of finished products.
- California can only monitor raw material, can't control products coming in & out of State
- Trade secrets & intellectual property concerns may cause end users to not report their product materials.
- Transparency vs. homeland security -- Homeland security does not always allow manufacturers to release chemical use data.
- Hazardous Materials business plans provide inventory information & have nothing to do with end user.
- Not easy to track & control chemical from development to final use -- this is a technology problem. Industry groups don't necessarily know about problems with chemicals or even what chemicals are contained within the finished product.
- Small and medium size businesses could be at a disadvantage

Advantages:

- Manufacturers would have the ability to harmonize test methods & criteria.
- Tiered criteria could be defined to help manufacturers determine which chemicals are safe or less harmful. A tiered approach to ranking chemicals would include: volume, risk, urgency for substitution (set up short cut to allow alternatives onto the market).
- Incentives to participate could be established such as the State using its buying power (EPP) to purchase less harmful products and recognize good players. Industry needs incentives from the State to invest in safer alternatives and to decide which to investigate & which to substitute.
- A policy would allow better communication along the chain of commerce.
- A policy could create industry specific guidelines, developed by industry-specific working groups, where none currently exist. Each industry group is different and presents a different challenge.
- Better partnering with government (as opposed to an adversarial approach).
- Voluntary vs. regulatory approach – start with a voluntary program; work out kinks and then develop regulations.
- Currently there is not enough information for consumers to make decision; they tend to decide based on price (not health & environmental impacts); some may be willing to pay more for safer products if they have more information.
- It will be easier for manufacturers to make decisions regarding chemicals if California provides guidelines on what they can and cannot use.
- It would save industry money and generate industry support if test methods in different states and countries could be harmonized (current system is wasteful).

Opportunities

- Optimize chemical use & management
- Better communication
- Share costs & efforts
- Trade group empowerment: Can use industry groups as a way to monitor chemicals -- industry groups can look at price sensitivity & import issues.

Breakout Session #3: NGO/Academics

Scope and Objectives**Scope**

Use the Louisville Charter for safer chemicals as a framework (for more information go to: <http://www.louisvillecharter.org/>).

Need to develop immediate timelines, deliverables & recommendations for the working group but should not stop ongoing legislative efforts in the short-term. NGO community needs to discuss interim steps (immediate bills).

Review the Lautenberg Bill to strengthen the 1976 Toxic Substances Control Act.

Need to champion change by:

- Asking industry what is needed to move forward.
- Designing a comprehensive chemicals policy.
- Developing a comprehensive policy – geographically, accessible/inclusive to all of California & long-term.
- Developing a pragmatic policy driven by principles.
- Building off of what has been done.
- Identifying what the State can and cannot do.
- Developing a system to evaluate chemicals and consolidate chemical data in central place.

Objectives

Long-term overarching objectives – we need a comprehensive policy; can't keep doing this piecemeal. We should:

- Define the platform and the process.
- Develop long-term principles and goals agreed upon by NGO's, industry, government (EU).
- Articulate comprehensive policy first, can implement in steps.
- Get chemical policy on governor's agenda (get it out of the legislature, target it somewhere else).
- Don't give it up even if not politically feasible.
- Define what we don't want it to be.
- We need to creating a "Lowell West" (reference is to the Toxic Use Reduction Institute - TURI - located in Lowell Massachusetts) with a funding mechanisms

Key Issues and Concerns

Concerns:

- Need a government official/legislators to act as champions – won't move on its own – and to keep it going
- We need well-documented solid science
- There are many Data Gaps and a need for testing criteria
- There is no Office of Health Tracking (data gap)
- We need to fill the gaps with what the alternatives are
- We need to close the data gap to provide baseline knowledge about chemicals

Issues:

The key components/elements required in order to push a comprehensive policy include:

- We need to emphasize the public's right to know.
- Transparency should be key to any policy.
- The precautionary principle should be paramount in any policy.

Working Group Composition

Prior to:

Prior to the establishment of the Working Group, NGOs need to build our power – increase dialogue among our allies. We need more discussions among us – figure out what we can agree on. Mobilize our own constituencies to bring the issue back to every day lives. Go to the grassroots – reach out to the average person & make it accessible. Reach out to allies (labor, friendly industry).

Develop an intensive educational outreach program. We are the ones who want change – we need to be the ones to articulate what we want (rally NGO's & fast).

Working Group Composition:

- No one should be on Working Group who can't agree the system is broken.
- The economic argument has to be incorporated (job loss, not as competitive, etc.) in addition to the environmental & health reasons.
- The long-term goal is a comprehensive policy but we have to decide how we want to pursue it (which pieces & when).
- Look at CA Chemical Industry Council to find potential for early win with industry.

Breakout Session #4: Government

Scope and Objectives

Scope:

A California Chemical Policy working group should have a clear and specific purpose. The structure and roles should be well defined and an education program should be developed and implemented to reach out to diverse stakeholders.

- The scope must be clear and well defined
- Criteria for prioritization must be developed. Cannot accomplish the entire thing at once.
- Must be a clear role for companies/industry
- Measures for success and milestones should be clear and achievable
- Policy should obtain industry agreement on (broad) objectives

A California Chemical Policy working group should be developed to:

- Educate (others and self)
- Evaluate policy options
- Make the business case for adopting green chemical policy
- Examine triple bottom line

Key Issues and Concerns

Issues:

- Policy should develop an alternatives analysis and promote incentives for using the best alternative
- Policy should be chemical use specific (encompass functionality)
- Policy should provide disincentives for use of toxic chemicals and encourage innovation and sustainability.
- Policy should incorporate use of taxes and subsidies to promote the use of less toxic chemicals
- Policy should allow for better market function and be explicit about full cost accounting
- The funding for the workgroup and policy development must be sufficient. Use of self-funding mechanisms should be explored.

Key issue raised by NY representative

In NY State attempts to get a commission on chemicals policy, there was not even a consensus on the problem. So they recognize the need to build a constituency to advocate for change. The difference here may be that the CA report (authored by Mike Wilson) can serve as a problem statement – it was developed by a neutral body (the University of California) and commissioned by the State Legislature. This should serve as a legitimate problem statement for the legislature to act and take the next step.

Working Group Composition

- Working group should incorporate use of a democratic, transparent process
- Working group should develop educational materials and disseminate information to key stakeholders (including information on use and properties of chemicals)
- Working group should educate decision-makers and stakeholders and work for engagement and consensus on key issues

BREAKOUT SESSION MINUTES DAY 2

Participants were broken up into four random groups on Day 2 to discuss unanswered questions from Day 1. Those questions included:

- What should be the scope of a California Chemical Policy?
- What should be the structure and goals of the working group and who should sit on it?
- What State mechanisms and barriers exist in the implementation of a California Chemical Policy?

Breakout Session #1:

Scope of a California Chemical Policy?

The first question raised was: Should there even be a working group or even a comprehensive policy?

Wilson report doesn't include pesticides. REACH doesn't include either. EU has other ordinances that take care of pesticides. Make California policy as broad as possible such that pesticides are included. Cosmetics should also be included.

What should the process be which will make it more inclusive?

Not comfortable with a "scope of policy statement" here and now. We also need time to think it out.

Scope should be broad because it is going to be cut back by the "forces that be" (industry).

Workgroup Structure, Goals and Composition

Composition

- Need to include a more diverse group of people now, at the beginning. 10-15 representatives of diversity?
- Representative groundswell must also drive the process -- but let's not stop work if we don't have everybody.
- North-south California (CA) divide between nonprofits should be bridged (ie: social justice, south-north CA., labor, etc.).
- Also, some participants can afford it. We must fund those less able to afford staying at the table to work this out through the whole time of the process. We need their representation in the long-term.
- Farm-worker representation is not here and needs to be.
- Worker protection must be included.
- How do we get the diverse voices we need: E.J. community groups, labor (steel workers, exposed individuals) farmworkers, church groups, geographic representation, ethnic diversity.
- Include the American Chemical Council. Invite them, but don't let them stop the process.
- Big Releasers and Trade Associations should also be included.
- Get down stream users as key constituency
- Chemical producers.
- We need the names of people who need to be here now.

Structure:

- Hearings should be held around the state on the Wilson report.
- Start this process over, with the diversity needed to make it work.

- Public meetings like this symposium should be held, not just hearings. Ask Environmental Justice community groups to co-host/sponsor.
- There should be a series of meetings around the state.
- Full scholarships for environmental justice groups, workers, nonprofits and community groups should be provided.
- Teleconferencing can be a good way to reach out to people as a process.

Breakout Session #2:

Scope of a California Chemical Policy

Agriculture and energy should be included as well as emerging risks like nanotechnology.

We should take a broad ecological approach to chemical risks, because, as we have seen with climate change and ozone depletion, it might be the indirect effects of chemicals in the biosphere that ultimately cause the greatest risks. A chemical policy that ignores such risks would be inadequate.

Policy should focus on substituting chemicals (green chemistry) and on immediately reducing the number and volume of chemicals in use.

Policy needs to define criteria for determining which chemicals are most dangerous. Criteria may include volume, short and long-term toxicity, existing body burdens, developmental and reproductive effects, environmental fate, etc.

Workgroup Structure, Goals and Composition

Inclusivity is key. There should be a process for including under-represented groups/people and provide funding/scholarships for them. Funding should also be available for translations.

Co-sponsors must include under-represented groups and people, and possibly green businesses.

There should be three representative groups from North, South and Central California with meetings held in each location to prioritize and define the scope of the policy and working group. Meetings should be highly publicized with accompanying education and media coverage.

Existing legal and regulatory issues should be framed either prior to or at the beginning of the three regional meetings.

Presenters at the meetings should include impacted communities/ people, industry supporters and environmental justice groups.

Breakout Session #3:

Scope of a California Chemical Policy

The group disagreed with the scope of Mike Wilson's report (He focused on chemicals included under TSCA. Since the major toxic issues in CA are precisely pharmaceuticals and agricultural chemical residues in our water, the group wanted a bolder policy to encompass *all* chemicals.

The policy should be holistic, pulling all California agencies together

Recommendation – comprehensive chemical policy implemented in CA in near-term

Needs to gather information on basic properties of chemicals. Use information from other states and include information from TSCA (looked at TSCA list, then started delisting materials/adding materials; find a way to engage industry).

Develop a two-tier process

- How to deal with a *new* chemical – don't want to discourage innovation
- Different process/accelerated process for replacement chemicals

Should there be industry-specific orientation?

- No, a toxic chemical is a toxic chemical
- Training should be industry-specific
- Create an advisory group from industry

Need criteria to label and prioritize safe and toxic chemicals. Need system to determine when an alternative chemical is safe and how to assess imported products.

A California Chemical policy would:

- Need to be non-industry specific
- Identify data gaps
- Track chemicals through supply chain
- Produce data and make publicly available
- Need to define terms, especially for packaging
- Need to have continuous research, ways to incorporate into policy
- Address education/curriculum reform: require toxicology, environmental coursework. American Chemical Society accredits chemistry programs.
- Help California provide a “competitive advantage” for state companies that are good performers
- Address issue of exposure (If a hazardous chemical is present in a product but is not a hazard to the user, is it exempt?).
- Not ignore worker exposure

- Need new department/agency to focus and implement policy.
- Include nanotechnology in its scope.

Workgroup Structure, Goals and Composition

Should a workgroup be created?

- Already have report (Mike Wilson's UC Report) that states there is a problem
- Concerned that a workgroup will come out with another paper
- Recommend that a series of hearings be held instead, and then legislative staff write bill. Hearings would allow for a more public process and building a constituency.
- 1 year is too short
- Could have both hearings and workgroup
- Need a political champion (e.g. Governor) with a task force
- Champion sets parameters for task force
- Problem already established, need new policy
- Hearings or working group should be hosted by a neutral body
- Workgroup – likely multi-stakeholder group where report recommendations would be watered down
- Privately organized listening panels concurrent with hearings

NGOs should frame the debate

- NGO develops proposal, give to legislative staff
- “We” include legislative constituencies, industry
- CA chemical industry split from ACC – allies there
- Ask industry what they need to have from beginning
- Couch in ways that will help industry (i.e. focus of competitive advantage)
- Split industry – downstream users
- Need level playing field for industry
- Need lifecycle assessment – supply chain analysis
- Ask what do you need to make change (industry)
- Need to start conversation with industry, labor, other constituencies
- Acknowledge waste issues

Breakout Session #4:

Scope of a California Chemical Policy

Starting Point: Group discussed the pros and cons of starting with the existing framework of TSCA and FIFRA and the UC report. It was decided to start by addressing the 3 gaps identified in the UC report.

What range of chemicals will the policy cover – Cosmetics, pesticides and pharmaceuticals?

- Policy must be a building block to address all existing and new chemicals w/o exceptions.
- Policy development must start by looking at the 30 or so existing regulations (outlined in UC report) and roll them into one umbrella policy.
- Policy must define testing methods clearly (OACD testing guidelines etc)
- Policy must clearly address what data set industry must provide?
- Policy must incorporate a tiered approach (to prioritize) the chemicals industry must provide information for.

Workgroup Structure, Goals and Composition

Group agreed that it was important to create a body/taskforce that includes

- Industry groups – producers and distributors
- End users (e.g. healthcare)
- Labor groups
- Community groups including fenceline communities
- Environmental Health & Safety professionals
- Sustainability minded folks (businesses and residents)
- Start by identifying stakeholders (e.g. conduct meetings w/ local impacted communities to create momentum)
- In parallel, research who will introduce legislation in state. Involve representatives from the get go.
- Someone must play a “translator” role between industry and NGO community.

The task force cannot be responsible for writing the legislation; they act in an advisory role and provide input to the legislator. Their role includes the following -

- Engage community groups by conducting meetings to increase awareness around issue
- What can local government do? Define their role
- Identify how to connect w/ economic groups – integrate sustainability w/ economics. This will make the issue more appealing to broader groups
- Important to get buy in from communities that are not environmentally minded, so there is no scope of future opposition due to lack of understanding.

NEXT STEPS

After the breakouts on Day 2, the participants reassembled to discuss next steps in the process.

The following should be included in the Symposium report:

- Indicate that this Symposium was international (included attendees from Mexico, Canada, Germany & Netherlands)
- Share attendee contact info to create network

- Indicate the diversity of attendees & that in spite of this there was certain uniformity of ideas.
- State strongly that the work group shouldn't just rehash what has been done

Share the results of the Symposium with other states

Read the Mike Wilson report

Move fast & soon & know that it will take many years. Maintain political momentum as politicians come & go.

Watch out for impact of term limits on next steps. If a legislator takes the lead on next steps, he/she could be termed out before much happens.

- Need a "deep bench. Include Wilma Chan on the deep bench
- Recruit Byron Sher to champion this effort
- Engage the chemical industry in this effort-- include chemical distributors and manufacturers

Share Information

- Make sure Senator Simitian sends email to attendees on status of the workgroup
- Keep everyone informed about opportunities to support more focused/smaller efforts regarding chemicals
- Set up a listserv & inform everyone when the workgroup hearing will take place; think about other methods to keep in touch. TURI has chemicalpolicy.org & maybe they could hold a listserv. Need a national and a California Chemical Policy listserv & possibly an international one.
- At related conferences & meetings, let people know what is going on; increase awareness
- Re: pharmaceuticals – there is a listserv. Could hold a similar meeting with that sector.
- EFC9 will post relevant papers on their website, if the authors send them to EFC9
- Send out a press release about the Symposium. WELL will do this. UC did a press release and an article
- Work with the media & their editorial boards to share this information

Future Events

- May 10 the Chemical Industry Council will hold a presentation on the report for chemical users, manufacturers and distributors. Wilson will present the report; Rob Donkers will explain REACH & Warner will describe Green Chemistry
- New York State is looking at replicating this symposium in the fall. They are developing a model State policy and will share their work with attendees
- Mike Wilson can provide hard copies of the report to anyone who requests them

Who will bring the group together again? Who will move us forward? Would WELL do it?

- Could meet with Senator Simitian's office to find out what next steps they plan.

- This is a movement; each group adds to the whole. WELL could help formalize this union.
- Many great do-able ideas were generated. WELL could shepherd this process along and look for funding to make it happen. Would need funding to bring all stakeholders to meetings (esp. NGO, community groups, etc.) and to keep them at the table over the long-term. Figure out correct proposal to bring to funders.
- This needs to be a partnership. There is lots of expertise in the group. Share what each organization/entity/individual is working on now to expand resources & capacity as well as what everyone is thinking of doing and what they currently do.
- Set up a California Chemical Policy Institute. As You Sow & Kaiser could help support this effort; maybe UC could host it. There is lots of interest on the campus, but it is not so academic & therefore doesn't help move professors towards tenure. Could include language in the Institute charter that says the Institute is not to do research. Or could place the Institute at UC Extension. Many UCB students are interested, Recruit students from chemistry & chemical engineering.

Technical issues play out through the process. Criteria for prioritization of where we're going are not well defined. How to evaluate what is the highest priority.

NGO next steps

- Expand NGO representation in this effort.
- Share with Environmental Health Working Group Coalition.

Bruce Jennings, Legislative Analyst, State Assembly:

- He will report on the Working Group to attendees. Has no notion where it should go. He is trying to get everyone who has been involved in California chemical policy to the table including: labor, EJ communities, industry, financial sector...
- He is looking to the Symposium attendees to keep this effort going.
- Putting the legislature in charge of this effort is no better than putting UC in charge.
- Remember the democratic process is constantly flawed.
- California is a leader.

Post Symposium Comment

A California Chemicals Policy Must Take Broad Approach

Comments from California Chemical Policy Symposium Moderator
Karina Garbesi, PhD
Professor of Geography and Environmental Studies
Cal State East Bay

Overview

To be effective, a California Chemicals Policy must take a broad approach to protecting California residents from harmful chemicals. It must address not only chemicals used and stored in manufacturing and commercial products, but also chemicals used in or emanating from the agricultural and energy sectors. It must also be able to address new threats, like nanotechnology, and indirect threats from chemical disruption of the biosphere. Finally, it must be able to address two problems that have long been acknowledged, but that have been virtually ignored by existing chemical safety policies and were not raised at the Symposium:

- (1) the problem of surprises and
- (2) the problem of synergistic effects between toxic chemicals.

The comments raised here address only these two issues, which individually and together mandate a conservative, precautionary policy. Specifically they argue that a California Chemicals Policy based only on substituting chemicals (that is, on a narrow green chemistry approach) will not adequately protect public health and the environment. The policy must systematically reduce the number and volume of chemicals in use, based on phase-out criteria that consider not only volume of chemicals in use, but also on their toxicity, their bioaccumulation potential, and their documented body burdens in humans and other animals.

Chemical surprises:

There is much evidence that we do not necessarily know the right questions to ask or tests to perform to determine the safety of new chemicals, the potential risks that will emerge, and therefore the appropriate tests to apply. For example, when the refrigerant Freon—the first chlorofluorocarbon (CFC)—was introduced in 1929 it was viewed as a completely safe miracle compound because it was nontoxic, nonflammable, and noncorrosive. It was introduced to replace known problematic refrigerants like ammonia (NH₃), methyl chloride (CH₃Cl), and sulfur dioxide (SO₂). Thus, in today's terms, Freon appeared the perfect green chemical. It wasn't until many decades later, almost too late, that it became clear that Freon and the other CFC's that followed were discovered to be systematically destroying earth's protective ozone layer. This process, occurring in the stratosphere, could not have been predicted at the time of its introduction. Had Mario Molina and Sherwood Roland not worked out the chemistry and predicted the problem, it is not clear that we could have reversed the problem in time to avoid major global-scale damage.

Carbon dioxide from fossil fuel combustion provides another good example. CO₂ was considered benign, being a natural, nontoxic component of the atmosphere. But CO₂ is now widely acknowledged to be largely responsible for a global warming that poses a major threat to the next generation.

The discovery that many synthetic chemicals and some widely used heavy metals disrupt the endocrine system was also a surprise. The endocrine system controls the development of animals, hence having the potential to disrupt formal physical, neurological, and reproductive development. Adverse effects of EDs have been widely documented in laboratory animals and wild animal populations. Exposures have also been shown to be harmful in humans, though the full magnitude of the problem is not yet understood.

Synergisms and Safety Testing

It is the problem of synergisms that perhaps most eloquently argues the need to reduce the number of anthropogenic chemicals in use. Beyond the argument given above that we may not be able to predict the ultimate effect of any individual chemical, and in addition to the fact that most chemicals in commercial use lack safety tests,¹ the problem of synergisms makes it abundantly clear that it would be impossible to significantly reduce societal chemical risks with the many tens of thousands of anthropogenic chemicals in use and the many hundreds of new ones introduced each year.

The issue comes down to the number of tests that would be needed to be performed. Even ignoring the issue of synergisms, the number of test that would be needed would be large given the potential for toxic effects, teratogenic effects, developmental and reproductive effects, behavioral effects, and others. This is complicated by the fact that timing and dose matter, as proven by studies of endocrine disruptors. In addition, compounds once released to the environment may break down into yet more toxic compounds, as is the case with DDT. They may react in the environment creating new and more highly toxic chemicals, as is the case with air pollutants, setting of a chain of largely unpredictable events, like the destruction of the ozone layer.

But the synergism problem tells us that even if we could test adequately for all of these problems for individual chemicals we would be overwhelmed by the total number of tests that would have to be performed to determine if chemicals are more harmful in combination than they are individually—that is the problem of synergisms. For example, the presence of an ‘inert’ surfactant in the herbicide *Roundup* makes its toxic ingredient, glyphosphate, far more harmful because it allows the glyphosphate to penetrate the cell more readily.² There are many documented cases in which the combined effect of

¹ The problem of inadequately testing has been discussed by many sources, is reiterated in the Wilson report, and validated by the US EPA: “Of [the] chemicals deployed by commerce, only a small percentage have extensive ecological or human toxicological data; only a small portion are subject to ecological monitoring regulations.” <http://www.epa.gov/esd/chemistry/pharma/critical.htm>

² Environmental Science and Technology, Online News: Science News –September 7, 2005, Are pesticide “inerts” an unrecognized environmental danger? http://pubs.acs.org/subscribe/journals/esthag-w/2005/sep/science/rr_inerts.html

simultaneous exposure to more than one chemical is larger than the sum of individual effects.³ This implies that the traditional testing approach—one chemical at a time—cannot predict actual risks, especially considering the magnitude of the potential synergisms problem.

Consider the problem of trying to anticipate through *a priori*, one-chemical-at-a-time tests the effect of the exogenous chemicals now typically found in the human body. People typically carry measurable body burdens of on the order of 100 synthetic chemicals, many known to be harmful, others largely untested. To test all possible combinations of those hundreds for a single property at a single concentration would require 1.3×10^{30} individual tests, which would require 4×10^{22} years if each test took only one second to perform—a daunting task since the estimated age of the universe is only 14×10^9 years! While it may appear absurd to consider all possible combinations, the following two examples also illustrates the problem with synergisms when there are so many chemicals in use. Assuming that there are 75,000 chemicals in commercial use in the US, to conduct a single test on all different possible combinations of two chemicals would require about 3 billion individual tests. To do the same for 1,000 chemicals would require only 500,000 tests. Clearly, reducing the number of chemicals in use is essential to begin to get a handle on the societal risk of chemical exposures.

Conclusion

There is ample evidence that we cannot reliably predict the effects of newly introduced chemicals and that we have very little safety data on the close to 100,000 chemicals in current commercial use. The problems of chemical surprises and synergisms is well documented. The only way to address these kinds of problems is to limit the number of anthropogenic chemicals in use and to slow the introduction of new chemicals. To be effective, a California Chemical Policy cannot take a narrow green chemistry approach; it must begin to address these well-known problems.

³ For another example, the lung cancer risk of smoking and radon exposure are strongly synergistic, resulting in smokers carrying most of the radon-related lung cancer risk.

Symposium Registration List

CALIFORNIA CHEMICAL POLICY SYMPOSIUM

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Symposium Agenda

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CALIFORNIA CHEMICAL POLICY SYMPOSIUM

March 16-17, 2006

Oakland

Elihu Harris State Building – 1515 Clay Street

AGENDA

8:00-8:30 Registration

8:30 -9:00 Overview of the Day

9:00-10:30 Developing a Statewide Comprehensive Chemical Policy: Industry & Labor Challenges and Opportunities

- Lynn Garske, Environmental Stewardship Manager, Kaiser Permanente
- Amanda Hawes, JD, Alexander, Hawes & Audet; Board Chair, California Coalition for Worker Occupational Safety and Health Protection
- Morris Shriftman, Sr. Vice President Marketing and New Product Development, Avalon Natural Products
- John C. Warner, Professor, Department of Plastics Engineering and Community Health and Sustainability; Director, Center for Green Chemistry, University of Massachusetts Lowell

10:30-10:45 Coffee Break

10:45-12:15 Developing a Comprehensive Statewide Chemical Policy: NGO Challenges and Opportunities

- Charlotte Brody, Executive Director, Commonweal
- Sheila Davis, Executive Director, Silicon Valley Toxics Coalition
- Joseph Guth, Ph.D, Legal Director, Science and Environmental Health Network
- Gregg Small, Executive Director, Washington Toxics Coalition

12:15 - 1:30 Lunch

1:30-3:00 Developing a Comprehensive Statewide Chemical Policy: Legislative Challenges and Opportunities

- Wilma Chan, Representative California State Assembly
- Robert Donkers, Counselor for Environmental Affairs, Delegation of the European Commission, Washington, DC
- Joel Tickner ScD, Assistant Professor, Department of Community Health & Sustainability, University of Massachusetts Lowell
- Michael Wilson Ph.D, MPH, Assistant Research Scientist, Center for Occupational and Environmental Health, University of California Berkeley

3:00-3:15 Break

3:15-4:45 Breakout Sessions

4:45-5:30 Report back to full plenary

- Interviewer: Mark Schapiro, Editorial Director, Center for Investigative Reporting

5:30-7:00 RECEPTION - Elihu Harris State Building

DAY 2

8:00-8:30 Registration

8:30-12:00 Breakouts and Roundtable

Opportunities and challenges for developing a Comprehensive Chemical Policy for California identified from Day 1 will be explored and addressed on Day 2. The primary focus will be on next steps.



With acknowledgement and deep appreciation for assistance with time & space, networks & encouragement.

- Assemblymember Wilma Chan's Office
- California Environmental Associates
- Citizen's Environmental Coalition
- Commonweal
- Environmental Health Coalition
- Environmental Justice Working Group
- Health Care Without Harm

This report can be downloaded as a pdf document from the EFC9 website:

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