

**Motor & Equipment Manufacturers Association**

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November 16, 2015

***Via CALSAFER.DTSC.CA.GOV***

Barbara Lee, Director  
California Department of Toxic Substances Control  
1001 I Street  
Sacramento, CA 95814

**RE: DTSC Draft Stage 1 Alternatives Analysis Guide**

Dear Ms. Lee:

The Motor & Equipment Manufacturers Association (MEMA) offers the following comments to the Department of Toxic Substances Control (DTSC) on its Safer Consumer Products (SCP) Draft Stage 1 Alternatives Analysis (AA) Guide released on September 23, 2015.

MEMA represents more than 1,000 companies that manufacture and supply parts, components and systems for use in the light- and heavy-duty motor vehicle original equipment and aftermarket industries. The motor vehicle parts manufacturing industry is the nation's largest direct employer of manufacturing jobs – over 734,000 workers are employed by suppliers in all 50 states. MEMA represents its members through four divisions: Automotive Aftermarket Suppliers Association (AASA), Heavy Duty Manufacturers Association (HDMA), Motor & Equipment Remanufacturers Association (MERA) and Original Equipment Suppliers Association (OESA).

MEMA appreciates DTSC's continued clarification that the AA Guide is an "advisory" resource and not a regulatory document or legal standard, but intended as a resource for responsible entities who are conducting AAs. We also appreciate that DTSC recognizes the Guide will be used by a very broad range of product manufacturers and therefore recognizes the need for flexibility. The need for flexibility in conducting the AA is especially important to motor vehicle suppliers because, as we discuss below, our industry has unique challenges in providing some of the information required by the AA Guide.

In Chapter 2, the AA Guide requests a detailed listing of the product requirements including purpose, performance, legal and consumer expectations. We note that the SCP



regulation also specifies that a responsible entity “shall identify the functional, performance, and legal requirements of the Priority Product.”<sup>1</sup> However, the Guide suggests that the responsible entity must explain why these performance requirements are required. A motor vehicle and its individual parts, are designed and assembled to comply with hundreds of international, federal, and state safety and environmental regulations. Accordingly, the Guide should specify that AA reports not be exhaustive on the listing of functional and performance requirements and that any further information given beyond that required by the regulation is solely for the purpose of providing information to DTSC on why the responsible entity is constrained in the chemical alternatives.

MEMA is concerned that the information required may not be available to the responsible entities preparing the AA. The Guide recommends responsible entities to “[r]equire disclosure across the supply chain regarding chemical and technical information.”<sup>2</sup> However, disclosure challenges will arise with complex durable products like a motor vehicle and its various component parts or replacement parts. The motor vehicle industry supply chain is global, diverse and complex. Vehicles and some vehicle parts are assembled from hundreds or thousands of individual parts and unique components from thousands of suppliers from across the globe. The complexity of the supply chain makes it incredibly challenging to have absolute transparency throughout the chain and to ascertain specific material composition utilized within component parts.

As an example, in Chapter 3 of the Guide, there could be challenges for the responsible entity when listing the relevant factors of the Priority Product. The responsible entity for a motor vehicle component part or replacement part could have significant obstacles in gathering information on the safety, performance, cost impacts, use and disposal of the product from their complex supply chain.

These information collection challenges could represent significant gaps in information for the AA. Therefore, MEMA urges DTSC to revise the Guide to explain and clarify that the AA will not be rejected on the basis of incomplete information from suppliers.

Given the magnitude of the challenge of listing all data and information required by the AA, particularly for relevant factors, the Guide falls short of giving stakeholders a clear picture of what is expected. The DTSC should include more examples and explanations as to where a particular factor is relevant and where it is not. A revised guidance on this issue should provide insight as to DTSC’s expectations and its determination of what is relevant.

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<sup>1</sup> California’s Safer Consumer Products Regulation Section 69505.5(a)(1).

<sup>2</sup> California Department of Toxic Substance Control. “Discussion Draft: DTSC Alternative Analysis Guidance.” Page 12.

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MEMA welcomes the opportunity to work further with DTSC and other stakeholders on this alternative analysis guidance. Please contact me at (202) 312-9247 if you have questions or require any further information on these comments.

Respectfully Submitted,

A handwritten signature in black ink that reads "Laurie Holmes". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Laurie Holmes  
Senior Director, Regulatory Policy