

July 9, 2009

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California 95812-4010  
coshita@oehha.ca.gov

Re: Comments on Chemicals Proposed for Listing by the Labor Code Mechanism (Carcinogens)

Dear Ms. Oshita:

Thank you for your response regarding our requested extension of the comment period for the subject enumerated above. We now turn our attention to the Request for Comments on Chemicals Proposed for Listing by the Labor Code Mechanism (Carcinogens) dated 06/12/09 ("Request").

Franklin International is a privately owned marketer and manufacturer of adhesives and sealants with headquarters and most operations in Columbus, Ohio, manufacturing and sales in Guangzhou, China and a distributor network covering the globe. Vinyl acetate is our most strategic raw material and has been used safely and widely for over fifty of our seventy-four years of responsible history.

### **Vinyl Acetate is an Important Chemical in Our Business and Has Environmental Benefits**

Vinyl acetate monomer is an industrial liquid that we use extensively in emulsion and solution polymerization processes to produce customized, environment- and user-friendly polymer resins for the majority of our finished adhesive products.

We produce a wide variety of consumer and industrial products that use vinyl acetate. Some of the more common or important of these include:

- Titebond<sup>®</sup> wood glues and construction adhesives
- Titebond Greenchoice<sup>®</sup> adhesives
- Titebond PROvantage<sup>®</sup> VOC-compliant adhesives
- Please visit our websites [www.titebond.com](http://www.titebond.com) and [www.titebondgreenchoice.com](http://www.titebondgreenchoice.com) for more.
- A wide range of low-formaldehyde adhesives for industrial window, door and engineered hardwood plywood manufacturing produced under the Multibond<sup>™</sup> brand name.
- Please visit our website [www.franklinadhesives.com](http://www.franklinadhesives.com) for more.

In addition to the beneficial products and uses of these polymers, there is an environmental benefit to the use of vinyl acetate. The only substitutes we are aware of for vinyl acetate involve greater environmental impacts. For instance, replacing vinyl acetate likely would result in an increase in VOCs from the replacement chemicals, and increase in CO2 emissions, and an increase in the disposal of solid waste.

### **OEHHA Should Not List Vinyl Acetate Based on the Labor Code Reference**

Vinyl acetate has only been identified as a 2B chemical by IARC, on the basis of extremely limited animal testing results. The 2B category generally, and vinyl acetate in particular, does not have the level of scientific information developed to support any finding of “known” to cause cancer without substantial additional review. To the contrary, the monograph for vinyl acetate says: “

There is *inadequate evidence* in humans for the carcinogenicity of vinyl acetate.

There is *limited evidence* in experimental animals for the carcinogenicity of vinyl acetate.

Thus, OEHHA would be abrogating its responsibility to undertake a rigorous science based review of vinyl acetate if it followed through on the proposed listing.

We do not accept any interpretation of the Labor Code or the Superior Court decision in *Sierra Club v. Schwarzenegger* as mandating the listing of chemicals that IARC has classified as 2B. Rather, the proposed listing reflects an exercise of discretion that should be the subject of review and comment. Moreover, to the extent we can discern any criteria that may have been used to identify 2B chemicals, including vinyl acetate, for listing such criteria are inconsistent with Proposition 65.

Vinyl acetate in particular is a chemical that should not be listed without a more rigorous scientific review. This was implicitly recognized by OEHHA in an earlier review of vinyl acetate by the Carcinogen Identification Committee (CIC). The CIC reviewed vinyl acetate in the mid-1990s and decided it was not a high priority chemical for listing consideration.

### **OEHHA Should Not Rush a Decision that Will Have Such Dramatic and Immediate Impact**

At a minimum, OEHHA should defer listing any of the 2B chemicals as part of the Labor Code listing mechanism until the appeals of *Sierra Club v. Schwarzenegger* have been resolved. A notice of appeal has been filed in the case, and the underlying legal issues associated with the scope of the Labor Code listing under Health & Safety Code § 25249.8 (a) will impact how the chemicals proposed for listing will ultimately be considered under Proposition 65.

There is particular concern with the timing of this type of action where, as here, there are a number of unintended negative impacts associated with the listing of vinyl acetate. Beyond the environmental and public health impacts associated with the use of substitute chemicals that are

more harmful and create greater emissions and wastes, our business would be significantly impacted during the most severe economic recession in our company's history. The stigma associated with a Prop 65 listing would negatively affect our business outside of California, leading us to decide whether continuing to do business in California under new restrictions would be sensible. Filling the void left by such a retreat would be replacement chemicals like isocyanate, bisphenol A (BPA), or materials producing methanol as by-products, all of which would be many times the cost to Californians of existing products using vinyl acetate.

## **Conclusion**

We appreciate the opportunity to submit these comments and encourage OEHHA to remove vinyl acetate from the proposed chemicals to be listed using the Labor Code mechanism. Vinyl acetate is an important raw material in our business and provides an environmental and economic benefit to our products and, thereby, to our customers. It is our understanding that there is insufficient evidence to consider it a chemical known to cause cancer. At a minimum, we would expect OEHHA to undertake a real review of the science before making such an important pronouncement.

Thank you in advance for your consideration of these comments. Please feel free to contact me at [evanwilliams@franklininternational.com](mailto:evanwilliams@franklininternational.com) or 614-443-0241 or our Product Stewardship Manager, Amanda Thomas, at [amandathomas@franklininternational.com](mailto:amandathomas@franklininternational.com) if you wish to discuss this further.

Respectfully,

Evan A. Williams  
President & COO