

WHEN TO TEST YOUR NEW PRODUCT: PROACTIVE VS. REACTIVE ANALYTICAL TESTING

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EARLY TESTING

Considerations of When A Listed Chemical Is Known or Suspected To Be Present

- Content vs. Exposure
- Information on components
- SDSs and existing chemical information
- Other warnings or manufacturer provided information
- Use issues and/or chemical reactions
- Special case: naturally occurring chemicals

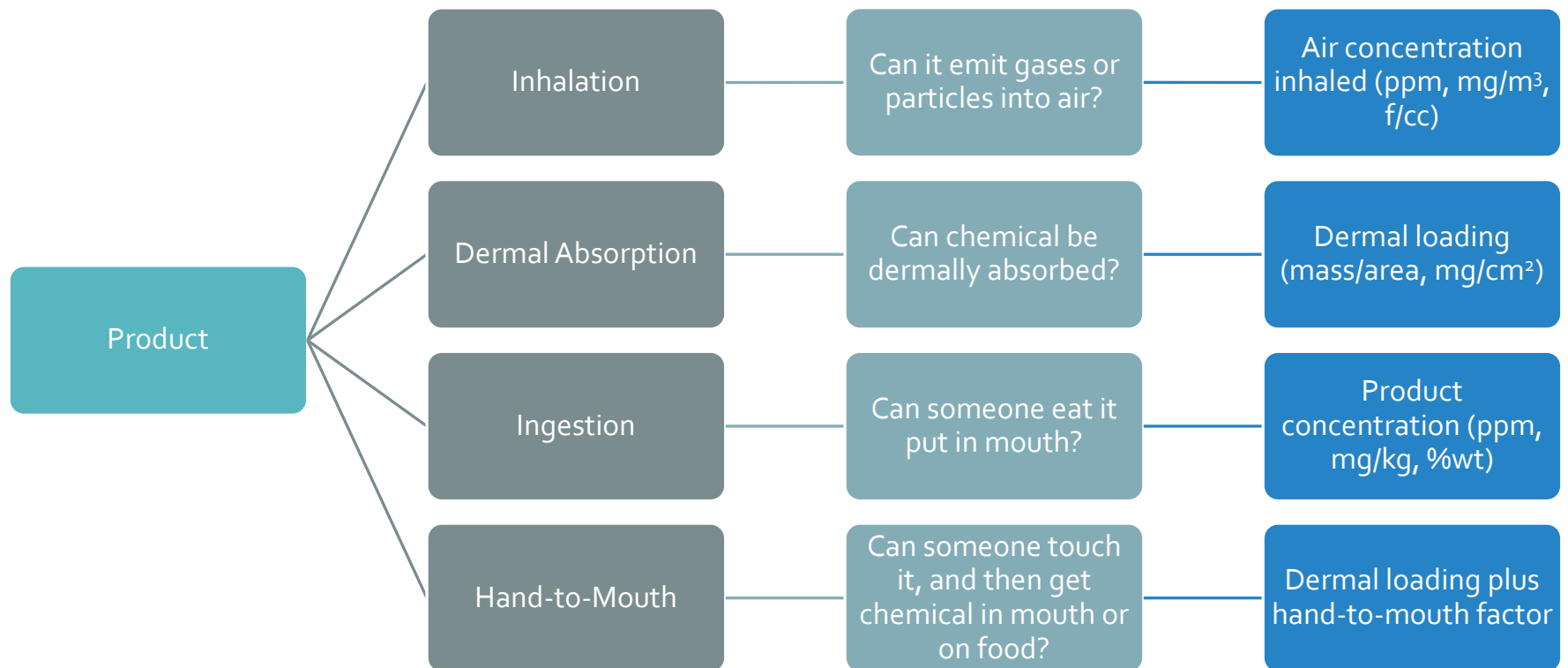
What To Do if a Listed Chemical Is Known or Suspected To Be Present

- May elect to test for listed chemical(s)
- May not be necessary to test a new product
 - Information that a chemical is not present at a level requiring warning
 - May be obvious that a chemical will not be released
 - The reasonably anticipated use/user may not require a warning

What Are the Potential Reasons to Perform Early Testing?

- Support product stewardship/regulatory compliance program
- Support non-detection defense (27 CCR Sec. 25900)
- Respond to retailer/customer requests
- Refute supplier notification of need to warn
- Assess potential “naturally occurring” chemicals
- Test for sources of listed chemicals

Consider Potential Exposure Pathways and Measurements



Testing Considerations

- Sample selection – representativeness of samples
- Number of samples
- Is there a Safe Harbor Level?
- Detection Limit
- Analytical Method

POST-NOV TESTING

Goals for Post-NOV Testing

- Provide comparison to plaintiff test results and methods
- Provide data for exposure estimation
- Identify ways to reduce chemical content
- Compare results to CJs for similar products
- Demonstrate “naturally occurring”

Evaluating Existing Testing Data

- Can it be used to evaluate exposure?
- Was it conducted with clear and appropriate methods?
- Was the result non-detect?
- Lab report red flags
- How many samples?



GENERAL TESTING CONSIDERATIONS

Before You Test, Consider...

- How will you test?
- What will you test for?
- What are you going to do with the results?
- What will you compare it to?
- What actions will you take?



Testing for Newly Listed Chemicals

- Testing prior to implementation date for newly listed chemicals?
- Things to consider-standards, methods, and reporting
- Likely no Safe Harbor Level. Will you develop one?

Consultation with Experts

- Data interpretation
- Data usage
- Other testing to confirm results (e.g. additional samples)
- Develop Safe Harbor Levels

More Questions? Contact Us.

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