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Schwarzenegger Signs Green Chemistry Bills

By Erin Fuchs

Law360, New York (September 30, 2008) -- Gov. Arnold Schwarzenegger signed into law Monday as part of his "Green Chemistry Initiative" two landmark bills authorizing California to regulate chemicals in consumer products, a move praised by environmental groups and the chemical industry.

The governor's office touted the bipartisan bills, which passed the California State Legislature in August, as the "first-in-the-nation" comprehensive state effort to lower or eliminate harmful chemicals in products.

One bill, AB1879, introduced by Democratic California Assemblyman Mike Feuer, gives the state Department of Toxic Substances Control the power to target and regulate chemicals.

The department's regulations include restricting or banning certain chemicals from consumer products, and must be adopted by 2011.

A companion bill, SB509, sponsored by Democratic state Sen. Joe Simitian, creates a public, online Toxics Information Clearinghouse, listing the various chemicals used in products.

Los Angeles, Calif. attorney Peter Hsiao, who heads the Land Use and Environmental Group for Morrison Foerster LLP, said that the laws will create more demand for environmental attorneys in the state.

These attorneys will "need to look at the entire life-cycle of a product's design, manufacture, sales and end-of-life handling," Hsiao said.

Previous laws regulated chemicals only in certain product categories, while the new laws provide a more comprehensive standard, regulating more chemicals than ever before.

Among the groups urging the signing of these bills was the Chemical Industry Council of

California, which supported the legislation's "science-based regulatory options."

The group praised the "Green Ribbon Science Panel," set up by SB509, which consists of experts including toxicologists and chemists, to advise on chemical regulation.

CICCI further praised the law's provisions for "development of a process to evaluate chemical alternatives so as to avoid the unintended consequences of inappropriate substitutions."

"CICC has long espoused support for a process whereby chemicals could be regulated by scientists with a thorough understanding of the issues involved," Executive Director John R. Ulrich wrote in a letter to Gov. Schwarzenegger.

The legislation was also supported by the Breast Cancer Fund and the Environmental Defense Fund.

Not everybody celebrated the passage of the green chemistry laws, though.

The Los Angeles Times reported that both the automobile and electronics industries lobbied against the legislation, saying they put a burden on industry.

Ford Motor Co. lobbyist Melanie Wiegner told the Times that the new laws would yield only "higher costs with little or no benefit." The Times reported that automakers were worried that California would regulate brominated flame retardants in cars, which the U.S. Environmental Protection Agency has found may cause liver, brain and neurodevelopmental toxicity.

--Additional reporting by Erin Coe and Sara Stefanini