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Interstate Chemicals Clearinghouse Northeast Waste Management Officials' Association 129 Portland Street, Suite 602 Boston, MA 02114-2014

RE: Comments on the Interstate Chemicals Clearinghouse (IC2) Guidance for Alternative Assessment and Risk Reduction Released March 5, 2013

To Whom It May Concern:

The Technical Affairs Committee of the Association of Global Automakers, Inc.¹ (Global Automakers) appreciates the opportunity to provide comments to the Interstate Chemicals Clearinghouse (IC2) on the draft version of the "Guidance for Alternative Assessment and Risk Reduction" (Draft Guidance) released on March 5, 2013.

Global Automakers and its members have consistently supported the development and use of safe chemicals and products available for use in the automotive industry. Through the application of green chemistry principles and sound scientific methods, Global Automakers believes that the design and development of new chemistries and technologies will continue to provide innovative solutions to current and emerging environmental challenges. We support the development of science based, balanced alternative assessment processes. Our goal is to ensure that our members have the opportunity to provide high quality, environmentally sound, safe products and services. With these goals in mind, we look for ways to provide tools to our members to facilitate continuous improvement and to ensure that wherever possible we assist them to not only meet but exceed safety and environmental standards.

¹ The Association of Global Automakers represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. Our Technical Affairs Committee members include: American Honda Motor Co., Aston Martin Lagonda of North America, Inc., Ferrari North America, Inc., Hyundai Motor America, Isuzu Motors America, Inc., Kia Motors America, Inc., Maserati North America, Inc., McLaren Automotive Ltd., Nissan North America, Inc., Peugeot Motors of America, Subaru of America, Inc., Suzuki Motor of America, Inc., ADVICS North America, Inc., Delphi Corporation, Denso International America, Inc., and Robert Bosch Corporation. We work with industry leaders, legislators, and regulators in the United States to create public policies that improve motor vehicle safety, encourage technological innovation, and protect our planet. Our goal is to foster an open and competitive automotive marketplace that encourages investment, job growth, and development of vehicles that can enhance Americans' quality of life. For more information, visit <u>www.globalautomakers.org</u>.



We believe that the IC2 Draft Guidance reflects a good start at developing a science-based, comprehensive and flexible alternative assessment (AA) approach that if refined appropriately will meet the IC2's goals to avoid duplication, enhance efficiency and effectiveness of agency chemical initiatives, promote safer chemicals and products, and provide access to high quality chemicals information.

We support the flexibility that has been built into the process, most notably the ability of the user to select the modules and levels appropriate for the assessment that needs to be performed. We also support the collaborative approach that the eight participating states have adopted. A patchwork of AA programs will lead to confusion and regulatory instability, as well as inconsistency, across states. One uniform AA process will provide for predictable and certain outcomes. Therefore, we are concerned that while the state of California has been a strong supporter of this IC2 effort, they are developing an AA process that is very different from the one being proposed here. We encourage you to work towards the development of one set of guidance for all states. Our detailed comments and recommendations follow in the attached document.

We appreciate the opportunity to submit these comments and would welcome the opportunity to discuss them in more detail with you. If you have any questions regarding our comment, I can be reached at (202) 650-5559 or jrege@globalautomakers.org.

Sincerely,

Julia M. Rege Senior Manager, Environment & Energy

CC: Odette Madriago, DTSC Bob Boughton, DTSC

Comments Submitted by

The Association of Global Automakers, Inc.

Regarding the Draft Version of the Guidance for Alternatives Assessment and Risk Reduction

The Association of Global Automakers, Inc. (Global Automakers) understands that the intent of the Interstate Chemicals Clearinghouse's (IC2) draft version of "Guidance for Alternatives Assessment and Risk Reduction" (Draft Guidance) is to provide a standardized alternatives assessment (AA) process for member states while also allowing flexibility to the user. The Draft Guidance provides an AA process using three potential decision-making frameworks and allowing each framework to be customized using up to ten modules. The modules can also be customized to a certain extent through the depth and level of information inputted into the module. Through the flexible process of customizing the framework, module and levels within modules, an AA is created through a standardized methodology to assess chemicals, products or processes. We strongly support the flexibility that has been built into the process, most notably the ability of the user to select the modules and levels appropriate for the AA that needs to be performed.

Global Automakers believes that the IC2 Draft Guidance reflects a good start at developing a sciencebased, comprehensive AA approach that if refined appropriately will meet the goals that IC2 has set for this effort. Specifically, IC2 identifies the following goals (Draft Guidance, p. 16):

- To avoid duplication and enhance efficiency and effectiveness of agency initiatives on chemicals through collaboration and coordination
- To build governmental capacity to identify and promote safer chemicals and products
- To ensure that agencies, businesses, and the public have ready access to high quality and authoritative chemicals data, information, and assessment methods

Global Automakers supports the collaborative approach that the eight participating states have adopted. A patchwork of AA programs will lead to confusion and regulatory instability across states, unnecessarily increasing costs and burden on industries as well as the states. One uniform AA process will provide for predictable and certain outcomes. Thus, we are greatly concerned that while the State of California has been a strong supporter of this IC2 effort, they are developing an AA process under their Safer Consumer Products (SCP) Program that may differ from the one being proposed here. We encourage you to work towards the development of one set of guidance for all states and in further developing this guidance, maximize the compatibility with existing mandatory AA processes including those of other states as well as any federal or international schemes.

We are concerned, however, that there have been no industry representatives on the Technical Alternative Assessment Guidance (TAAG) team. Given the importance of this effort and the need to ensure that it is workable for the industrial sector, we question why no "practitioners" were invited to join the team. The workability and practicality of this effort can only be enhanced by having industry representation as the further development of this guidance proceeds. This need is exacerbated by the

selection of Clean Production Action (CPA) as technical advisors to IC2. While all perspectives need to be considered, that can only happen if all stakeholders have representation at the table.

While we support the goal and the direction of the draft guidance, we have also identified a number of other concerns as follows. Our comments include the draft guidance in general, the scoping and assessment modules, and the glossary. We recommend that IC2 continue to develop this guidance, work with industry representatives to fine tune the process, and ensure that all TAAG member states commit to a single, consistent AA process for their individual regulatory programs. We further recommend that IC2 try to work with all states, federal agencies and international organizations to maximize consistency.

I. The Draft Guidance

Global Automakers supports IC2's objective to "enable many member states to standardize the alternatives assessment process" (Draft Guidance, p. 16). Conformity and consistency across States who apply this guidance will be critical to reducing burden and streamlining processes. Standardization will:

- Facilitate the sharing of AAs and avoid duplication. This is important for both the regulated community as well as state agencies in order to conserve scarce resources
- Ensure regulatory consistency and avoid a patchwork of incompatible and potentially conflicting chemical regulations
- Help to provide consistent and/or repeatable findings since any variation in how AAs are conducted will likely provide difference in the results

In addition, Global Automakers is pleased at the number of states that have chosen to support and participate in this effort. The more states that are engaged, the broader the application of the final guidance will be. If IC2 could encourage engagement of all states through a mechanism such as the Environmental Council of States, it would benefit all involved. We are concerned however about the lack of industry engagement in the development of the guidance, as well as the potential influence of CPA as the sole, non-government technical advisor to the team.

Our experience in working with the California Department of Toxic Substances Control (DTSC) has been that through each iteration of its proposed Safer Consumer Product (SCP) regulations, industry's comments have been able to more fully inform DTSC staff regarding the workability of major components of the regulations and the AA structure. Had industry been more fully involved in the initial drafting of the regulations and the AA process (recognizing that the Administrative Procedure Act imposes some limitations), this lengthy and time-consuming cycle of revisions to the proposal may have been circumvented. We urge IC2 to consider adding experts from the industry sector to the TAAG team to provide the real life experience that will add to the practicality and workability of this guidance.

We also feel compelled to express our concern about the selection of CPA as paid, technical advisors to the TAAG. While we recognize that CPA has extensive experience in developing AA guidance and

promoting Green Chemistry principles and sustainability, CPA also wants to promote its Green Screen© tool and its preferred approaches to the design and development of safer chemicals and products. It is important to have a diverse set of stakeholders engaged in an effort such as this collaborative process. While we may all have the same common goal, there are different ways of achieving that goal, and the ultimate success of this project will depend on its ability to reflect diverse views and approaches. We do recognize that by soliciting public comment on the guidance, that IC2 is engaging the industry sector. However, engagement after the fact for comment rather that initial development is not the same and is not as effective. We urge you to reach out and engage representation from the industrial sector for this team.

IC2 includes an "AA Golden Rule," that the objective of the AA is to replace chemicals of concern in products or processes with safer alternatives. This objective is consistent with other efforts to develop AA processes, but we believe that it could be expanded to also modify processes and/or the exposure potential of a product. We recommend the addition of the following underlined text to the AA Golden Rule (Draft Guidance, p. 18):

The objective of an alternatives assessment is to replace chemicals of concern in products or processes with inherently safer alternatives, <u>or modify the production</u> <u>processes themselves or the exposure potential of the product</u>, thereby protecting and enhancing human health and the environment.

By including this additional phrase, IC2 will recognize a broader set of solutions than just chemical substitution.

In Section 4 How to Implement Guidance, Global Automakers supports the IC2 approach of providing for a flexible AA guidance structure that is designed to meet the needs of the user while at the same time delivering solid, risk-based guidance. The guidance recognizes that different degrees of complexity must be matched up with the issue and decision that is needed and that "no AA is expected to encompass all the modules and frameworks" (Draft Guidance, p. 18). The more complex tiers, which are highly data dependent, are not always the most appropriate tiers to select.

We also support the concept in Section 4 that decision-making must be transparent and well documented. It is important to note here that both regulators and the regulated community should abide by these concepts to the extent practicable. When a regulatory agency proposes a chemical or chemical/product combination for assessment, the process must be transparent and well documented as well. The use of qualitative information and anecdotal evidence will weaken the process and cause lengthy delays. In order to build trust in any voluntary or regulatory program, state and federal agencies need to apply as much rigor to their prioritization and selection process as they expect from the regulated community in conducting AA.

This section may be the appropriate place to address the issue of trade secret information or business proprietary data. We believe transparency, especially of the decision-making, is important, but that it

must be balanced against the proprietary and competitive nature of the business sector. Global Automakers recommends that IC2 address the issue of trade secret information early on in the guidance and that various options to deal with trade secrets be explored and vetted through a public process.

II. Scoping and Assessment Modules

The four scoping modules and seven assessment modules presented in the Draft Guidance are appropriate and will help the user to define the scope of the AA. We encourage IC2 to consider other modules as they are suggested by those who have had extensive experience with both developing and implementing AA processes. The scoping modules in Section 5 include the following:

- 5a Initial Evaluation
- 5b Identification of Alternatives
- 5c Stakeholder
- 5d Decision

The seven assessment modules can be used to evaluate the alternatives identified in the scoping modules and ultimately identify viable alternatives. The assessment modules in Section 6 include:

- 6a Performance
- 6b Hazard
- 6c Cost and Availability
- 6d Exposure
- 6e Materials Management
- 6f Social Impact

By allowing the user to select which modules are appropriate and which tier or level of detail meets the user's needs, each AA can be tailored to the specific needs and data availability of the user. We support the approach that if multiple alternatives are identified as favorable, selection of the alternative to replace the chemical of concern (COC) to employ is left to the user. Furthermore, it is important to note that even if a preferred alternative is identified in the AA process, it does not mean that the alternative will ultimately be the right choice for the product in which it will be used. Often, product design, testing, and validation is necessary to confirm that an alternative will be functionally-equivalent to the COC it is replacing.

One common theme that we believe needs to be addressed more thoroughly throughout the scoping and assessment modules is trade secret information. Where appropriate in the following sections, we identify specific comments on trade secret information, but we generally recommend that the addition of challenges associated with, as well as the necessity of protecting, trade secret information be added throughout the Draft Guidance.



a. Scoping Modules

5a Initial Evaluation

The purpose of the Initial Evaluation module is to determine whether or not an AA is needed for a product or process containing a COC. If a product is ready to be phased out or if a COC can be eliminated from a product, an AA may not be needed. At this stage in the assessment it is also important to consider whether there is a need for the original chemical or product to remain available for certain uses such as replacement parts for durable goods.

We support the concept that if a product is in the process of being phased out, then an AA may not be necessary. Important aspects of a product's phase out are both the product cycle time and phase out schedules. Both of these considerations are best informed by the manufacturer or processor of the chemical or product in question. We encourage IC2 to add specific language that reflects both aspects, including the length of time a product is in the market, the time for research and development of alternatives, and the time to implement new alternatives (or phase out the old product). We also recommend that a good balance be struck between devoting resources to assessing older products being phased out versus investing in the design and development of greener products. It is more important to have a forward looking process that invests in the design and development of new technologies rather than investing research and development resources in older technologies that may be at the end of their production cycle.

We support IC2's recognition that some chemicals are present unintentionally. We recommend that IC2 strengthen this section by including language on a *de minimis* level for chemicals in products, both intentionally-added and present as contaminants (or unintentionally-added). Specifically, on page 44, we would recommend elaborating on adequate levels of reduction, levels associated with exposure, and recognition that it is not always essential to get to zero. We encourage IC2 to consider a *de minimis* that is universally accepted, such as the commonly adopted 0.1% threshold.

We support the recognition that in some (albeit limited) cases there may not be a safer substitute. It may be useful to include language on page 35 that recognizes that where no substitutes exist and there remain critical uses of the chemical in a product, uses may need to continue to ensure public safety. Another aspect of selecting a safer alternative may also be that one aspect of exposure is safer than the COC, but a different aspect introduces a new risk. The consideration and treatment of trade-offs between substitutes in the guidance is equally important.

There is no mention in this section as to who should be responsible for preparing the AA. It may be that the responsible entity would be different depending on the chemical or product. It may be useful in this section to describe a number of options. These should include (1) the manufacturer or processor; (2) a consortium; (3) an independent group, (4) an industry/government partnership, etc.

5b Identification of Alternatives

The purpose of this module is to clarify the process used to identify the universe of potential alternatives to be considered during the AA process. Alternatives may include chemical substitutions, the use of alternative materials, or product redesign to eliminate the need for a particular chemical in the first place. It is important to include the latter as a potential way to reduce risk. IC2 has identified two key considerations in exploring potential alternatives for a COC; the availability of functionally equivalent alternatives and the availability of alternatives in the marketplace. We believe there are additional factors that should be considered at this point in the assessment -- the ability to meet federal, state, local and industry specific regulatory standards and cost.

We support IC2's recognition that there may be some instances where "functional equivalency can be achieved in reasonable time through design of new chemicals or materials applying green chemistry principles or product redesign" (Draft Guidance, p. 39). It would add to the clarity of this concept if IC2 would add language that recognizes that the "old" product may need to stay in commerce while this new approach is being pursued.

A number of the considerations that IC2 recommends to the user involve the collection of information from other businesses in the same sector (Draft Guidance, p. 39). It is important to recognize that much data on chemical use is proprietary and may not be available to help determine what substitutes a competitor is using and whether that substitute would be a viable replacement. It would be helpful to specifically recognize that in this section. Additionally, this section could highlight the benefits of working in a collaborative process to develop AAs to enhance data sharing and availability.

5c Decision Modules

The Decision Module provides three possible frameworks for implementing the modules of the Draft Guidance. While the three differ in approach, all are designed to achieve the objective of AA, i.e. the identification of one or more preferred alternatives that, when compared with the COC:

- Pose less of a health concern;
- Pose less of an environmental or ecological concern;
- Perform at least as effectively.

We support the flexibility advocated in this section and the recognition that there may be other AA frameworks that the user would prefer to use. In addition, IC2 recognizes that different criteria in an AA may need to be weighted and that the context in which weighting decisions are being made is critical to an AA process. Therefore, we support IC2's assertion that "Assessors have the ability to weight individual criteria within the context of the objective of an AA" (Draft Guidance, p. 40). Any such weighting should, of course, follow the guidelines for transparency and documentation as noted in Section 4.

We support IC2 in looking to streamline the AA process and make it as workable as possible. We appreciate and agree with IC2's position that too many assessment criteria can make an AA process too complex and unwieldy. We agree with the establishment of a hierarchy among the relevant criteria and support the idea that if everything is a priority, then nothing is a priority.

5d Stakeholder Involvement Module

The purpose of this module is to ensure that stakeholders are considered in the AA process. The intent of this module is to provide information so other concerned parties can understand what decisions are being made, why these specific decisions were made, and to provide opportunity to input into that process. Global Automakers supports the engagement of relevant stakeholders in the AA process at the appropriate time based on the level of involvement needed from the stakeholder. In many instances, the stakeholder's involvement may not be necessary until the end of the AA process, but the guidance should also note that stakeholder involvement may be warranted earlier in the process if the stakeholder needs to (and can) provide information important to the AA process. If a high level of stakeholder input is needed from numerous stakeholders, then a consortium process may be the most appropriate method for conducting the AA process. We support the levels that IC2 has outlined in this section (Draft Guidance, p. 43), but we reiterate our concerns about proprietary information and the limitations that may place on some areas of engagement.

a. Assessment Modules

6a Performance Evaluation

The objective of the performance evaluation module is to ensure that alternatives considered are technically favorable for the desired application and to enable the product to meet performance requirements. Global Automakers believes this is one of the most important sections of the guidance. Much has been done to identify the critical components of hazard and exposure, but little input from the industry sector has been sought on how to best determine performance acceptability and functionality. This is one of the areas that we believe would benefit from industry engagement from the outset.

We believe that the work upon which this section is based, the Toxics Use Reduction Institute of the University of Massachusetts at Lowell and guidance developed by the European Chemicals Agency (ECHA) for implementation of the REACH (Registration, Evaluation and Authorization of Chemicals) directive is a good start. However, we believe that to make this guidance relevant and meaningful for U.S. industry, representatives of industry sectors with relevant AA experience should be engaged to further inform the IC2 process.

Performance evaluation is a complex and often lengthy process. It is not as simple as identifying a chemical that has similar characteristics. Other considerations must be assessed including:

- Functionality
- Will process changes be required

- Will manufacturing equipment changes be necessary
- If yes to any of the above, how long will it take to redesign the process
- Will the new chemical allow the manufacture to meet all appropriate regulatory standards
- Will the new chemical allow the manufacture to meet stringent industry standards
- Consumer acceptance
- Time to make changes often years

A thorough review of the REACH experience would add value to this section of the guidance.

6b Hazard Module

The objective of the Hazard Module is to determine what hazard concerns exist, if any, for the target chemical and potential alternatives. Global Automakers supports the tiered approach recommended in this section. We are, however, concerned about the default assumption that if a chemical is on an "authoritative list," then it should be avoided. Risk is a function of hazard and exposure. It may well be that there are chemicals on authoritative lists that can be used safely, because there will be no exposure potential. In fact, it may be the case that a listed chemical may have less exposure potential than unlisted chemicals.

One of our greatest concerns here is the issue of unintended consequences or regrettable substitution. Chemicals that appear on authoritative lists are there because in most cases they have been studied extensively. Newer chemicals or chemicals manufactured or used in smaller qualities have usually not been studied as extensively. These chemicals would be less likely to appear on any authoritative lists. We recommend that the guidance reflect that being on a list is not a reason to exclude a chemical from consideration as an alternative. We also strongly recommend that the guidance include a chapter on newer chemicals with less robust data sets.

Global Automakers has followed a number of EPA's DfE projects, and we support the inclusion of the DfE approach in this guidance. As a governmental program, it is accessible to all and has been open to public comment and review.

We are concerned about the strong reliance and advocacy position this guidance takes related to CPA's Green Screen© hazard assessment tool. Our concerns are as follows:

- CPA is an environmental advocacy group that does not have a neutral standing regarding chemical issues
- The Green Screen[©] tool has not been subject to public notice and comment as the DfE program has been
- Green Screen requires peer review of findings if a company wishes to use the results in their marketing materials

6c Cost and Availability Module

The purpose of this module is to evaluate the cost and availability of potential alternatives for consideration in the AA process. Many alternatives that appear feasible may either be cost prohibitive or not available in sufficient quantities to remain a viable alternative. Any alternative that cannot be found both in adequate quantities, with limited likelihood for an increase in production, should be identified and potentially eliminated from consideration as a viable alternative. We believe this section is comprehensive and addresses the key issues of cost and availability.

6d Exposure Assessment Module

The Exposure Assessment Module is expected to be used after the Hazard Assessment Module in order to reduce risk. By applying hazard screening first, one can narrow down the options to those that are more likely to be favorable. The exposure module is built on the Center for Disease Control's (CDC) worker exposure control hierarchy:

- 1) Elimination
- 2) Substitution
- 3) Engineering Controls
- 4) Administrative Controls
- 5) Personal Protective Equipment

Global Automakers appreciates that IC2 has built this exposure module on the exposure controls hierarchy that has been developed for worker exposure. We support all of the options identified in the hierarchy but do not necessarily support the idea that the hierarchy is unquestionable. The guidance should reflect that there may be other factors that would cause a manufacturer to make choices outside of the hierarchy. We also believe that the guidance should recognize that for chemicals where there is no exposure pathway, additional controls may not be necessary.

6e Materials Management Module

The purpose of the Materials Management Module (M3) is to help practitioners of the AA process consider how different choices can impact natural resources and the generation of waste, both hazardous and non-hazardous. Designing or redesigning products for material recovery and/or benign release into the environment can lead to systemic solutions. The goal of this module is to emphasize alternatives that can further the concept of "Cradle to Cradle" design through materials management.

As the guidance recognizes, "Sustainable Materials Management (SMM) is a relatively new approach that represents a shift from waste management to materials management in support of sustainable development" (Draft Guidance, p. 67). We recommend that given the newness of this approach that this section be considered a work in progress and that companies, especially small and medium-sized companies, be advised that this is not an essential component of the current AA process.

6f Social Impact Module

The purpose of the Social Impact Module is to ensure that the AA process does not result in unduly shifting a burden from one community of people to another. It requires the evaluation of impacts of an alternative upon the workers, communities, and societies involved in its manufacture, transport, use, and disposal. Global Automakers supports the concepts in this module.

6g Life Cycle Thinking Module

The Life Cycle Thinking (LCT) Module supports AAs by helping to inform decision makers about life cycle impacts associated with the baseline product and the alternative(s) so that they may: (1) further discriminate between safer alternatives by comparing them for life cycle tradeoffs, (2) identify opportunities to mitigate any undesirable impacts, and (3) avoid moving to an alternative that has undesirable life cycle impacts that cannot be mitigated. The LCT module helps the user address issues or impacts not addressed in other modules. Global Automakers supports the concepts in this module but suggests that trade-offs found in the life cycle of a product may complicate the decision process unless guidance exists that addresses how to consider trade-offs.

III. Glossary (Definitions)

Another important aspect for achieving consistency state-by-state is the use of standardized definitions. We offer the following comments regarding definitions in the glossary.

Authoritative Body

It is important that the concept of independence be applied equitably for an "Authoritative Body". For this reason, any NGO that has invested time or resources in the development of advocacy positions on any specific chemical/product should be excluded from the category of authoritative body. We recommend that IC2 add the underlined language for the definition "Authoritative Body" (Draft Guidance, p. 11):

An organization independent of the manufacturer and not tied to industry funding <u>or</u> <u>engaged in any advocacy activities</u>, in a way that could affect its independence. Authoritative bodies include state, federal and international government research organizations, independent research organizations conducting scientific studies, etc.

Exposure Pathways

It is important to recognize that not all sources of exposure result from an industry process and that there are naturally-occurring sources of exposure that may well be of a higher priority for assessment. We recommend adding such language, as suggested in the underlined text for the definition of "Exposure Pathways" (Draft Guidance, p. 12):

The route a substance takes from its source (where it began) to its end point (where it ends), and how people can come into contact with (or get exposed to) it. An exposure pathway has five parts: a source of contamination (such as an abandoned business <u>or a</u>

<u>naturally-occurring source</u>); an environmental media and transport mechanism (such as movement through groundwater); a point of exposure (such as a private well); a route of exposure (eating, drinking, breathing, or touching), and a receptor population (people potentially or actually exposed).

Inherently Toxic

This definition of "Inherently Toxic" combines the concepts of both hazard and exposure as necessary for a chemical or product to be *inherently toxic*. Global Automakers agrees that both hazard and exposure need to be present before priority is placed on any chemical or product. We would encourage IC2 to ensure that this concept is consistently applied throughout the guidance.

Risk Reduction Process

The chemicals that are selected as alternatives will not necessarily be "low" hazard based on the criteria selected. They should be "lower" hazard or if similar in hazard, should have lower exposure potential. Therefore, we recommend the strikeout and underlined addition to change "low" to "lower" in the definition for "Risk Reduction Process" (Draft Guidance, p. 14):

A process based upon the definition of risk as a function of hazard and exposure. In this process, alternatives to toxic chemicals are selected that pose the lowest possible chemical hazard. These <u>low lower</u> hazard chemicals are subjected to a further exposure evaluation to identify the chemicals that have both the lowest possible chemical hazard and pose the lowest potential for exposure.

Safer Chemical

As this draft guidance highlights in the Initial Evaluation Module, if a chemical with a safe hazard profile is selected, then a risk reduction optimization process should not be necessary. Therefore, the definition for "Safer Chemical" should reflect this point, and we recommend adding the following underlined text (Draft Guidance, p.14):

Any chemical used as a replacement for a toxic chemical that, while still maintaining the functionality and performance required, has been identified both as posing a lower chemical hazard and exposure potential <u>after being subjected to a risk reduction</u> <u>optimization process</u>.

IV. Conclusion

Global Automakers is pleased to see the states working in a collaborative process towards standardized guidance for AAs. We believe standardization is important for consistency and certainty state-by-state, as well as for reducing duplication and burden. Our primary concern remains outside the scope of the text of the Draft Guidance, but in that the California DTSC's SCP Program may use AA guidance separate from this document. The SCP Program must allow the use of this guidance for the benefits of standardization to be achieved, and we believe that this guidance would be appropriate for purposes of

the SCP Program. Therefore, our primary recommendation is that the guidance be refined to ensure the California DTSC's allowance of this process under its SCP Program.

Pertaining to the Draft Guidance, Global Automakers believes that the IC2 Draft Guidance reflects a good start at developing a science-based, comprehensive AA approach if refined, and we strongly support the flexibility that has been built into the process. The Draft Guidance will benefit by addressing common industry issues, such as product cycles, *de minimis* levels, critical uses of chemicals, lack of alternatives, and trade secret information, to name a few, as well as more involvement from industry stakeholders.