



**American
Forest & Paper
Association**

June 22, 2017

The Honorable Phil Ting
California State Assembly
State Capitol Building
Sacramento, California 95814

Position: Oppose Unless Amended

Location: Senate Environmental Quality Committee

Re: AB 958 Hazardous materials: fluorinated chemicals: take-out food service ware and packaging (As amended June 21, 2017)

Dear Assemblymember Ting:

On behalf of the American Forest & Paper Association (AF&PA)¹, I am writing to express concerns about AB 958, legislation that would direct the Department of Toxic Substances Control (DTSC) to regulate certain perfluorinated chemicals in packaging under the Safer Consumer Products Regulation (SCP). While we appreciate that amendments released this morning address some of our previously expressed concerns, **we remain concerned about legislative language included in the bill that would circumvent the scientific-review process of the SCP, mandating that DTSC initiate regulation even if regulatory requirements are not met.**

The SCP program requires DTSC to establish a process to identify, prioritize, and as necessary evaluate chemicals of concern in consumer products and their potential alternatives. AB 958 bypasses DTSC's expert scientific review and automatically mandates moving these products into the formal rulemaking phase. It arbitrarily rejects the possibility that DTSC's review could result in a determination that rulemaking is not necessary. Additionally, elevating a particular chemical/application via legislation to priority product status may preclude listing by DTSC of a priority product that could provide greater protection to more people.

The process by which DTSC identifies priority products is comprehensive and highly technical. DTSC's regulations require a review of potential public or environmental exposures and whether those exposures contribute to or cause significant widespread adverse impacts. DTSC's review includes an evaluation of, among other things, a candidate chemical's hazard traits, potential impact on human populations, and potential for a candidate chemical to degrade or metabolize into another candidate chemical. Special consideration is given to sensitive subpopulations as well. In addition, DTSC must consider the potential for exposure of the candidate chemical in a product which entails a detailed analysis of factors such as market share, household and workplace presence, and potential exposures during the product's life cycle.

Conclusion

Assemblymember Phil Ting

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For the reason stated above, AF&PA respectfully opposes AB 958 until the bill is further amended. We stand ready to assist you and offer our expertise as a resource as you continue the dialogue on this important issue. If you have any questions, please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202 or lynch@lynchlobby.com.

Sincerely,



Elizabeth Bartheld
Vice President, Government Affairs

cc: Ms. Graciela Castillo-Krings, Deputy Legislative Secretary, Governor's Office
Ms. Rachel Wagoner, Consultant, Senate Environmental Quality Committee
Mr. Morgan Branch, Consultant, Senate Republican Caucus
Ms. Kathryn Lynch, Legislative Advocate
American Forest & Paper Association

ⁱ AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - *Better Practices, Better Planet 2020*. The forest products industry accounts for approximately 4 percent of the total U.S. manufacturing GDP, manufactures approximately \$200 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 45 states. Visit AF&PA online at www.afandpa.org or follow us on Twitter @ForestandPaper. In California, the industry employs more than 22,000 individuals and has over 420 paper manufacturing facilities.