



August 31, 2010

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DAVID PACKARD

Director Joan E. Denton, Ph. D.  
Office of Environmental Health Hazard Assessment  
1001 I Street, Sacramento, CA 95814

**RE: Comments on OEHHA Pre-Regulatory Draft on Green Chemistry Hazard Traits, Endpoints, and Other Relevant Data**

Dear Director Denton,

On behalf of the Silicon Valley Leadership Group, I would like to submit the attached comments in response to the Office of Environmental Health Hazards Assessment's (OEHHA) "Green Chemistry Hazard Traits, Endpoints, and Other Relevant Data Pre-Regulatory Draft" for your review and consideration.

Founded in 1978 by David Packard of Hewlett-Packard, the Leadership Group is proud to take an active role in helping shape and advocate for policies that affect the economic health and quality of life in Silicon Valley. Our membership includes manufacturers of electronics, biotechnology, pharmaceutical, and chemicals. Together, our more than 300 members collectively provide nearly 250,000 local jobs, or one of every four private sector jobs in Silicon Valley. Members of the Leadership Group admire California's goal of having the highest environmental standards in the U.S. and understands public concerns regarding toxicity in consumer products.

The Leadership Group has been actively engaged in providing input on the Green Chemistry Initiative since its inception by the Governor in 2007. As a proactive participant in the California Green Chemistry Initiative, the Leadership Group has coordinated and submitted to California Environmental Protection Agency and the Department of Toxic Substances Control (DTSC) dozens of specific recommendations for improving chemical management and regulatory processes in California. Our most recent submission was comments on the Safer Consumer Product Alternatives draft regulation released by DTSC.

We recommend the OEHHA implement an approach that is based on best science, which harmonizes with existing standards and regulations and that protects confidential business information. The recommendations below are provided to help inform the ongoing development of Green Chemistry regulations.

In particular, the Leadership Group would like to provide the following comments regarding protecting confidential business information and convening an expert science panel, such as the Green Ribbon Science Panel, to oversee the development of these regulations. Additionally, we would like to recommend the OEHHA harmonize standards, definitions, and methodologies with existing best practices and standards, wherever possible.

**Protecting Confidential Business Information (CBI)**

The Leadership Group has always maintained a position that a product manufacturer should not be required to disclose information treated by the manufacturer as a trade secret, unless that information is required to be disclosed under an already existing statute of the state or has been publicly disclosed by the manufacturer. This is important in order to protect research and development and allow for continued innovation.

The Leadership Group asks the OEHHA to offer more clarity in the way of protecting CBI. We support a system that involves high-level encrypted security and password protection for any confidential business information that is collected. We also believe any approach ultimately adopted should be consistent with other existing regulatory language surrounding CBI, such as the proposed language set out by the DTSC in Article 10 of the Safer Consumer Product Alternatives draft regulation.

***Convening an expert science panel***

The role of the Green Ribbon Science Panel under the DTSC's Green Chemistry Program in developing these regulations is unclear. The Leadership Group supports the convening of a panel of scientific experts with a range of theoretical and applied chemicals' experience to best establish and oversee a process acceptable to all stakeholders in moving forward with the development of the regulations.

***Science-based protocols for screening and testing***

The draft regulation appears to rely on existing definitions and methodologies used by well-respected national and international scientific organizations such as the U.S. Environmental Protection Agency and the European Union's Chemicals Agency. This practice aligns with the Leadership Group's belief that any approach ultimately adopted should harmonize with other prevailing standards. Harmonizing with existing national and international standards provides the predictability and consistency that would allow California businesses to remain globally competitive.

The Silicon Valley Leadership Group thanks the OEHHA for this opportunity to provide comments on how to improve the Green Chemistry regulatory process. We look forward to working with OEHHA and DTSC as the two departments collaborate to advance the Green Chemistry Initiative. Thank you in advance for your consideration on this matter.

Sincerely,



Mike Mielke  
Senior Director, Environmental Programs & Policy  
Silicon Valley Leadership Group

cc:

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