



Episode Title: A Look into the Household and Commercial Products Association — A Conversation with Steven Bennett, Ph.D.

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Lynn L. Bergeson (LLB): Hello, and welcome to All Things Chemical, a podcast produced by Bergeson & Campbell, P.C. (B&C[®]), a Washington, D.C., law firm focusing on chemical law, business, and litigation matters. I'm Lynn Bergeson.

This week, I sat down with Dr. Steven Bennett, Executive Vice President (VP), Scientific and Regulatory Affairs at the Household and Commercial Products Association here in Washington, D.C. Steve's membership represents an amazing diversity of products used to clean and disinfect homes and commercial environments. As Executive VP of Scientific and Reg Affairs, Steve routinely addresses an equally diverse and challenging range of scientific, regulatory, and science policy issues, ranging from consumer exposures, to chemicals and cleaning products, to the role his members play in addressing COVID-19 and related public health issues. Now, here's my conversation with Dr. Steven Bennett.

Well, Steve, thank you so much for joining us today. I've been so looking forward to chatting with you. Maybe we can start things off by letting you talk a little bit about the Household and Commercial Products Association, better known here in the community as HCPA.

Steven Bennett (SB): Thank you, Lynn. I'm glad to join today. I am a longtime listener to your podcast, and I think it's a great opportunity to share our story as well. So HCPA, or the Household and Commercial Products Association, we have roughly about 240 members up and down the chemical and product supply chain. Many of the recognizable brands -- I like to think of us as you go into your kitchen and you look under your sink -- of course, that's going to be properly secured -- or into your laundry room, or into your garage. And it's those companies that you'll recognize that you'll see them in many of your retailers' shelves, but you also -- these companies also have the corresponding commercial and industrial products. And we also have the suppliers of those companies, as well as consultants, law firms, such as B&C and many others, to ensure that those companies continue to operate smoothly and efficiently as possible.

And that puts us in a unique place in the supply chain, many times because the brands are so recognizable that they're very responsive to their customers, whether it's retailers or consumers, and they tend to respond a lot quicker than, say, a supplier that's a couple of steps removed. We really have to take a lot of different perspectives into consideration as we work with them to help us develop their policies. And that diversity is one of those things that can be challenging to manage because we have such a diverse association, but it's also a strength, because once we achieve a position, it's usually well thought out and fairly well defensible, and it's something that we can really talk to our partners and work with them, whether we collaborate with them or wherever we go to.

Oftentimes we'll take a position that we can say, "Okay, we agree on this, and let's work together. But let's not worry about these other areas that we may not agree with. But let's work toward our common goal." And we'll certainly work with a lot of different partners, both with industry partners, but certainly environmental groups as well. And I think that one of the things that -- I mentioned earlier the description of looking under your sink, etc. We did a rebrand about five years ago now, and it's been a couple of years that we used to be the Consumer Specialty Products Association, which was CSPA. And that was one of those names that it took me the first five minutes of a conversation to explain what they were. And so we did the rebrand, and that's -- part of that rebrand was coming up with the household and commercial products, which gives us a much better idea of where we're at, where we're positioned in the value chain.

But then we have a long history as well. We celebrated our 100th year anniversary as an association, I think, in 2015 or 2014.

LLB: Wow.

SB: And we had previously been the CSMA, the Chemical Specialty Manufacturers Association, which was even clunkier than CSPA. And then we've even had other permutations. I think the original name was the Insecticide Manufacturers Association, which quickly became the Insecticides and Disinfectants Manufacturers Association. And I think that gives you a pretty good idea of where we formed as an association 100 years ago, which was -- again, that was formed around a common need within what was then the industry at that point in time. We have a pretty rich, long history and lots of long history of roots that it's fun exploring from time to time.

LLB: I think you've got it right with the Household and Commercial Products Association.

SB: I hope so, because rebranding is not a lot of fun.

LLB: Yes, it's really moving the tanker mid-ocean there. That's a big deal.

Steve, you have a really distinguished career. You're well recognized in the Washington community and in communities and constituencies far beyond D.C. How did you end up at HCPA?

SB: That's one of those weird stories that I don't talk about a lot. I go back to when I joined HCPA, then CSPI. I had very little familiarity with the trade association world, but I quickly discovered once I started working with some of the issues and with the members, I really liked what I was doing, the complexity and the diversity of the job. I always joke that no two days are the same. It's rarely when I wake up on my list of things to do today is -- I knocked a few things off my list this morning, but I imagine by the time we get off

recording this podcast, I'll have two or three e-mails, and it'll be like, okay, I know what my day is going to be like now.

LLB: Your day is shot, right?

SB: Yes. But I come from a different world, and I literally mean this. I grew up on a farm in northeast Pennsylvania, which is way, way different than downtown D.C. and inside the so-called D.C. bubble. But I figured out pretty early that I was never going to be a farmer. That really wasn't something that appealed to me because I like to joke that the cows don't go away. And that really defined me growing up. But some of the things that I really took out of that is being a farmer, you used what you had. And that instilled a problem solver work ethic in me. That was one thing I really got drilled down from my Dad, because he would improvise or make whatever he had to do. I really learned from that.

They also were -- my parents were very good at encouraging my thirst for knowledge, so lots of reading, lots of opportunities to think about things. Certainly driving around a field, mowing hay, or cutting grass, or something like that gives you a lot of time to think about something other than mowing hay, and cutting grass, and things like that. So that was really -- you got those ideas, got the time to think about things. It also, growing up on a farm trained me how to wake up early in the morning, which probably explains why I still send out e-mails to the members at five o'clock in the morning many times.

LLB: I see them often, Steve.

SB: It didn't take me long to gravitate toward the sciences and chemistry, and once I graduated high school, I went off to college. I started off at Drexel University in Center City Philadelphia, which was even more worlds apart than growing up where I did in rural Pennsylvania. But I also realized pretty quickly that -- I guess, more in retrospect -- that I really wasn't ready for college just yet, so I dropped out and joined the Army, was in the Army for about five years, saw the world, a little bit. That really put me in a fresh perspective. Then I came back. I was very motivated to finish up my degree and went right into grad school. But again, once I got to grad school, I was like, "Okay, I know I wanted grad school. I wanted to get my doctorate. What do I do with this?"

And I didn't really go into it. I just knew this was what I wanted to do, but I didn't know what I wanted to do with it. I got lucky. I got signed as a teaching assistant, which, usually that's the drudgery, that's the obligation of graduate school. But I really -- I discovered pretty quickly that I liked that.

Once I finished up my degree, I found a small school, tenure track position, teaching position, but also had some research. But it just wasn't the right place for me, so I left there after a couple of years, and then I shifted into trying to find another tenure track position. But what really ended up is I ended up in temporary positions, and because I wasn't actively doing research, I wasn't quite competitive enough. I was doing a really good job of building up my teaching profile, but that really put me at a disadvantage. After doing that about six or seven years, I realized I had to do a career shift. Either I continue doing one- or two-year contracts at different schools for a year or two or shifting to something else.

I moved into environmental consulting for a few years. And again, that was -- I enjoyed doing that, but I wasn't real comfortable with the variety of masters, so to speak, in the consulting world. That billing piece was a little harder for me to deal with, but also you're highly dependent on who's paying the bills. And fortunately, I found out about that firsthand

when we had a major contract that wasn't renewed. I was laid off during a snowstorm. So that was one of those humbling things. And again, it gave me a little time to reflect, and then I stumbled across HCPA, or then, sorry, then CSPI, and jumped into that.

I haven't given up my love for teaching. I still teach a course at Johns Hopkins once a year --

LLB: Oh, I didn't know that!

SB: -- in their Environmental Sciences and Policy graduate program. I enjoy doing that. That's a really rewarding class because all the students in there are working professionals, many times members of the U.S. Environmental Protection Agency (EPA) or federal agencies or state agencies or NGOs [non-governmental organization] or -- they're trying to go down that same pathway. I enjoy doing that as well, so I haven't given up on that.

Like I said, I've been with CSPI, and then they created HCPA -- I still cannot quite get that acronym down -- for a little over ten years. I started out in a junior role, running the scientific affairs. Then I've taken my current role, where I lead the science and regulatory team for the association, which is a lot of fun. I've got a pretty good team.

LLB: You do an extraordinary job, Steve. And anyone who knows you and is familiar with HCPA, they know, as I do, as a member of HCPA, that you are just top in your field. Your background has provided you the skills for what you excel at: communicating. You take very technical scientific concepts and break them down so your members appreciate what the issue is. You're an extraordinary problem solver. And finally -- and I'm not trying to make you feel good, Steve; I'm just trying to be honest -- you are the most responsive guy in Washington. I can send an -email at five in the morning or nine at night, and you are there on the job. Just really extraordinary.

SB: I appreciate that. That's one of the things that I try to do, and I emphasize to our team that -- respond to someone. Even if you don't know the answer, give them a response and say you'll get back to them, and that's important. Obviously, members and regulators and other entities really appreciate that piece.

LLB: Yes, I know I do as a member, and as just a member of the community here. I can count on you to always provide an answer. And it's a substantive one, not just I'll get back to you. Well, let's cover a little bit about the diversity of the products that your membership covers. I'm familiar with HCPA because, as noted, we are members, and happy ones because you do a terrific job. The products that your membership makes clean, protect, and disinfect both homes, as you said, and commercial environments. And organizationally -- I'm going to mention this for the benefit of our listeners -- you have seven product divisions that cover aerosol [products], air care products, antimicrobial products, cleaning [products], floor care [products], industrial and automotive products, and pest management products. That is a huge chunk of real estate.

Just out of curiosity, do all of these divisions -- all seven of them -- command roughly an equal amount of time, or are some busier than others? And I can imagine over the past two years in particular that your antimicrobial and perhaps cleaning products divisions were really focused on COVID-19 related issues. But perhaps I'm wrong. How do you allocate your time?

SB: Yes, it's always fun allocating the time, and I think that the biggest thing is we consider those seven divisions really effectively as each of those being a mini-trade association focused on their individual segment within the industry. And I lump them a little differently than you would take in the alphabetical approach. I look at the air care, cleaning products, floor care, and the industrial and automotive as really, these are the core beautification services. Then their regulatory scheme is different than the two pesticide-centric divisions, both the antimicrobial and pest management, so you lump them in a couple of different categories.

And then the aerosol products is something unique; this is not a product per se. It's a product delivery, which encompasses all of the divisions, and it realistically touches on a lot of our other associations in that particular space, whether it's a personal care space or -- that's probably the most common one. But they certainly, there's quite a bit of overlap, so we have to work a lot with our -- another reason where we work a lot of our association partners on some of these issues. You know, absolutely. We've been very busy during the pandemic, certainly the antimicrobial division with their disinfectants were at the tip of the spear. And they were one of the things that we're really proud about, that they as companies worked with EPA in the early teens, the 20-teens, to come up with a policy that, once activated, the Agency could respond to the situation a little bit quicker. So once the pandemic was realized, how the severity of the pandemic was going to be, that allowed EPA to work with CDC (Centers for Disease Control and Prevention) to activate their emerging pathogens guidance, and that allowed companies to get products out to the marketplace a lot faster in the beginning of the pandemic. And that was a really, really big piece because it was realistically six to eight months after the pandemic was underway before companies could make efficacy claims saying their products will be effective against the coronavirus, which is critical with a disinfectant.

You cannot make a label claim unless your product has tested against that particular virus, and in an emergency situation like this, that six months was absolutely critical. By the Agency having the foresight to have that policy in place, that allowed them to get products that were likely effective against the coronavirus into the marketplace sooner.

I think the other really big issue around the pandemic has been dealing with the various supply chain issues associated with that. Certainly we all remember the early part of the pandemic when you could go to the grocery store and you couldn't find cleaning products, you couldn't find disinfectants. And that was a massive change. At that point in time, a lot of it was -- it was partially getting products out to the place, but it was also, we forget about how much we transitioned from going to work half the time and being at home that our supply chain was just massively disruptive and the distribution channels changed so much that we had to have those product -- the products had to be into the store shelves rather than potentially in the workplace type of situations. And that's -- at the same time, everybody was figuring out how to homeschool their kids and teach your kids virtually things like that and work from home and balance all those things. That was a pretty big piece.

We're still dealing with some of the supply chain issues. And I think I'll touch upon that a little bit, possibly later or something, but that's definitely been an issue, and how to work with that. I would be remiss also, besides the divisions mentioned that we have what we call the association-wide councils, which we have Federal Affairs, State Affairs.

LLB: Glad you mentioned that. Right.

SB: The Regulatory, International, Air Quality, and then our most recent addition, the Sustainability and Product Stewardship Council. So those deal with those overarching issues association wide. And they're absolutely just as critical as each of those seven divisions.

LLB: Absolutely.

SB: No matter what our issues are, we're member driven. We try very hard to talk to our members and get the members' insights and listen to them. And many times, an issue that's not on our radar, that we don't pick up, our members will bring to our attention, and suddenly, that's critically important.

LLB: You had mentioned, Steve, that HCPA represents the entire supply chain. You include the chemical manufacturer, the producer, the formulator, distributors, packagers, marketers, and interestingly, as we are a member, consulting firms and law firms. I could imagine that representing the diversity of each of those portions of the value chain can be difficult. You said a few minutes ago that it can be challenging and that you like to work by consensus. And if there are issues on which the entire value chain can agree that those are a go, and if there are areas where you cannot agree, then those issues are simply not taken on. But maybe you can spend a little bit of time telling us how you balance the competing interest of the value chain and how those issues might present themselves in your daily work.

SB: Yes, thank you. Like I said, it can be challenging sometimes, but it's very rewarding. We very much emphasize that each of our members has an equal voice, which in order to get that equal voice, that's going to take a lot of meetings. It's team calls, conference calls, e-mails, and phone calls to individual members to make sure that we understand their particular challenges so that they can express their views. And they do not hesitate to do so.

LLB: And that's where your teaching skills come in, Steve.

SB: Yes, it's good. I've had a couple of people join the team in the past year, and it's really been fun helping them, bringing them up to speed and educating them on: this is antitrust, this is what's required, this is what you need to do, this is what you practically should do. And here's the things. Okay, you should talk to this person or talk to these companies, or here's the issue that you raised and let them raise it. It takes a lot of work to really understand and balancing out those competing interests and getting to that consensus position. We'd love to have 100 percent agreement on all positions, and many times they do. But there's certainly other times when we achieve a consensus position, our consensus position is 75 percent. But we really try hard to get to 100 percent. If we don't get to 100 percent, we want to try to understand, okay, what exactly is the issue and can we resolve that piece?

We try very hard. I know that once in a while, we'll have situations that seem like Company X or these certain companies are driving an issue. That's rarely the case, but we do have to communicate that to members. We recently had an issue pop up in the pesticide -- within the pest management division, and we were surprised by a particular issue. I had to -- I went through and revisited conversations with all of the Board members and a few other members within the division to make sure we fully understood that particular position and all the potential issues. I think it's really challenging in some of the pesticide chemical restrictions coming out at the state level. Oftentimes, they move very, very quickly, so we want to make sure that the government relations team is very well informed, so if they have to take a position, they understand what the challenges are and whom that potentially impacts. It's really -- you need to continually revisit that. I have spreadsheets and spreadsheets of, on this particular issue, this is who's interested in this, who's just in different things. I think about

the spreadsheet that I have that I developed around the chemicals in TSCA. And it's a lot of data, a lot of conversations, a lot of e-mails.

LLB: And a lot of change, right? Things can change in a heartbeat.

SB: Yes. A lot of times, over time, those positions will change, especially in the space of chemical restrictions. Some companies, they'll choose to continue to utilize a particular ingredient. Others will say, "We're going to make a decision. We're going to take this out of our product portfolio." That changes dynamics, which can introduce some challenges as well, that oftentimes it ends up being a very, relatively small number of companies interested in a particular chemical by the time, looking at the first ten chemical -- the risk evaluations under TSCA, a couple of the chemicals, there's very few companies left in the marketplace, if at all, on some of those. And then it becomes -- it's a different challenge because then it's how do you get to these companies if they're not actively engaged? Because many times they're not always HCPA members.

LLB: Exactly, exactly.

SB: And we also -- another area where we just went through this -- when emergent issues come into play, I mentioned earlier that we established a new division around sustainability and product stewardship, and literally the first day out the door, they had to work to develop an extended producer responsibility (EPR) principles document for the association, which is an area that we've dabbled in. But because of the activity in Maine and Oregon last year, and very likely other states this year, really had us sit down as an association. And we went through many conversations with members trying to understand, "Okay, what -- where is HCPA's role in this? Do we take the leadership role? Do we work with others? How do we work? What's important to us? How do we work this into our existing frameworks and make sure that we also leave open opportunities for potential innovation and things of that sort?"

LLB: Yes. You've just done a great job of briefly identifying the complexity of your job, your role as exec VP in dealing with these relentless issues that come up. One of the issues that I know that I think about because some of our clients face these issues deals with the fact that household products can generate a great deal of concern in terms of their chemical composition and potential exposures to consumers, generally thought to be unprotected, in terms of a cohort group of potential exposures. How does HCPA work with the broad range of stakeholders in that space, some of which probably can and do vigorously oppose chemicals generally? How do you message your membership interest while also dealing with some pretty feisty pushback, I would imagine, from some stakeholders out in the community?

SB: That's a challenging piece. I think it's important to utilize education and messaging around chemicals and how to appropriately use them safely. So that's messaging around storing them safely, reading the label appropriately, like I said, storing them under the sink, locking up your sink. Those messages you can put up chemicals if they're in their laundry room or your products, etc.

Yes, it's also [important to] have an honest conversation. It depends upon your audience. If you're dealing with a consumer product, you want the consumer to read the label. But there's also concern; maybe they don't. So how do you appropriately protect that? If you bring an innovation into the marketplace, how do you put the appropriate -- other than new and improved? What does that mean to the consumer? We certainly engage a lot around

concerns around “greenwashing,” where companies will put labels or information on the label that may be misleading and how to complete that particular piece. We always struggled for years that, quote unquote, “greener products don’t work as well as the existing traditional ones.” I don’t think that’s still the perception, but that certainly -- that was a perception for a while.

LLB: That was indeed, for quite a while.

SB: But I think the important thing that we try to do as an association, we try to be an honest broker. We try to have a solid conversation with our stakeholders, and we have a pretty good record of working with environmental groups and NGOs, to hopefully reach the science-based solutions. We talk a lot about our work in California on greening communication and the Cleaning Product Right to Know Act, which effectively has led to a national standard for greening communication.

And we’ve also -- long work with Safer Choice. Pretty pleased working with that. And that’s something that many of our members recognize that that’s a market differentiator for them. And many retailers and state agencies and environmentally preferred programs recognize that as a way to distinguish your products in the marketplace. Then we have similar relationships with Green Seal and UL [formerly Underwriters Laboratories] EcoLogo as well, because many of our members will use one or more of those certification entities for their products, depending on their markets. We engaged a lot on TSCA because we recognized the TSCA reform going back a few years, bringing that up to speed. It was reformed in 2016, but it took several years to get from the vision to the final bill that was passed in early 2016. And we worked with a lot of industry and NGO partners to get that across the finish line. And now we’re working with the implementation side for the past six years.

LLB: Yes. We’ve worked a lot with you on that, Steve.

SB: Yes. And I was on the first EPA SACC panel, Science Advisory Committee on Chemicals, which did the peer review of the first ten chemicals that EPA did the risk evaluations on. That was a lot of work, and that was a pretty diverse group of experts talking around the job that EPA did on the risk evaluations. We really would like to get those completed, but the Agency needs resources to get there.

A couple of areas that we work pretty -- we work a lot with our stakeholders. We’ve been working with some of the -- in the animal rights area on reducing animal testing. I think that’s a pretty good initiative that we’re pretty proud of, and hopefully we get some good fruition there. And the other, kind of the poster child of a stakeholder group, is the Pesticide Registration Improvement Act, or PRIA, which basically gives the Agency -- EPA -- some money to complete the registrations. But it also gives industry some degree of certainty or predictability as to when their products are going to be reviewed and also gives to the benefit of other stakeholders certain benchmarks of the Agency, whether it’s worker protection, registration review to make sure that the products are being appropriately reviewed once in the marketplace. There’s a couple of different things, and that’s one of those that’s an industry group with environmental NGOs. That’s one of those things that we’re really pretty proud of.

LLB: Well, you’ve just gone through a litany of an astonishing array of substantive areas that I know your members encourage and require that you engage in, and by that I mean, you

personally, Steve. A lot of associations have different technical and scientific directors for TSCA and FIFRA and other areas, but you do it all, which is amazing.

Let me ask you, since the Biden Administration took over in January of last year, has HCPA's regulatory focus shifted in response to shifting administration priorities? And if it has shifted, how so?

SB: Yes, that's an interesting question. I think that where the biggest challenge for us, what I think that probably the transition in the previous Administration was one of the most profound shifts of any administration. And so that going back and forth between the Obama Administration, to the Trump Administration, and the Biden Administration, it's definitely, there's definitely some -- there's been a shift. The biggest challenge for us revolves around resources, to EPA in particular. The Agency is really -- doesn't have the resources, and what that's done is it's reduced the confidence in EPA because from an industry perspective, because they don't have the resources to do what they need to do, they're not getting -- they're not doing product reviews or taking actions in a timely manner or at the time that you would expect them to generally -- would ever expect them to be. And that makes it hard for businesses to predict when they will make actions upon there.

It's also when you lose that predictability or confidence, then other stakeholders come in to fill in that void. And whether it's NGOs, whether it's state agencies. And that's really -- I kind of lump this under rebuild confidence in EPA. Certainly from a trade association perspective, we're located in Washington, D.C.; it's a lot easier to go to EPA headquarters than it is to go to 49 or 50 states. But that's a pretty big piece to make sure that if you solve a problem at the federal level, it's a lot easier to manage a particular issue, no matter what the outcome. Lumping that into the idea of rebuilding the confidence in EPA, which maybe needs more resources, but that takes time, both to unwind some of the movement toward the states, as well as get the resources and bringing new staff up to speed. Even if EPA was fully staffed at this point in time, it's going to take two to three years, at least, to bring some of those newer staff, younger staff, up to speed.

LLB: Exactly.

SB: That's definitely one of the areas, I think, just a shift. I think we had a similar shift in terms of 2016 or 2017, but it was more resource driven, a how do you do more with less type of argument. Now it's more, okay, can we get more resources back to the Agency, and how do we rebuild this? Or is this the new normal?

And those are dramatically different ways to solve a problem or an issue. So many of our issues are coming at, the states will drive the activity. I think even going back to my conversation, TSCA piece -- a lot of why TSCA reform happened was because there was so much activity going on in multiple states that it was quickly becoming unmanageable. That was the driving factor. Okay, let's move this up to EPA to try to solve that piece. I think everyone agrees that one of the biggest benefits or potential benefits of TSCA reform was restoring confidence in EPA, the federal chemical management plan, their program. And yeah, I'm not -- I don't think that's there right now. That makes it hard to drive, or hard to have confidence in the Agency when you don't have that full confidence.

LLB: Well, I agree; it's been a TSCA implementation -- for all the reasons you and I have chatted over the years -- has been going on six years now since Lautenberg was passed. And you guys at HCPA, you do a terrific job of bringing the issues to the fore and engaging your members and problem solving, legitimate problem solving. I think you have a really positive

attitude regarding, "Here's the problem. We recognize EPA has funding and staff shortfalls, but how do we get from where we're at to a better place?"

But I've noticed that, similar to what you said, Steve, TSCA is still evolving, and Lautenberg is still in its infancy. But we've seen just an extraordinary number of state initiatives that continue to come barreling at us, notwithstanding the fact that in some instances, TSCA was intended to alleviate the burden on states to engage in state-specific chemical regulatory issues. Do you see that trend continuing, or do you see it abating?

SB: That one really varies. I think with states, is one -- as you noted, they move quickly, and they can be very responsive to local interests and whether that's environmental groups or a local problem. But some of the issues *are* state-based. Sometimes the problems are very local; sometimes they're regional. You really have to understand the particular issue to understand the best way to approach it.

I think I can talk about our long history of working in the consumer product in the VOC space, volatile organic compounds, for the listeners. Basically, that was an initiative originally driven by California in the 1980s, where they put down a number of regulations on the product composition to minimize the amount of ozone impacts associated with consumer products. Over the past 35 years or so, they've gone through multiple permutations, and now they have regulations in upwards of oh, somewhere around 400 products, they have some degree of regulation on. But at the same time, some versions of that have gone out to the states. Many states have adopted early versions of it. EPA has adopted basically a baseline that goes nationwide. And then that, as you look at those VOC regulations, they are mostly regional, so there's a Northeast Regional Compact. There's a Great Lakes Region. There's the Mountain States, and then the West Coast kind of region, and everybody else.

And most of that's driven by what is the ozone standard. What's the ozone impact on a local or a regional basis, and that's worked fairly well in that case. But is that something that should be revisited? Is that something that would make more sense for EPA to have, say, a more restrictive national baseline to address the VOC needs? I think definitely that comes into play with the Agency's concerns associated with addressing climate change and potentially environmental justice. And I think that's very appropriate for the Agency to consider that, but certainly our members. Do we encourage EPA to do that, to address some of those concerns?

Another issue that probably has percolated for many, many years in terms of members is, as I noted earlier, we have aerosol containers as a product delivery, and inherently an aerosol container will be in either an aerosol -- will either be in a steel container or an aluminum container, and a small portion are in plastic containers. But if you have a steel or an aluminum container, that's recyclable --

LLB: Right.

SB: -- as long as that aerosol container is empty. And in the consumer space, we've messaged that for a long time, but they also -- because aerosols are also considered household hazardous waste at the RCRA (Resource Conservation and Recovery Act) level -- that made it particularly challenging if you are a retailer or a larger generator of aerosol waste. You get very quickly classified -- you get a higher classification for that particular way -- so it made it very, very expensive, very quickly. We worked with many partners in developing the data, and this is a project we started in the 1990s.

LLB: Wow.

SB: And my predecessor, Doug Fratz, when he was here, he worked on that for a long, long time. And we got -- some of the states instituted this on their own, but we didn't have the full support of EPA. And then in 2017, 2018, EPA formally coded out that aerosols -- when empty, aerosol containers when empty would become universal waste. But now we've had to work with the remainder states, and I think we're up to 35 or 36 to get them to basically do that carve-out within their RCRA regulation. So some of these actions that we do, it can take a very, very long time to really get in place. And you need to have that, the long-term drive and continuity, and communicate these different pieces to new staff and to make sure that those get into place and working with regulators and states. Some of the states, it's easy, some of the states, the way they've coded in RCRA in there was a simple "See EPA" for the regulation. In other states, they had to make major changes to their statutes in order to incorporate that by reference.

LLB: One of the strengths of HCPA is, I think, your relationship with state agencies. We have come to you frequently, Steve, because state agencies, at least to my eye, seem to be increasingly active in areas relating to the regulation of pesticide products or products that are used in agricultural settings that may not necessarily be registered pesticides. To my eyes, states seem to be much more active in the recent past. Is that my perception? Is it accurate, or does it track what HCPA is doing? And why is that, if my perception is accurate?

SB: We've definitely seen an uptick in state activity, and that may very well trace back up to what I talked about earlier with the loss of confidence in EPA in some respects. I am also well aware that the states, their resource considerations were significantly impacted by this pandemic. Many of the state agencies, as well as a shift to working from home, they also had a significant increase in number of registered products, and that really impacted the states. And they are, some of the states are still struggling with how to deal with that particular backlog.

I think there's also either real or perceived perception that there are new registrants into the space, and a new registrant oftentimes doesn't do as good a product label submission as the ones who've been doing this for a while. At least, that's the perception. We've heard that from some of the states, and so those are both distinct impacts. We've worked with them. I keep my list of which state is slower than normal. And I think that, again, this goes back to that predictability piece, that if state X normally takes three months to do a product review, that's no problem. But if they suddenly start taking six months, --

LLB: Right, that's a problem.

SB: -- that's a problem because many companies will have -- they know how long it takes to get their products through. And they typically -- they know which states are going to take longest. And they make their product rollouts accordingly. And if they don't get done on time, then that's going to have significant impact. I think with respect to the minimum-risk pesticides, the states take their responsibility to review those labels as very important.

And oftentimes, they are the only ones reviewing these labels. They don't have the benefit of relying upon EPA's review initial onto those products, so it takes longer for those products to make it through the review process. That makes it challenging for companies. The states have done some attempts at filling in the void because of EPA. Basically, EPA put some general guidelines out that may need some help, and they're in the process of

asking for comments on how to improve the program. I'm confident the HCPA will comment on behalf of our members. It left some areas of ambiguity, so the states have tried to fill in the void, and then that's opened up other areas of additional ambiguity, which has made it very, very challenging for the states. It's sort of this, they're regulated but not registered at EPA, and it makes it a little bit challenging space.

It's a great opportunity. There's some very innovative products, but at the same time, they need a little bit of regulatory certainty. And I like to think of regulations as, they're a necessary evil. The lack of a regulation is a much worse space than having regulations to put your guardrails in there.

LLB: Right, and you're a master of understatement, Steve, because we deal a lot with disabusing clients when it's like, "Oh, it's a [TSCA Section] 25(b) reduced risk pesticide. We don't have to get registered under FIFRA Section 3. Yay!" And that's like, but hold the phone. There are a lot of states that require some degree of registration, and to your point, there are probably what? Maybe 12, 13 now that require an independent state review, and that number could be wildly off. But the lack of harmony and the lack of consistency regarding what is required at the state level and the kind of open-ended nature of what's going on in the 50 states that companies often like to market their products in can be unnerving. I know you deal with that day in and day out, and I would expect, what you're telling our listeners is that that degree of uncertainty and lack of alignment can be expected to continue.

SB: Yes. Forty states, in one way, shape, or form, require registration of the minimum-risk pesticides.

LLB: That's way higher, yes.

SB: But they can vary from simply submitting a registration to submitting efficacy data, the confidential statement of formulation. There's a great diversity of what's required, and that changes often. And that's what makes this particularly challenging. I have a table that I maintain for the members -- this is the requirements, but you need to check with the state to make sure that's right. If you're trying to do a national product launch, it's really, really -- that's a full-time job, just managing that for a single product when they're doing the product launch, so it's definitely an area that's ripe for some degree of federal regulation.

LLB: Yes. Last topic I wanted to focus on, Steve, is I was listening intently to your comments regarding your Sustainability and Product Stewardship Council because product sustainability, circularity are increasingly important issues in virtually all sectors of the economy. I know you formed that council. What types of issues do you engage in with regard to your members on sustainability and circularity?

SB: Well, interestingly enough, we just polled the members who have a good idea of where we're going with that. And hopefully in the coming weeks, we'll give a little bit more open answers where we're going on that. Product sustainability and circularity is something we've always done, and that was part of my responsibilities early on with my time with CSPA. Clearly over the past couple of years there's been a significantly increased emphasis and changed emphasis, and it really shifted from a "this is a nice to have" to "this is absolutely critical." Last year, we had a retirement on the team, and I recognized that we need -- this is an opportunity to do a pivot. So I created the position of Director of Sustainability out of there because we really need someone dedicated to do these types of activities beyond just to kind of run through some of the things that we talk about.

We agree that disclosure and transparency is a critical piece. Every time you talk about sustainability, it goes right back to the right to know. The consumer who uses those products needs to know what's in there. We've been leading on ingredients disclosure for a very long time, at our members' behest, and others as well. We developed a dictionary for ingredients for our products, for our members on behalf of the industry. Now it's been over ten years since that's been in place, and we're pretty proud of that particular activity. It has helped standardize the nomenclature and information, so when companies do their disclosure, they know what they should be putting up there. That's recognized in both California's activity and New York's activity. Well, they have a voluntary standard in place right now.

Safer Choice retailers, they're utilizing that as well. Safer Choice definitely fits in there, as well as Green Seal and UL EcoLogo. In many cases, the members are recognizing that as a "This is a recognized third-party certifying entity" is a critical piece of sustainability. Clearly, the circularity and sustainability, you need that third-party certification validation to check your work, so to speak.

There is no, "Let's accept what the company is saying is right or wrong." It's, "Let's have somebody double check the math," so to speak, and that's a critical piece. The other piece, a lot of it is -- I talked a little bit before about what the EPR in packaging and recyclability and circularity are. What does all that mean? How do we encourage some of that innovation? But also, the regulations are coming into play, and they should. I think there's definitely some places in there where there should be additional regulations in place to give that certitude held up. The disruption in the recycling market, which goes back to 2018, 2019, when much of the waste or the recycling material that had been shipped offshore was no longer available, but we're still dealing with those reverberations. And we had a recycling environment or a recycling infrastructure that was based upon, we were going to ship a large portion of that recycled content somewhere else. That's no longer the case, and there's some great opportunities. But when you have a great opportunity of this nature, it's a rapid, very quick paradigm shift. And we want to make sure that our products in our product packaging and content are appropriately considered as much as possible, whatever that solution may be. And whether the solution is for paper or the broader packaging or the plastics or the steel or aluminum, all of those have slightly different answers. And then the other side of it, too, is, we talk about green chemistry all the time, and you want to move toward safer or more sustainable ingredients. How do you get there?

This didn't work out this way, but I was pretty excited over the weekend when EPA or the federal government, the Office of Science and Technology Policy released their "What is sustainable chemistry?" question.

LLB: Right? I saw that in the *Federal Register* today.

SB: Yes. So that was like, okay, this gives us a great opportunity. That was definitely an initiative that we strongly supported, which was incorporated into the Sustainable Chemistry R&D [Research and Development] Act, and that was an initiative brought forward by the Green Chemistry & Commerce Council. But we and many of our other industry partners supported that activity because we want to have a good federal direction to move into some of those, into the greener chemistry, more sustainable chemistry. I know what sustainable chemistry is, and I know what green chemistry is, but trying to define it, well, that's going to be a hard one.

LLB: That's right. Everyone has a different definition.

SB: Yes, but I think that we all want to move that direction. How do we get there? Then this goes back to our conversation earlier on EPA having the right resources that if you come up with a newer, more sustainable ingredient, you want to be able to get that ingredient into the marketplace in a timely and predictable manner. That emphasizes the importance of EPA having the right resources.

LLB: Indeed. Well, Steve, I have very much enjoyed learning more about the amazing diversity of topics on which you work, your members, and all of the good work you and they are doing to make the world a safer, better, cleaner, improved space. And I really am just astonished at how many topics you touch every day. And I'll bet, even during the course of our conversation here, you probably have another 50 to 100 e-mails in your inbox that will blow up your day.

SB: I hope not, but -- I was smart to turn my e-mail completely off for this because -- but hopefully it'll be a quiet day today.

LLB: Well, if somebody wanted to learn a little bit more about HCPA and perhaps become a member, where would you direct them, to your website?

SB: You go to our website at *theHCPA.org*.

LLB: Got it! Thank you so much, Steve, and thanks for all the great work that you do.

SB: Thank you, Lynn.

LLB: My thanks again to Dr. Bennett for speaking with me today about his important work at the Household and Commercial Products Association, the diversity of his members' products, and the essential role these products play in maintaining public health, and the complexity of Steve's job at HCPA.

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