

February 14, 2005

Sent *via* e-mail and
First Class Mail

Ms. Malinda Hall
Special Assistant for Environmental Justice
California Environmental Protection Agency
P.O. Box 2815
Sacramento, California 95812
EnvJustice@calepa.ca.gov

Re: Environmental Justice Program

Dear Ms. Hall:

The Consumer Specialty Products Association (CSPA) commends the California Protection Agency (Cal/EPA) on its efforts to ensure environmental protection for all California residents through the Environmental Justice (EJ) Program. However, we are concerned with the agency's proposed working definition of the "precautionary approach" in the EJ Action Plan and how this would affect the implementation of the Environmental Justice Program.

Background

The goal of Cal/EPA and its Boards, Departments, and Offices (BDOs) is to develop an Environmental Justice Program to ensure that all Californians, despite their age, race, income, geographical location, or culture, can participate in and benefit from the same public health and environmental protection policies, programs and activities. An important part of the Environmental Justice Program is the EJ Action Plan (See <http://www.calepa.ca.gov/EnvJustice/ActionPlan>), which investigates concepts that will help reach specific goals the program has set out. While CSPA agrees that the Environmental Justice Program can be beneficial and advantageous, we have concerns regarding Cal/EPA's proposed working definition of the "precautionary approach" and how this approach would be used within the program. The current Cal/EPA EJ Action Plan, states that precautionary approach, "means taking action to protect the public health and the environment if a reasonable threat of harm exists based upon the best available science, even if absolute and undisputed scientific evidence is not available to determine the exact nature and extent of risk." (See "Staff Recommendations," Feb. 4, 2005, at p.2).

Statement of Interest

CSPA is a national nonprofit trade association representing more than 240 companies engaged in the formulation, manufacture, distribution and sale of specialty products for consumer and institutional use. Our member companies produce a wide range of products including disinfectants, disinfectant cleaners, household insecticides, insect repellants, and rodenticides which are used in the state of California. Many of these products could potentially be affected unnecessarily by an overly broad application of the precautionary approach.

Concerns with the Implementation of the “Precautionary Approach”

CSPA has a number of concerns with Cal/EPA’s working definition of “precautionary approach” and the implementation of this policy within an Environmental Justice Program. Precautionary approaches rely excessively on **alleged** hazards, fail to use sound science and risk assessment, and could have tremendously negative economic effects on market sectors and the very people they claim to protect.

The precautionary approach allows regulation based on perceived environmental hazards of an activity or product use rather than actual risks, while failing to account for benefits that an activity or product can provide. Without allowing for a valid assessment of the balance between risks and benefits, public health and environmental issues cannot be solved effectively. Replacing sound and effective policy decisions with the precautionary approach would play on people’s fears and suspicions of potential hazard and uncertainty, offering a false sense of security through avoidance.

Sound legislation and regulatory proposals should be based upon credible and verifiable scientific research. Only then can risks be assessed and managed objectively and scientifically. As a result of our commitment to science, all consumer and industrial products undergo their own extensive risk evaluations and risk management during the product development stage, before they enter commerce. Precaution and science are already an important part of product development and current policy. Disinfecting cleaning products and household pesticide products are registered with the U.S. Environmental Protection Agency and the California Department of Pesticide Regulation to ensure that they do not pose a significant threat to human health or the environment.

The precautionary approach would have many negative economic effects in California, including effects on economic development within the state, the marketing of newer and safer products and technologies, even public health and safety. None of these effects are known thus far, but an overly restrictive use of the precautionary approach could impact all sectors of society by depriving significant benefits to human health, environmental quality, and improvements in the quality of life that consumer and institutional products provide.

Health Benefits of Consumer and Institutional Products

Consumer and institutional products play an important role in keeping households and other facilities safe and clean. Disinfectants are important tools in fighting disease in the home and at work. They break a link in the chain of events that leads to infection by killing or reducing disease-producing microorganisms on environmental surfaces and objects or when used in antimicrobial (antiseptic) soaps for skin application. Furthermore, various studies have proven that the benefits of household consumer specialty products in deep cleaning and dust control are important for controlling exposure to allergens and asthma triggers.

Products designed for pest management control insect infestations, making the home a safer and more enjoyable place. Insect repellents are also critical in protecting the public against tick-borne

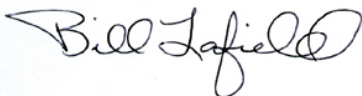
diseases that have become a rapidly emerging public health threat. In fact, the annual reported number of Lyme disease cases increased 25-fold across the US between 1982 and 2002, with a cumulative total of approximately 300,000 cases reported in this 20-year period. Insect repellants can also be the first line of defense in protecting against mosquito borne diseases such as West Nile virus, dengue, malaria, encephalitis, Rocky Mountain spotted fever, and other such diseases. The precautionary approach could potential limit the use of these valuable products.

Consumer and industrial products improve the quality of life for all consumers by providing a vast array of benefits from ridding your backyard of infectious mosquitoes to disinfecting the kitchen counter. These advantages are widely available in all areas and contribute an indispensable service to all consumers. CSPA is concerned that the implementation of the precautionary approach would deprive California's citizens of these valuable and effective products.

Conclusion

CSPA truly appreciates your consideration of our views, and we urge you to reconsider the Cal/EPA EJ Action Plan's inclusion of the "precautionary approach" and request policies be based on sound scientific facts. Please contact me (202-833-7311 or blafield@cspa.org) if I can provide any additional information about CSPA or our position on Cal/EPA's Environmental Justice Program and the precautionary approach.

Respectfully submitted,



William L. Lafield
Vice President of State Affairs and Communications

cc: Laurie E. Nelson, Randlett / Nelson Associates