

CALIFORNIA

Still Leading the Way in Environmental Regulation

California continues to stand apart in enacting laws and regulations designed to protect the environment, with many of these laws and regulations serving as models for broader state, federal, and even global environmental regulation.





CALIFORNIA ALSO IS TAKING A LEAD ROLE IN ADDRESSING CONSUMER SAFETY FROM POTENTIAL EXPOSURE TO TOXIC SUBSTANCES IN CONSUMER PRODUCTS.

Recent developments confirm and advance this trend, most notably in the areas of climate change legislation, renewable energy source use, and chemical regulation. While these trends set high standards for the state, meeting those standards will entail significant thought, implementation, and potentially unseen regulatory consequences for affected businesses and other entities. Three of California's most recent environmental initiatives, discussed here, will substantially affect how companies do business in, and with, California.

In 2006, California enacted the California Global Warming Solutions Act ("AB 32"), setting forth an ambitious program aiming to combat global warming. Cal. Health & Safety Code §§ 38501–99 (West 2006). The law requires the California Air Resources Board ("CARB") to adopt rules and regulations that will achieve 1990 levels of greenhouse gas ("GHG") emissions by the year 2020. CARB will ultimately take on an enforcement and monitoring role. In addition, CARB must recommend initiatives to continue reducing GHG emissions beyond 2020.

In another emissions reduction and sustainability initiative, Governor Schwarzenegger signed the Renewables Portfolio

Standard Executive Order in November 2008, requiring every retail seller of electricity to serve 33 percent of its load with renewable energy sources by 2020.

California also is taking a lead role in addressing consumer safety from potential exposure to toxic substances in consumer products. In September 2008 the California legislature passed two bills constituting California's "Green Chemistry" program. The program requires the state to develop a public clearinghouse of chemical hazard information and attendant regulations to protect consumers from those hazards.

This article summarizes these three initiatives, highlights their key provisions and timetables, and identifies several unresolved issues and potential consequences to California and the broader national and international business community.

CALIFORNIA'S GLOBAL WARMING SOLUTIONS ACT (AB 32)

AB 32 requires California to achieve 1990 levels of GHG emissions by 2020. AB 32 specifically defines GHGs as the following six gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 set forth the following timeline—with which

CARB appears to be complying—to achieve the required reductions:

- **June 30, 2007:** Publish a list of discrete early-action measures to reduce GHG emissions.
- **July 1, 2007:** Appoint an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee.
- **January 1, 2008:** Adopt reporting and verification regulations for GHG emissions so that CARB can monitor and enforce compliance.
- **January 1, 2008:** Determine the 1990 GHG emissions level and set this level as the emissions limit to be achieved by 2020.
- **January 1, 2009:** Approve a Scoping Plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions. CARB must update this Scoping Plan at least once every five years.
- **January 1, 2010:** Adopt regulations to implement the discrete early-action measures previously published.
- **January 1, 2011:** Adopt regulations setting GHG emissions limits and establishing measures to achieve the maximum technologically feasible and cost-effective reductions in GHG emissions. These regulations take effect on January 1, 2012. However, CARB may adopt regulations before the January 1, 2011, deadline, and if it does, these regulations may take effect prior to January 1, 2012.
- **January 1, 2020:** Emissions reduction target must be achieved.

California Environmental Protection Agency, Air Resources Board, *Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration 3* (October 2007), available at http://www.arb.ca.gov/cc/ccea/meetings/ea_final_report.pdf. (Web sites last visited June 1, 2009.)

WHICH STEPS HAS CARB COMPLETED?

Discrete Early-Action Measures. On June 21, 2007, CARB adopted three discrete early-action measures:

- **Low-Carbon Fuel Standard:** Sets the goal of reducing the carbon content of transportation fuels by at least 10 percent by 2020. On March 5, 2009, CARB released a proposed regulation to implement this standard. The proposed regulation requires providers, refiners, importers,

and blenders to ensure that the fuels they provide for the California market meet an average declining standard of “carbon intensity.” Carbon intensity is determined by examining the sum of GHG emissions that are associated with the production, transportation, and consumption of the fuel, also referred to as the “fuel pathway.”

- **Restrictions on High Global Warming Potential Refrigerants:** Restricts the use of high global warming potential refrigerants for nonprofessional recharge of leaky automotive air-conditioning systems.
- **Landfill Methane Capture:** Standardizes installation and performance of active gas collection and control systems at uncontrolled municipal solid waste landfills.

Id. at 11–12.

CARB adopted these additional early-action measures at its meeting on October 25 and 26, 2007:

- **Reduction of Sulfur Hexafluoride in the Non-Electric Sector:** Bans the use of sulfur hexafluoride in nonessential applications.
- **Reduction of High Global Warming Potential GHGs in Consumer Products:** Reduces the amount of high global warming potential GHGs used as propellants in consumer items such as aerosol cans, tire inflators, and electronics-cleaning and dust-removal products.
- **SmartWay Truck Efficiency:** Requires retrofitting of trucks and trailers with technology that increases energy efficiency (such as by reducing aerodynamic drag).
- **Tire Inflation Program:** Requires regular tire checks and inflation.
- **Green Ports:** Provides alternative sources of power to docked ships, such as cables that plug into onshore electrical outlets, allowing the ships to shut off auxiliary engines.

Id. at 13–15; California Air Resources Board, Summary of Board Meeting 4 (Oct. 25–26, 2007), available at <http://www.arb.ca.gov/board/ms/2007/ms102507.pdf>.

CARB must implement these discrete early-action measures by regulation no later than January 1, 2010. Cal. Health & Safety Code § 38560.5(b).

Reporting and Verification Regulations for GHG Emissions. On December 6, 2007, CARB approved regulations that

mandate GHG emissions reporting. CARB first amended the regulations in response to comments on June 5, 2008. The comment period for these changes ended July 15, 2008. See California Environmental Protection Agency, Air Resources Board, Mandatory Greenhouse Gas Emissions Reporting, <http://www.arb.ca.gov/cc/reporting/ghg-rep/ghg-rep.htm>.

The mandatory reporting regulations apply to the following entities, which (according to CARB) account for 94 percent of GHG emissions from industrial and commercial stationary sources in California:

- California cement plants.
- Petroleum refineries, hydrogen plants, and other facilities in California that emit 25,000 metric tons or more of carbon dioxide in any calendar year after 2007 from stationary combustion and process sources.
- Electricity-generating and cogeneration facilities, including hybrid generating facilities, in or outside California that provide electricity to retail end users in California, have a nameplate generating capacity greater than or equal to 1 megawatt, and emit 2,500 metric tons or more of carbon dioxide in any calendar year after 2007 from electricity-generating activities.
- Electric service providers, publicly owned electric utilities, and community choice aggregators that provide electricity to retail end users in California.
- Marketers serving as the purchaser or seller at the first point of delivery for electric power imported into California or the last point of receipt in California for power exported out of the state.

See Second 15-Day Modified Regulatory Language for Public Comment, Proposed Cal. Code Regs. tit. 17, § 95101(b), available at <http://www.arb.ca.gov/regact/2007/ghg2007/ghgattachment1.pdf>.

Although AB 32 originally required electricity-generating and cogeneration facilities to report their 2008 emissions of GHGs by April 1, 2009, and electricity retail providers and marketers to report on June 1, 2009, CARB recently agreed to push back the deadlines for all reports to June 1, 2009. *Id.* § 95103(a)(1).

Determination of the 1990 Greenhouse Gas Emissions Level: The Emissions Limit for 2020. CARB determined that the 1990 level of GHG emissions measured 427 million metric tons of carbon dioxide equivalent, and it set that number as its target emissions limit for 2020.¹ CARB estimates that the limit will require a 30 percent reduction in projected “business as usual” emissions levels for 2020, or a 10 percent reduction in current emissions levels. To achieve such an ambitious mark, California must reduce carbon emissions by four tons per person per year.²

Scoping Plan. To meet the 2020 emissions limit, CARB unveiled its draft Scoping Plan in June 2008. CARB consulted with Climate Action Team subgroups, the Environmental Justice Advisory Committee, the Economic and Technology Advancement Advisory Committee, stakeholders, and the public. California Air Resources Board, *Climate Change Draft Scoping Plan: A Framework for Change 7* (June 26, 2008), available at http://www.arb.ca.gov/cc/scopingplan/meetings/062608/sp__08-6-4pres.pdf. CARB approved the Scoping Plan at its December 11, 2008, meeting.³

Key elements of the Scoping Plan include the following⁴:

- A cap-and-trade program (enforceable beginning in 2012) that links to partner programs within the Western Climate Initiative to create a regional cap-and-trade market for electricity sources, industrial sources, transportation fuels, and commercial and residential sources. (Creating a regional program will help avoid leakage, offsetting emissions from non-California sources).⁵ In late March, California officials proposed three draft concepts “for limiting the use of [GHG] emission offsets under the state’s evolving cap-and-trade program, including a proposal to cap the total quantity of allowable offsets, one to limit the number of offsets used by individual emitters and another to auction offsets much like emission allowances.”⁶
- Carbon fees estimated at \$10 to \$50 per metric ton of carbon dioxide equivalent to influence investment decisions and fuel choices made by large suppliers of goods and services. Revenue would support further reductions in GHGs.
- Green building initiatives set by the state government, including using cleaner fuels in state motor vehicles, requiring green practices by the entities providing goods

and services to the government, and providing commuter alternatives for state employees.

- Increased transportation efficiency, including the use of hybrid vehicles, more aerodynamic trucks, and a high-speed rail system.
- Use of solar panels on roofs and water heaters.

HOW AB 32 WILL AFFECT BUSINESS

AB 32 and its attendant regulations will likely affect, either directly or indirectly, any sizable business that emits GHGs and does business in California. As CARB continues the process of implementing AB 32's extensive mandates, businesses will face the complex task of understanding their obligations and opportunities under AB 32. Among other items, businesses should consider the following issues raised by AB 32:

- AB 32's reporting requirements are complicated and onerous. Once businesses determine whether they are subject to reporting obligations, they must then consider the equipment and other infrastructure required to adequately monitor emissions for reporting.
- AB 32 affects not just California businesses but also those located outside the state that sell electricity to California. The current reporting obligations apply to "retail providers," defined as entities that provide electricity to retail end users in the state. Out-of-state utilities must consider the effect AB 32 regulation has on their operations and the law's effect on potential revenue from California customers.
- As California develops a carbon fee and a cap-and-trade system, businesses will pay for emissions but can potentially profit from emissions credit trading by selling credits gained from reduced emissions. Minimizing losses, or maximizing profits, from an emissions trading system will require vigilance on the progress of regulations and monitoring of facility emissions levels.
- AB 32 forces businesses across varying industries to consider the specific effect of AB 32's regulation on their activities. As noted above, the early-action measures provide very specific mandates to industries from energy to transportation to the operation of ports.

AB 32 requires businesses to assess the extent of their activity in California, the development of the implementing regulations, and the need to implement or alter institutional policies

to comply with, and even benefit from, California's global warming laws.

At least one industry representative commented that more stringent environmental regulations like AB 32 may not make sense in an economic downturn in California and across the country: "Right now, most California businesses are just hoping to make payroll—not profit—each month. ... The state is in a recession, and how quickly we recover will be based on decisions like the AB 32 Scoping Plan." Letter, dated Nov. 10, 2008, from Crenshaw Die & Manufacturing Corporation to CARB re: Concerns with AB 32 Final Scoping Plan, *available at* http://www.arb.ca.gov/lists/scopingpln08/48-ab32_crenshaw.pdf.

Yet despite the potential effects on business, California officials are optimistic. Mary Nichols, CARB chairperson, stated: "This plan is California's prospectus for a more secure and sustainable economy. It will guide capital investments into energy efficiency to save us money, into renewable energy to break our dependence on oil, and promote a new generation of green jobs for hundreds of thousands of Californians."⁷

WHAT ARE THE POTENTIAL CHALLENGES TO AB 32?

AB 32 is one of the first efforts by a legislative body at any level to reduce GHG emissions. However, a federal GHG emissions program may soon be a reality.

Congressmen Waxman and Markey, of the House Committee on Energy and Commerce, recently released a draft bill for comprehensive climate change legislation. The proposed legislation requires EPA to reduce GHG emissions by 20 percent in 2020 and by 83 percent in 2050. Interestingly, the proposed bill expressly prohibits federal vehicle emission standards from preempting California authority to adopt and enforce its own mobile-source emission standards. This bill, along with the enhanced interest in GHG regulation by the Obama administration generally, portends some action on the federal front.

In addition to the potential for overlapping federal activity, AB 32 may also face constitutional challenges. If AB 32 discriminates against out-of-state entities by, for example, "treating electricity generated outside of the state differently than electricity generated inside its borders," the statute could

be vulnerable to Commerce Clause challenges. See Erwin Chemerinsky et al., “California, Climate Change and the Constitution,” *Envtl. F.*, July–Aug. 2008, at 50–63. Even more broadly, if AB 32 ultimately links its program with any foreign cap-and-trade program, the federal government’s constitutional authority to regulate foreign commerce could preempt it.

AB 32 may also attract criticism as an overly costly measure in uncertain economic times. State Senator Bob Dutton introduced a bill to restrict CARB from beginning to develop AB 32 regulations until state unemployment levels are below 5.8 percent for three consecutive months. The bill would also require CARB to evaluate, and make public, the costs associated with AB 32 regulations. The bill was scheduled for hearing on April 20, 2009. Cal. Sen. Bill 295 (Feb. 25, 2009).

RENEWABLES PORTFOLIO STANDARD

On November 17, 2008, Governor Schwarzenegger signed an executive order (“Order”) requiring every retail seller of electricity to serve 33 percent of its load with renewable energy sources by 2020.

Governor Schwarzenegger’s Order accelerates California’s already aggressive Renewables Portfolio Standard (“RPS”). The existing standard demanded that state utilities generate at least 20 percent of their energy from renewable sources by 2010. In order to meet the more stringent goal, the Order specifies the following as acceptable forms of renewable sources for the state’s standard: biomass, solar, wind, anaerobic digestion, and landfill gas. The California Energy Commission will implement the program. *Biomass Magazine*, “California Enacts Ambitious Renewable Portfolio Standard” (Dec. 2008).

ACHIEVING 33 PERCENT

The Order requires a series of administrative actions to facilitate compliance with the aggressive mandate:

- The California Energy Commission and the California Department of Fish and Game must develop a “one stop” process for permitting renewable energy generation power plants.

- The Order creates a Renewable Energy Action Team (“REAT”) and includes certain dates by which REAT must do the following:
 - Publish a Best Management Practices Manual to assist in designing renewable projects and minimize environmental impacts (Dec. 31, 2009).
 - Develop a conservation strategy that identifies and maps areas for renewables portfolio project development. REAT must concurrently identify areas for long-term natural resource conservation (Dec. 31, 2009).
 - Provide an estimate of total retail electricity sales in California in 2020 (Jan. 1, 2010).
- The Order further requires all regulatory agencies to “give priority” to renewable energy projects.⁸

California has many currently operating and pending projects designed to achieve the existing RPS. Despite that progress, the recent Order ups the ante for state utilities to convert to renewable sources. But the progress is not without its challenges. In an October 2008 report, the California Public Utilities Commission (“PUC”) listed the major challenges to meeting the 33 percent RPS goal:

- The magnitude of a 33 percent RPS is unprecedented.
- Transmission planning, permitting, and construction require substantial lead times, which could inhibit timely delivery of renewable energy.
- The impact of integrating large amounts of intermittent renewable energy on the grid reliability of the transmission system is not yet known.
- Permitting of renewable generation facilities can be complex, long, and uncertain.
- The costs of renewable projects are increasing; the state needs a process to evaluate these costs and evaluate alternatives.
- Other project development barriers exist, such as financing and equipment procurement.

California Public Utils. Commission, *Renewables Portfolio Standard: Quarterly Report* (October 2008).

The PUC specifically identifies transmission and permitting issues as the primary barriers to meeting the 33 percent mandate.

Renewable energy producers meet persistent transmission problems. Renewable resources often are located far from the grid and often are location-constrained. In order to devise potential solutions to the location issue, the PUC announced the Renewable Energy Transmission Initiative, a statewide, multistakeholder initiative “to identify the transmission projects needed to accommodate the state’s renewable energy goals.”⁹

Though the infrastructure challenges persist, the PUC’s first report of 2009 strikes an optimistic tone:

Clearly, 2008 was a turning point for the RPS program and contracted projects are beginning to deliver in large numbers. This may represent the end of the start-up phase of the RPS program, as contracts signed in the earlier years of the program are now built and the renewable market begins to mature.

California Public Utils. Commission, *Renewables Portfolio Standard: Quarterly Report* (April 2009).

The PUC also recognizes the complex permitting issues. Renewable energy generation facilities must obtain various permits and authorizations, including:

- Site construction permits (which will vary according to location, project size, and technology type).
- Federal permits, if the project is on federal land (either from the Bureau of Land Management or the U.S. Forest Service).¹⁰

The Order aims to streamline the application process and to create a “one stop” permitting process. The state and federal agencies committed in a memorandum of understanding to coordinate in some fashion to resolve permitting barriers.¹¹

THE ORDER’S EFFECT ON BUSINESS

Governor Schwarzenegger’s 33 percent mandate may prove to be a double-edged sword for California businesses. From one perspective, the Order likely will enhance an already growing economy in California for clean energy technology. The Order itself states that “California’s high standards and ambitious goals have resulted in California leading the nation in renewable energy innovation, receiving more invest-

ment funding in clean technology than anywhere else in the United States.”¹² The Order further states that “producing electricity from renewable resources provides multiple and significant benefits to California’s environment and economy, including ... enhancing economic development, and creating jobs.”¹³ There is no doubt that entities involved in renewable energy sources will see opportunities created by the Order’s mandates.

But businesses should be aware of the potential pitfalls of the new regulation. Electric utilities, in particular, must consider the costs of developing and transmitting energy from renewable sources. Beyond the logistical hurdles involved, there remains the question of how California will treat the inevitable failed contracts. One California research institute recognized the concern that signed contracts with renewable projects will “not *all* yield operating facilities on the schedule originally envisioned.” Ernest Orlando Lawrence Berkeley National Laboratory, *Does It Have To Be This Hard? Implementing the Nation’s Most Aggressive Renewables Portfolio Standard in California*, at 15 (August 2005). The position paper went on to “strongly encourage” California lawmakers to anticipate and address the risk now “by either imposing burdensome non-compliance penalties on utilities or essentially granting the utilities a ‘free-ride’ and forgiving their lack of compliance.” *Id.* Furthermore, by December 31, 2009, REAT must develop a conservation strategy that addresses conservation concerns and protected land, which undoubtedly will affect potential project plans. Businesses should continue to monitor their opportunities and obligations as California implements the RPS Order.

GREEN CHEMISTRY PROGRAM

Finally, California enacted two laws in September 2008 that constitute the state’s Green Chemistry program. Specifically, the laws require development of a hazardous substances clearinghouse and attendant regulations to protect consumers from potential exposure to those substances in consumer products.

Senate Bill 509 specifically requires the California Department of Toxic Substances Control (“DTSC”) to create an internet-based “Toxic Information Clearinghouse.” The clearinghouse will act to collect and disseminate chemical hazard information.

Assembly Bill 1879 requires DTSC to develop and adopt regulations to both identify and prioritize chemical ingredients in consumer products that may be considered chemicals of concern. The regulations also must reduce public exposure to those chemicals.

BUILDING ON TSCA

Until the enactment of the Green Chemistry laws, California (along with other states) largely deferred to the federal regulation of potentially toxic chemicals under the Toxic Substances Control Act (“TSCA”). But in a recent report, the University of California identified three “policy gaps” in the TSCA regime:

The Data Gap: Manufacturers and businesses can sell a chemical or product without generating or disclosing adequate information about its potential health or environmental hazards.

The Safety Gap: Public agencies are unable to efficiently gather hazard information from producers; proactively regulate known hazards; or require producers to accept greater responsibility for the life-cycle impacts of their products.

The Technology Gap: There is insufficient public and private investment in green chemistry research, development, education, and technical assistance.

The Centers for Occupational and Env’tl Health, University of California, *Green Chemistry: Cornerstone to a Sustainable California* (2008).

The Green Chemistry program aims to close these gaps in two phases.

First, the program requires DTSC, by January 1, 2011, to “adopt regulations to establish a process by which chemicals or chemical ingredients in products may be identified as chemicals of concern.” Second, and by that same date, the law requires DTSC to adopt regulations to regulate those chemicals in a manner that will best “limit exposure or ... reduce the level of hazard posed by a chemical of concern.” Assembly Bill, 1879(1).

The new Green Chemistry program gives DTSC two years to “identify and prioritize ‘chemicals of concern,’ a term that is currently undefined in the laws but is likely to include substances that are considered to be toxic, persistent, and bio-accumulative.”¹⁴ The laws then grant authority to DTSC to regulate any identified substances.

When establishing its identification and prioritization process to determine what constitutes a “chemical of concern,” DTSC must consider the following three factors:

- The volume of the chemical in commerce in California.
- The potential for exposure to the chemical in a consumer product.
- Potential effects on sensitive subpopulations, including infants and children.

Cal. Health & Safety Code §§ 25252(a)(1)–(3).

The program requires, also by January 11, 2011, regulation of any identified chemical of concern. DTSC regulations may include any of the following initiatives that are expressly outlined in the statute:

- Not requiring any action.
- Imposing requirements to provide additional information needed to assess a chemical of concern or its potential alternatives.
- Imposing requirements on labeling or other types of consumer product information.
- Imposing a restriction on the use of the chemical of concern in the consumer product.
- Prohibiting the use of the chemical of concern in the consumer product.
- Imposing requirements that control access or limit exposure to the chemical of concern in the consumer product.
- Imposing requirements for the manufacturer to manage the consumer product at the end of its useful life, including the recycling or responsible disposal of the product.
- Imposing a requirement to fund Green Chemistry challenge grants where no feasible safer alternative exists.
- Any other outcome the department determines accomplishes the requirements of this article.

Id. §§ 25253(b)(1)–(9).

By July 1, 2009, DTSC must appoint a “Green Ribbon Science Panel,” composed of experts in chemistry, environmental health, and several other disciplines. The Green Ribbon Panel will advise DTSC on matters relevant to the Green Chemistry program and assist DTSC in generating and implementing policies and strategies. *Id.* § 25254.

California’s initiative does not rise to the level of regulation required under the European Union’s Registration, Evaluation, Authorisation and Restriction of Chemicals (“REACH”) program. REACH “puts the onus on companies to provide data proving that their products are safe for particular uses.”¹⁵ Though REACH differs from the Green Chemistry program in form and scope, businesses would do well to be aware of Europe’s REACH regulations. California’s program mandates DTSC to refer to available information from other nations, governments, and agencies that have undertaken similar efforts—likely a nod to Europe’s chemical regulation under REACH. Cal. Health & Safety Code § 25252(b)(2).

The program is not without its critics. The Green Chemistry initiative, unlike REACH, notably requires the government, rather than business, to generate the list of regulated substances. Daryl Ditz, with the Center for International Environmental Law, criticized the law as “180 degrees different from REACH, which puts the burden on industry. This whole elaborate process could result in paralysis by analysis.”¹⁶

Regardless of its ultimate effect, businesses, particularly those that manufacture consumer products, should become familiar with California’s Green Chemistry program.

CONCLUSION

California’s recent environmental laws will have a broad and significant effect on business. No matter what these laws’ ultimate fate in California may be, they likely will be models for other states, and the federal government, for addressing climate change and potential exposure to hazardous chemicals in consumer products across the United States. ■

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¹ California Air Resources Board for the State of California, *Climate Change Draft Scoping Plan 8* (June 2008), available at <http://www.arb.ca.gov/cc/scopingplan/document/draftscopingplan.pdf>.

² See *id.*

³ California Environmental Protection Agency, “ARB Says Yes to Climate Action Plan,” News Release (Dec. 11, 2008).

⁴ See *generally supra* note 1, at 12–16, 41.

⁵ Cal. Health & Safety Code § 38505(j).

⁶ CarbonControlNews.com, “California Proposals To Limit GHG Offsets Spark Heated Debate” (Mar. 25, 2009).

⁷ *Supra* note 3.

⁸ Cal. Exec. Order S-14-08.

⁹ California Public Utils. Comm., RPS Project Transmission Barriers, <http://www.cpuc.ca.gov/PUC/energy/RPStransmissionbarriers.htm>.

¹⁰ *Supra* note 9.

¹¹ *Supra* note 8.

¹² *Id.*

¹³ *Id.*

¹⁴ Amer. Chem. Society, “California launches nation’s first green chemistry program,” *Environmental Science & Technology*, at 5 (Jan. 1, 2009).

¹⁵ *Supra* note 14.

¹⁶ *Supra* note 14.