

Office of Environmental Health Hazard Assessment



Linda S. Adams
Acting Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

April 12, 2011

Mr. Robert Callahan
Policy Advocate
California Chamber of Commerce
1215 K Street, Suite 1400
Sacramento, California 95814

Dear Mr. Callahan:

This letter follows up on the March 22, 2011 meeting that you and representatives of various business and industry organizations had with Governor Brown's staff, the California Environmental Protection Agency (Cal/EPA) and the Office of Environmental Health Hazard Assessment (OEHHA) regarding OEHHA's recent activities. I felt the meeting was productive and provided a valuable exchange of information between OEHHA and the business community.

In keeping with the open dialogue that took place at the meeting, I would like to reiterate in writing the follow-up actions that OEHHA will take concerning the projects of key interest to the business community. These actions are:

1. Proposed public health goal (PHG) for hexavalent chromium: OEHHA will proceed with steps needed to finalize the PHG, beginning with the review of public comments received in February on the revised proposed PHG. While finalization of the PHG will not be dependent on the completion of the Hamner Institute study of the mode of action of hexavalent chromium, OEHHA will review papers and materials relating to the Hamner Institute study when they are published. If the study produces compelling information that should be reflected in the PHG document, OEHHA will take appropriate action regarding the document.
2. Proposed PHG for perchlorate: OEHHA will arrange for the University of California to oversee an external scientific peer review of the draft PHG for perchlorate as requested by the Perchlorate Study Group and the Partnership for Sound Science in Environmental Policy pursuant to Health and Safety Code Section 116365. Following the PHG development process provided in Section 116365, OEHHA will consider the public and peer review comments, make any necessary revisions to the draft document, and release the document for an additional 30-day comment period.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.

3. Proposition 65 listing of 4-methylimidazole (4-MEI): OEHHA will continue to work with the Grocery Manufacturers Association, California Retailer's Association and other interested parties on a possible amendment to the existing regulations that would identify more specific options for complying with Proposition 65 warning requirements for listed chemicals in foods. OEHHA will also continue development of a safe harbor number for 4-MEI that will provide important assistance to businesses in complying with warning requirements for the chemical. The next step is for OEHHA to review comments received on the proposed safe harbor number during the public comment period that closed March 24.
4. Possible Proposition 65 listing of titanium dioxide: OEHHA is carefully considering the best approach to beginning the Proposition 65 listing process for titanium dioxide. We appreciate the concerns in the business community over the possible impact of a Proposition 65 listing of this chemical. We expect to make a decision soon concerning the next step for titanium dioxide. As always, we will provide public notice and an opportunity for public comment.
5. Proposed hazard trait regulation: As required by law, OEHHA is requesting an external scientific peer review through the University of California of the proposed regulation and supporting documents. We are also reviewing the public comments we received on the regulation in February. The regulatory process will take additional time to complete. We anticipate completing the regulatory process within the year. OEHHA will continue to work with the Department of Toxic Substances Control to ensure our two proposed "green chemistry" regulations achieve the purposes of the controlling statutes.
6. Cumulative Impacts project: Cal/EPA agreed to add additional scientific expertise to the Cumulative Impacts and Precautionary Approaches Work Group so that it is in the best position to provide input on OEHHA's development of guidance for Cal/EPA boards, departments and offices to use in assessing cumulative impacts of pollution on California communities. We view the development of guidance as an important opportunity to discuss stakeholder concerns.
7. Styrene PHG: As you know, OEHHA spent over ten years developing the styrene PHG. OEHHA carefully considered the styrene industry's comments and concerns. The PHG document underwent two rounds of public comments and an external scientific peer review overseen by the University of California. OEHHA specifically responded to both the public comments and the peer review comments when it published the final PHG. In order to meet the statutory requirements for PHGs to be based solely on protection of public health, OEHHA established the PHG at a level that would protect against the possibility of cancer as the most critical potential health effect. The basis for the PHG is supported by

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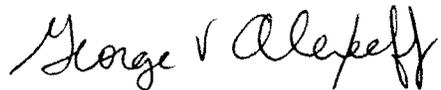
Page 3

the scientific literature cited in the document. The Department of Public Health is tasked with considering the technological and economic feasibility of complying with a Maximum Contaminant Level as one is developed. In the event new scientific information is developed and published concerning styrene in drinking water, OEHHA will consider whether changes to the document are necessary.

8. Proposed chronic reference exposure level (CREL) for caprolactam: The proposed CREL for caprolactam is undergoing an external scientific peer review by the Scientific Review Panel for Toxic Air Contaminants (SRP). OEHHA is currently revising the CREL document based on comments made by the SRP at its January 2011 meeting. The SRP will review the draft document again at an upcoming meeting. OEHHA is committed to giving the Carpet and Rug Institute and other interested parties at least 30 days to review the next draft and any future drafts of the CREL document prior to future SRP meetings.

Cal/EPA and OEHHA continue to have an "open door" policy of meeting with stakeholders who are interested in our various projects. You may call me at (916) 322-6325, or OEHHA chief deputy director Allan Hirsch at (916) 324-2831, if you have any questions or wish to discuss these or other matters.

Sincerely,



George V. Alexeeff, Ph.D., DABT
Acting Director

cc: Cliff Rechtschaffen
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Mr. Robert Callahan

April 12, 2011

Page 4

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