

# Compensation for Environmental Scientists in the Safer Consumer Products Program

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**Background:** The Safer Consumer Products Program (SCP), is the newest and smallest regulatory program within the Department of Toxic Substances Control (DTSC). The SCP Regulations went into effect on October 1, 2013 to meet the growing need for safer products that better protect the health of Californians and our environment. The SCP program aims to promote the use of safer chemicals in consumer products sold in California. It seeks to accomplish this by working with product manufacturers to evaluate their products and replace harmful chemicals with safer substitutes or by eliminating chemicals, when possible. SCP was created, in part, to alleviate the legislature's responsibility of addressing problematic chemicals. To prevent banned chemicals from being replaced with regrettable substitutions, the SCP Regulations require manufacturers to conduct Alternative Analyses to evaluate safer alternatives.

SCP is an innovative program that is the first of its kind in the world, employing a unique regulatory process to accomplish its mission. As such, it has gained widespread attention from other states and countries and is closely monitored by the California Legislature and Governor's Office. Industry, academia, and non-profit organizations also monitor and engage directly with SCP, as they have a vested interest in the success of the program.

SCP is comprised of a total of 41 staff, including managers, technical staff, and support staff. The following is a breakdown of the classifications for all staff within the program:

- 1 Deputy Director
- 1 Environmental Program Manager
- 1 Supervising Hazardous Substances Engineer
- 2 Senior Environmental Scientists (Supervising)
- 1 Staff Services Manager I
- 1 Research Data Specialist II
- 1 Research Data Specialist I
- 1 Executive Assistant
- 3 Associate Governmental Program Analysts
- 4 Senior Hazardous Substances Engineers
- 5 Hazardous Substances Engineers
- 1 Staff Toxicologist
- 1 Staff Toxicologist (Retired Annuitant)
- 2 Research Scientist IIIs
- 8 Senior Environmental Scientists (Specialists)
- 7 Environmental Scientists

Prior to 2005, and for a period of more than 20 years, State Environmental Scientists and Engineers were paid approximately the same. However, in 2005 salaries were increased for Environmental Engineers but not for Environmental Scientists. This has led to a variety of problems, including difficulties recruiting and retaining qualified scientists as well as morale issues. Scientists feel vastly under-valued

and demoralized as they lead teams, manage projects, and work with, mentor, and train engineers who are paid substantially more. Both scientists and engineers in SCP:

- Research chemicals in consumer products;
- Prepare technical reports;
- Inform policy within California and across the country;
- Engage stakeholders through workshops and webinars;
- Present to non-technical audiences;
- Develop regulations;
- Evaluate Alternatives Analysis reports submitted by industry;
- Design new Regulatory Responses to eliminate the use of chemicals of concern;
- Develop and implement projects to reduce health inequities for people of color;
- Streamline SCP's processes;
- Stay up to date on the latest scientific research, Environmental Justice issues, analytical techniques, etc.; and
- Develop relationships with academic, industry, and advocacy stakeholders.

Being part of a new and innovative regulatory program without any previous structure or models to build on, SCP staff are not only responsible for implementing the program but also for creating the structure, guidance, and processes to carry out the work. It is imperative that these staff are retained long-term, so they can share institutional knowledge and lessons learned with new and future staff.

**Rationale:** SCP is a science-based regulatory program. Its scientists are tasked with leading and managing projects of equal or greater responsibility than their engineer colleagues and, at a minimum, should be compensated at an equal rate. However, the earning potential of SCP scientists over the course of a 25-year career is roughly a million dollars less than that of their engineer colleagues who perform similar duties.

All current scientists within the SCP program have advanced degrees, and most recent new hires have PhDs or many years of work experience. While not required for the ES or Senior ES classification, having an advanced degree provides a significant advantage due to the nature of work conducted by scientists within the program. This work includes evaluating and interpreting the scientific literature; designing and managing laboratory studies; learning the latest scientific techniques; preparing comprehensive and high caliber technical documents that pass external scientific peer review; developing regulations; publishing reports and research articles; evaluating alternative analyses; engaging with stakeholders; and coordinating and collaborating with scientists in academia, government, non-profits, and the private sector within the United States and internationally.

Due to the interdisciplinary and complex nature of SCP's work, the program's ability to attract and retain top scientists is critical to its function and success. To protect California's citizens and environmental resources, SCP must build and maintain a workforce of highly trained scientists from a broad range of scientific disciplines and backgrounds. However, since the regulations were implemented in 2013, the program has consistently run a 30% vacancy rate within the environmental scientist classifications. The SCP program attracts candidates because of the unique and meaningful nature of the work, but it loses scientists at a much greater rate than engineers due to the significant salary inequity.

Should the pay issue not be fixed, many scientists will seek other higher-paying employment opportunities, and those who choose to stay will continue feeling devalued and demoralized. This will

result in continued negative impacts on the SCP program, and ultimately, its long-term effectiveness and viability. Because the SCP program is so small, losing even one scientist has significant impacts on individual projects and can take years to recuperate, thus setting the program back dramatically.

When classifications doing similar or the same work are not compensated comparably, problems often arise. This fact is well known to the State of California, as the California Government Code 19826(a) states that: “The department shall establish and adjust salary ranges for each class of position in the state civil service subject to any merit limits contained in Article VII of the California Constitution. The salary range shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities. In establishing or changing these ranges, consideration shall be given to the prevailing rates for comparable service in other public employment and in private business” [emphasis added].

In 2014, salaries were adjusted for Unit 10 supervisors and managers pursuant to the Like Pay for Like Work (LWLP) case, which concluded that environmental scientists and engineers do similar and comparable work and must be compensated similarly. The court found that fourteen Unit 10 scientific classifications, including the Environmental Scientist series, had responsibilities that were similar and comparable to that of engineers. Based on these findings, a decision was issued that required the adjustment of Supervising Scientist salaries, either to be the same, or nearly the same, as that of their Supervising Engineer counterparts. As the responsibilities of rank-and-file scientists and engineers in the SCP program are likewise the same or comparable, the salaries of scientists also need to be adjusted to be equal to their engineer counterparts.

The “Internal Salary Relationship” statements on the California Human Resources (CalHR) website make clear that CalHR considers the relationship between classifications doing comparable work and attempts to ensure those classifications are paid in a like manner. The CalHR website states: “When establishing a salary for a new class or adjusting the salary of an existing class, CalHR pays particular attention to the salaries of similar civil service classes. If a class salary is too low in comparison with related classes, agencies will have difficulty recruiting qualified personnel.”

The SCP Program is clearly experiencing difficulties recruiting and retaining qualified scientists since their salaries are vastly lower than the engineers in the program doing the same or comparable work. The solution is clear - SCP scientists should be compensated equitably with its engineers. Pay equity is critical to ensuring that the program will have a strong workforce that can act on its bold mission to reduce and eliminate the use of toxic chemicals in California, thus creating safer products and healthier lives.