



Representing Household & Institutional Products

Aerosol - Air Care - Cleaners - Polishes  
Automotive Care - Antimicrobial - Pest Management

October 20, 2015

Ms. Esther Barajas-Ochoa  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, CA 95812-4010

**Re: *Opposition to OEHHA Notice of Intent to List Tetrachlorvinphos, Parathion, Malathion, Glyphosate via the Proposition 65 Labor Code Mechanism***

Dear Ms. Barajas-Ochoa:

On behalf of the Consumer Specialty Products Association<sup>1</sup>, we thank you for opportunity to comment on the Notice of Intent to List Chemicals by the Labor Code Mechanism: Tetrachlorvinphos, Parathion, Malathion, and Glyphosate<sup>2</sup>. We are opposed to the Office of Environmental Health Hazard Assessment's (OEHHA's) intent to list these chemicals as known to the State of California to cause cancer under the state's Safe Drinking Water and Toxic Enforcement Act of 1985 (Proposition 65) under the "Labor Code" listing mechanism.

While we recognize that OEHHA has the authority to utilize International Agency for Research on Cancer (IARC) findings for classification, precluding consideration of the scientific evidence considered by IARC or other regulatory agencies presents significant challenges and can result in listing decisions that are not soundly scientific based.

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<sup>1</sup> The Consumer Specialty Products Association (CSPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$100 billion annually in the U.S. of familiar consumer products that help household and institutional customers create cleaner and healthier environments. CSPA member companies employ hundreds of thousands of people globally. Products CSPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. Through its product stewardship program, Product Care<sup>®</sup>, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety and sustainability of their products. For more information, please visit [www.cspa.org](http://www.cspa.org).

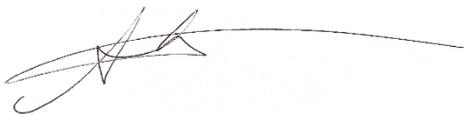
<sup>2</sup> [http://oehha.ca.gov/prop65/CRNR\\_notices/admin\\_listing/intent\\_to\\_list/pdf\\_zip/090415NOIL\\_LCSet27.pdf](http://oehha.ca.gov/prop65/CRNR_notices/admin_listing/intent_to_list/pdf_zip/090415NOIL_LCSet27.pdf)

Not considering the science underlying IARC's determination and other existing scientific data that bolsters or contradicts the IARC determination significantly damages the credibility of OEHHA while effectively precluding the involvement of the regulated community. OEHHA is effectively deferring its authority to a quasi-governmental international body without any safeguards for due process and public involvement that are the hallmark of the United States and California Constitutions. Listing via the Labor Code mechanism significantly limits or precludes public involvement as IARC will not consider public comments nor is IARC subject to any review or appeal. Consequently, there are no safeguards or transparency with the Labor Code process that are required for each other listing mechanism.

In addition, the U.S. Environmental Protection Agency (U.S. EPA) and other regulatory agencies have carefully reviewed the extensive data on glyphosate and EPA concluded that it has no evidence of carcinogenicity for humans (Group E)<sup>3</sup> while a recent review conducted on behalf of the European Union as part of a pesticide registration review "assessed glyphosate as non-carcinogenic."<sup>4</sup> In contrast, the IARC classification process was limited in scope, excluded critical data, and arrived at a vastly different conclusion. Not considering the findings of other competent regulatory authorities such as the U.S. EPA and uncritically accepting the assessment of IARC is an unfortunate basis for public policy and a disservice to the citizens of California.

As an industry, we take the safety and stewardship of pesticides extremely seriously. In the United States, the European Union and most countries worldwide, no herbicide can be used until it has been thoroughly reviewed and approved for its intended use. This robust regulatory process should give pesticide applicators and users, public health authorities and the general public confidence that pesticide products can be used safely and effectively when label directions are followed.

Respectfully submitted,



Steven Bennett, Ph.D.  
Senior Director, Scientific Affairs & Sustainability

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<sup>3</sup> <http://www.gpo.gov/fdsys/pkg/FR-2013-05-01/pdf/2013-10316.pdf>

<sup>4</sup> <http://www.bfr.bund.de/cm/349/does-glyphosate-cause-cancer.pdf>

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A handwritten signature in cursive script that reads "Kristin Power".

Kristin Power

Vice President, State Affairs

cc: CSPA Scientific Affairs Committee Prop 65 Task Force  
CSPA State Government Affairs Advisory Committee  
Nicole Quinonez, Randlett/Nelson/Madden