

September 11, 2011

Fran Kammerer
Office of Environmental Health Hazard Assessment (OEHHA)
P. O. Box 4010
1001 I Street
Sacramento, California 95812-4010

Re: Comments in support of the Modified Text of Proposed Regulations Division 2.5, Title 22, California Code of Regulations Chapter 54, Section 69401 to 69406, Green Chemistry Hazard Traits, Endpoints and Other Relevant Data for Inclusion in the Toxics Information Clearinghouse.

Dear Ms. Kammerer:

The Cradle to Cradle Products Innovation Institute™ a 501(c)(3) non-profit, which promotes the exchange of ideas, innovation and solutions that will grow a new global economy. The Institute works with manufacturers to move their products and practices to a more sustainable, healthy, socially responsible and economically advantageous approach grounded in the Cradle to Cradle® methodology, principles and values.

Since 2003, companies using Cradle to Cradle® thinking ("C2C") have been working to innovate and create safe products, understanding down to the part per million what materials are safe in their products for both the biological and technical cycles, and committing to removing any exposed ingredients which could have harmful effects on people or the planet. The C2C methodology is continually evolving and being updated as new scientific data and understanding about materials is developed. The current C2C methodology, version 3.0, screens for most of the endpoints that are being proposed as part of the Toxics Information Clearinghouse (TIC). Given its adaptability, we expect future C2C versions to be able to include any additional hazard traits identified by OEHHA as important.

The lessons learned from the nearly 100 companies and their multitude of products has now been licensed to our non-profit to benefit the planet. We've recently posted 50 safe and healthy ingredients for cosmetics. This "preferred list" is just a start of what we can do collectively to help inform industry on what ingredients are safe to use when designing Cradle to Cradle® certified products.

Products that meet our highest certification, gold and platinum, are the kinds of products that customers and regulators around the world also give their highest sustainability ranking. The biggest hurdle current companies face is not lack of data, but rather the availability of safe and healthy materials. So while many more companies have engaged in moving their products towards the highest rating, only a few have actually been able to remove all unhealthy materials because substitutes are simply not available.

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How do we start inventing and manufacturing the materials of the future? The key is gathering, coordinating and sharing information. For that reason, we congratulate OEHHA in defining what information would be perfect to have. The OEHHA hazard endpoints are designed to be comprehensive in order to populate the TIC. It is unfortunate that at this time, few chemicals have data for all of the hazard traits, but by identifying these hazard traits now, OEHHA makes it possible that additional data can be developed and find its way into tools such as the C2C methodology that will accelerate our transition to safer materials and products.

We hope that industry and other non-profits can find a way to work with the Office to produce a "portal" that would meet OEHHA intent to provide the most comprehensive data in the world. Only by knowing the contents of a product can substitutes be made or, if necessary, created. The Institute would gladly collaborate on such a project.

As we all know, banning harmful chemicals only works if their replacements are better chemicals. California needs to support the development and implementation of positive alternatives assessment methods that ensure that new chemicals innovation provides a genuine long-term environmental and human health benefit. The Institute has a time-tested method of alternatives analysis that benefits both commerce and the environment.

We believe it is not enough to ask, "Which chemicals are bad?" Rather, we should ask, "How can identify better chemicals?" Just as Consumer Reports asks, for products reviewed, "What attributes define product quality in this category?" California should support systems that create a similar platform for competitive innovation in the field of green chemistry.

Problem chemicals make their way into our bodies and the environment because they have escaped from controlled, industrial use into the uncontrolled spaces of our homes and ecosystems. If materials and products are designed to retain their value as raw material resources, they are more likely to be recovered and recycled and controlled.

Our only suggestion for improving the draft would be to change the project heading "Green Chemistry Hazards Traits." The title is incongruous with widely-accepted definitions of "green chemistry." A title change is important to accurately reflect the task of providing information about chemicals and their toxicological and environmental endpoints for the Clearinghouse, a database which will serve all entities along the global supply chain make safer choices. A better title is "Toxics Clearinghouse Hazard Traits."

The goal of California's Green Chemistry Initiative is to foster continuous innovation by the industry in the design and manufacture of consumer products to reduce the impacts of those products on Californians and our environment. OEHHA's identification of a comprehensive array of hazard traits for the TIC database will assist the Institute achieve its mission, as we continue to work with companies and their products to build a bridge to the new economy, with California leading the way.

Respectfully submitted,



Bridgett Luther
President

Cradle to Cradle Products Innovation Institute