

November 16, 2015

SUBMITTED VIA CALSAFER.DTSC.CA.GOV

California Department of Toxic Substances Control  
1001 I Street  
P.O. Box 806  
Sacramento, California 95812-0806

RE: Comments on DTSC's Alternative Analysis Guidance

Dear Sir or Madam:

The Association of Global Automakers, Inc.<sup>1</sup> (Global Automakers) appreciates the opportunity to provide the following comments and recommendations to the California Department of Toxic Substances (DTSC) regarding its "Draft Stage 1 Alternatives Analysis Guide" released on September 24, 2015. We appreciate the effort DTSC staff has put into compiling this Alternative Analysis (AA) guidance document but are concerned that it provides little predictability for those subject to the AA requirements due to its general nature.

As stated on DTSC's website, "[Safer Consumer Product (SCP)] regulations establish innovative approaches for responsible entities to identify, evaluate, and adopt better alternatives. The SCP approach requires an AA that considers important impacts throughout the product's life cycle and follows up with specific actions to make the product safer."<sup>2</sup> The stated purpose of the guidance for this Stage 1 AA is to "provide useful approaches, methods, resources, tools and examples to help responsible entities meet the SCP AA requirements."<sup>3</sup> Further, the guidance is intended to provide additional detail beyond that in the regulations, to allow those required to complete an AA to understand exactly what DTSC is expecting in terms of analysis and alternative options development.

The guidance, however, does not provide a clear description of what is required. While the guidance provides descriptions of a broad array of tools that can be used in the development of the Stage 1 AA, it is also clear that these tools, alone or in combination with each other, will not fulfill the unique requirements of DTSC's SCP regulations. While we appreciate the need for flexibility, we also must stress the need for certainty. The industry experienced the disadvantages of unclear descriptions when the state of Maine required AA documents for BPA and very few, if any, of the AAs submitted were found to be acceptable by the Maine Department of Environmental Protection.

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<sup>1</sup> The Association of Global Automakers, Inc. represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. In the state of California, our members' market share is 57 percent, and our members have invested \$5.7 billion in the state through employment, facilities, dealerships, etc. We work with industry leaders, legislators, regulators, and other stakeholders in the United States to create public policy that improves motor vehicle safety, encourages technological innovation and protects 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, please visit [www.globalautomakers.org](http://www.globalautomakers.org).

<sup>2</sup> <https://calsafer.dtsc.ca.gov/Comments/PackageDetail.aspx?PID=11741>

<sup>3</sup> Discussion Draft: DTSC AA Guidance p.9



As DTSC moves forward in developing the Stage 2 AA guide we recommend that every effort be made to be clear about exactly what is expected to be in an AA. If any of the tools that DTSC has included in its guidance will not satisfy DTSC when used as intended, then we recommend that DTSC clearly identify any such limitations. We thank you for considering our comments. If you have additional questions or comments, please contact Pratima Gangopadhyay at [pgangpadhyay@globalautomakers.org](mailto:pgangpadhyay@globalautomakers.org) or (202) 650-5562.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Rege".

Julia Rege  
Director, Environment & Energy  
Association of Global Automakers, Inc.  
(202) 650-5550  
[jrege@globalautomakers.org](mailto:jrege@globalautomakers.org)