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GAVIN NEWSOM
Mayor

JARED BLUMENFELD
Director

The Case for Comprehensive Chemicals Policy Reform: A local government perspective

Local Governments across California are charged with the responsibility of preventing pollution and protecting public health through the management of waste entering municipal landfills, incinerators, and wastewater treatment plants. In order to meet these challenges waste management programs have been put into place to educate consumers about proper use and disposal of products and to create collection/treatment systems to capture and divert toxic chemicals and products. Each year, local programs that are operating on fixed, if not decreasing, budgets must handle increasing volumes of these hazardous wastes.

As more and more products are designed to be disposable and as we continue to learn about the toxic nature of chemicals used in products, the burden increases on local governments to keep these products and chemicals out of the waste stream and find alternative means to manage the wastes. For example, recent state legislation banned fluorescent light bulbs (which contain mercury) as well as batteries, and virtually all electronic devices from entering landfills. San Francisco expects to spend over a million dollars each year to collect these “new” hazardous wastes and an additional two million dollars a year keeping other hazardous wastes out of the municipal solid waste stream.

The state of California has tried to offset some of the costs of disposal with upfront fees on the purchase of specific products such as computer monitors and televisions. However, the answer to this spiraling disposal dilemma is not to legislate more and more product-specific fees. The cost of allowing products to contain hazardous chemicals does not stop with the cost of disposal in hazardous waste landfills or incinerators. Even with a sophisticated waste management system, the chemicals in consumer products do not disappear; they end up in land, in waterways, in the air, in our bodies, and in our children’s bodies. As a result, the state of California spends millions of dollars each year through agencies such as CIWMB, DTSC, OEHHA, and DHS, to try to minimize the impacts of problem chemicals that are allowed in our chain of commerce and society at large. The answer is not better waste management but to stop using problematic chemicals in consumer products and switch to safer alternatives.

The harm caused by these toxic chemicals is clear and evident. San Francisco and other local governments understand that focusing efforts solely on outreach and infrastructure to support proper treatment, disposal, and recycling is a losing battle and far too costly for municipal budgets. Further, local governments do not have the regulatory tools at their disposal to close “the safety gap” as described in the University of California Report¹. Source reduction - less waste and the use of safer alternatives - is the only way to prevent the flow of contaminants into the environment. Products must be reformulated and less problematic chemicals utilized that meet performance and cost specifications.

In fact, many local governments as well as the State of California have sought to lead by example and specify environmentally preferable alternatives through “green purchasing” programs. However, moving towards the use of safer alternatives requires that scientific data be available to compare the alternatives so that the least harmful chemical can be selected. The UC Report points to the problem of this “data gap”. For governments wishing to purchase greener products such a “data gap” creates a significant barrier to selecting products that avoid potentially harmful and unnecessary chemical constituents. Local governments, like all end-users, are stymied in their efforts to select safer alternatives due to insufficient information and a regulatory system that does not promote the development of products designed with human health and the environment in mind.

Product reformulation using alternative chemicals will benefit not only our environment and health, but also our economy. San Francisco’s experience with “green purchasing” efforts has demonstrated that asking for safer alternatives leads to innovation, reduced costs for waste management, and reduced exposure of employees and the public to problem chemicals. For example, when the City of San Francisco performed an assessment to look for alternatives to arsenic treated wood; manufacturers came from around the country to offer safer alternatives at cost-competitive prices. While the City did not eliminate the use of arsenic treated wood, the use of this known human carcinogen was reduced by over 90%.

As the UC Report documents, the time has come for a more comprehensive and protective policy towards the types of chemicals that are allowed to make it into consumer products. Local governments cannot continue to support the mounting demands of managing wastes that contaminate our land, water, air, and bodies.

The following are specific recommendations for policy reforms:

1. Joint industry/public funding of research on health and environmental impacts of all chemicals used in commerce. A system for prioritizing data collection should be developed based on highest risk uses/materials, production volumes, or other set of criteria.
2. Creation of California Institute on Green Chemistry to make accessible research on alternatives to potential consumers and producers and to stimulate the field of green product/chemical development.
3. Revision and strengthening of the Material Safety Data Sheet as a mechanism to ensure clear communication of the complete set of hazards and impacts associated with the chemical constituents of a product. Long term health effects as well as environmental impacts should be included in the newly developed data sheets.
4. Regulations/incentives that lead to the reformulation of products containing toxic chemical constituents and the elimination of chemical “uses” when safer alternatives are readily accessible.
5. Involvement of all stakeholders (i.e. government, industry, end-users, healthcare professionals) in developing broad guidelines for the research, resources, and regulations that will lead towards a more protective and comprehensive approach to chemicals policy.

For further information, contact Debbie Raphael, Toxics Reduction Program Manager at (415) 355-3711 or at Debbie.Raphael@sfgov.org

¹ *Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation* (the “UC Report,” <http://coeh.berkeley.edu/greenchemistry1.htm>).