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## DTSC Releases Final Version of Priority Product Work Plan with Few Changes

### SAFER CONSUMER PRODUCTS, DTSC, PRODUCT STEWARDSHIP

By ROGER PEARSON, May 28, 2018

The Department of Toxic Substances Control has released the **final version of its second Priority Product Work Plan**<sup>1)</sup> laying out the product categories that the Department staff will investigate for possible listing as Priority Products for the next three years under the Department's Safer Consumer Products (SCP) Program. The staff made few changes from the **draft version released in February**<sup>2)</sup> keeping the same seven categories of target products included in that draft.

**The first Work Plan was adopted in April 2015**<sup>3)</sup> and covered the three year 2015-2017 period [see **DTSC Names First Three Products under the Safer Consumer Products Regulations**<sup>4)</sup>, March 27, 2014]. That Plan contained seven broad product categories.

This latest Work Plan, the second one, covers the period from 2018-2020. The February draft retained five categories from the first plan and added two new categories, food packaging and lead acid batteries. The Work Plan lists the following seven product categories:

- Beauty, personal care, and hygiene products
- Cleaning products
- Household, school, and workplace furnishings and décor
- Building products and materials used in construction and renovation
- Consumable office, school, and business supplies
- Food packaging
- Lead-acid batteries

The Department had the draft Plan reviewed by its advisory panel on green chemistry, the Green Ribbon Science Panel at a February 13, 2018 meeting. It also received comments at a public workshop on February 26 and **in writing through March 9**<sup>5)</sup>. Commenters raised a number of both general and specific complaints about the Work Plan, including desired changes in the descriptions of

the product categories and the target chemicals mentioned [see **Critics of Draft Priority Product Work Plan Complain About Lack of Detail and Regulatory Overlap**<sup>6</sup> , April 2, 2018]. In response the final Plan retains the same seven broad product categories, along with most of the specific language from the draft, although the Department did make a few changes:

- The final version emphasizes that the Work Plan itself does not create any regulatory obligations nor does it constitute a safety judgment of the products mentioned. Although that language was included in the draft Plan the staff moved it to the Plan introduction to emphasize it.
- The staff removed several tables containing specific chemical classes and chemicals after stakeholders complained that their inclusion might falsely indicate that DTSC is focused on those classes and chemicals.
- Several commenters expressed concern that DTSC may attempt to regulate products and chemicals that are already subject to regulation by other authoritative bodies. In response the Department acknowledged this possibility but assured commenters that it would only regulate such products if regulation would meaningfully enhance the protection of human health or the environment.
- Finally the staff removed the word "linoleum" over concerns that its inclusion implied that it was considering targeting "composite wood products."

## Resources for this article

### 1. final version of its second Priority Product Work Plan

<https://prop65clearinghouse.com/documents/26757>

### 2. draft version released in February

<https://prop65clearinghouse.com/documents/26758>

### 3. The first Work Plan was adopted in April 2015

<https://prop65clearinghouse.com/documents/26759>

### 4. DTSC Names First Three Products under the Safer Consumer Products Regulations

<https://prop65clearinghouse.com/articles/2701>

### 5. in writing through March 9

<https://calsafer.dtsc.ca.gov/cms/searchcomments/?packageId=12737>

### 6. Critics of Draft Priority Product Work Plan Complain About Lack of Detail and Regulatory Overlap

<https://prop65clearinghouse.com/articles/13402>