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California governor signs 'green chemistry' legislation

Silicon Valley / San Jose Business Journal - Lisa Sibley

Gov. Arnold Schwarzenegger signed two-part legislation Monday that puts California on the path toward a comprehensive green chemistry program to reduce or eliminate hazardous chemicals in products and the environment.

“Sometimes there [are] bills that are not just regular bills. These are big bills. These are major bills that move the state of California forward, and the two bills we are talking about here today are two bills like that,” said Schwarzenegger during a press conference.

AB 1879 by Assemblyman Mike Feuer (D-Los Angeles) allows the California Environmental Protection Agency’s Department of Toxic Substances Control to develop regulations that create a process for identifying and prioritizing certain chemicals, according to a press release. It also creates methods for analyzing alternatives to existing hazardous chemicals.

Peter Hsiao, a partner at Morrison & Foerster LLP who has been following the legislation, said some pesticides and food products are exempt.

The law allows the department to take action following an assessment that ranges from no action to a restriction or ban. The bill also establishes a Green Ribbon Science Panel of experts to provide advice on scientific matters, chemical policy recommendations and implementation strategies, as well as ensuring implementation efforts are based on a strong scientific foundation.

In addition, it expands the role of the Environmental Policy Council -- composed of the heads of all California EPA boards and departments -- to oversee critical activities related to the program’s implementation.

SB 509 by Senator Joe Simitian (D-Palo Alto), which is being referred to as a “Toxics Information Clearinghouse,” creates an online database to increase consumer

knowledge about the toxicity and hazards of chemicals, including technical and “clean up” provisions effecting AB 1879.

“It makes it available on a Web-based system to the public,” Hsiao said.

At the governor’s request, a green chemistry initiative has been established to develop policy options for implementing a green chemistry program. According to the press release, instead of making chemical policy through the Legislature on a case-by-case basis, the initiative’s goal is to work with scientists locally and globally to evaluate the health effects of chemicals and possible alternatives with a systematic and comprehensive approach that is science-based. AB 1879 and SB 509 build on this initiative and contain provisions to implement two of six key recommendations from the upcoming initiative, of which the second phase of the report will be released later this fall.

Laura McHugh, director of environment, health and safety with Foster City-based Gilead Sciences Inc. said that while green chemistry isn’t at the forefront of what the company does, several principles are already “baked in” to how the Foster City biopharmaceutical company does business.

McHugh, Hsiao, and Leonard Robinson, chief deputy director of the California EPA’s Department of Toxic Substances Control, highlighted the initiative at BayBio’s Gene Acres conference Sept. 24 in South San Francisco.

“Through design and innovation, we can reduce the use of harmful chemicals, generate less waste and use less energy,” Robinson said of the initiative.

A bipartisan effort, AB 1879 is jointly authored by Assembly members Feuer and Jared Huffman (D-San Rafael) and co-authored by Assembly members Sam Blakeslee (R-San Luis Obispo), Ed Hernandez (D-West Covina), Jose Solorio (D-Anaheim) and Senators Simitian and Ron Calderon (D-Montebello). SB 509 by Simitian was co-authored by Assembly member Feuer and Senator Ron Calderon.

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