Some bad chemistry in California

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Some regulators seem intent on running the state's economy even further into the ground. Last month the California Environmental Protection Agency released proposed regulations under Gov. Arnold Schwarzenegger's Green Chemistry Initiative, a plan for a comprehensive statewide chemical monitoring system.

But the CalEPA approach to eliminating many supposedly toxic materials recalls H.L. Mencken's observation that, for every complex problem, there is an answer that is clear, simple and wrong. It will raise the costs of consumer goods and create an environment poisonous to business and job growth while doing nothing to protect Californians.

For starters, the regulators seem oblivious to the toxicologists' credo that "the dose makes the poison" and to the fact that we live in a sea of chemicals; indeed, our bodies are actually comprised of them.

Many of the alarms raised recently about chemicals, from those in rubber duckies and plastic bottles to pesticides used in agriculture, are completely bogus, while most of the others represent only negligible risks. Pseudoscares and the wrongheaded (and often very costly) responses to them — as in these proposed regulations — are wasteful, if not actually harmful.

The concept of green chemistry — the goal of which is to ensure the use of the safest possible chemicals in industrial and commercial production — could be beneficial, if only it were focused properly. Indeed, the initiative was developed in order to avoid costly and overly broad chemical bans that could burden industry and create chaos in the marketplace.

But the devil will be in the details, and these suggest that extreme green activists dictated the crafting of the proposed rules.

The proposal is weak on both basic science and common sense. For example, it provides a list of "Green Chemistry Principles," which include phasing out the use of "solvents." Yet this is clearly an unreasonable goal. The regulators appear not to know that solvents include liquids such as water, vinegar and oils.

The draft regulation also calls for the prioritization of so-called chemicals of concern. But the draft proposal is written in such a way that virtually any chemical substance could be identified as a chemicals of concern.

Chemicals are ubiquitous. Human beings are not only surrounded by chemicals but they are composed of them. Our bodies even contain radioactive isotopes of hydrogen, carbon, potassium and other elements, but these are of no concern — and there is precious little we can do about them anyway. Thus, the presence of a chemical in a home or other environment does not indicate harm. Only certain chemicals at certain exposures are worth our attention, but regulation writers seem unable to grasp that basic principle.

Most important, regulators have failed to consider the potential for unintended consequences. Hastily crafted, wrong-headed regulations make matters worse if they change incentives so that consumers are forced to use more costly goods with no public health benefit, or if they substitute for an acceptable status quo alternative products that create unanticipated harms.

California in recent years has turned into an anti-business state, raising costs and making it increasingly difficult to establish and grow businesses and hire new workers. Now the cash-strapped state is putting the full burden of this regulation on — yet again — manufacturers.

Regulation shifts the margins of profitability. Private companies will be forced to pay for the programs even though under the structure the initiative won't protect consumers and may even harm them by encouraging the use of less tested and more poorly understood products. This is regulatory policy run amok.

Some manufacturers will undoubtedly flee the state while those who remain will be forced to pass the increased regulatory costs on to customers, and eventually consumers will pick up the tab. That will make products more expensive and the businesses less competitive, and possibly expose consumers to harmful products in the bargain.

If regulators think their proposal is sensible, they're California dreamin'. They need to revisit the basic underlying principles before moving ahead.