

Office of Environmental Health Hazard Assessment



Linda S. Adams
Secretary for Environmental Protection

Joan E. Denton, Ph.D., Director

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Arnold Schwarzenegger
Governor

October 23, 2007

Danielle E. Leonard
Altshuler Berzon LLP
177 Post Street, Suite 300
San Francisco, California 94108

Dear Ms. Leonard;

This letter is in response to your petition requesting that the Office of Environmental Health Hazard Assessment (OEHHA) propose perfluorooctanoic acid (PFOA) and its salts for expedited consideration and listing under Proposition 65 by the Developmental and Reproductive Toxicant Identification Committee (DART IC). OEHHA received your petition on July 16, 2007, and we subsequently discussed the petition with you on October 1, 2007. We also met with representatives from DuPont.

After very careful consideration of the petition, including consultation with Dr. Dorothy Burke, the Chair of the DART IC, I have decided not to present PFOA to the DART IC on December 10, 2007. While OEHHA recognizes the widespread exposure to PFOA, the available data on this chemical's potential developmental and reproductive effects do not meet OEHHA's primary screening criterion for presenting the chemical to the DART IC at this time. OEHHA feels it is appropriate for the committee at its upcoming meeting to focus on eight other chemicals with datasets that do meet this criterion.

As you know, for the last several years OEHHA has been implementing an updated procedure for prioritizing chemicals for consideration by the State's Qualified Experts (the DART IC and the Carcinogen Identification Committee) under Proposition 65. The procedure is laid out in the document, "Process for Prioritizing Chemicals for Consideration Under Proposition 65 by the 'State's Qualified Experts'" (available at http://www.oehha.ca.gov/prop65/CRNR_notices/state_listing/pdf/finalPriordoc.pdf).

Using this procedure, chemicals in OEHHA's tracking database of chemicals that potentially cause developmental and reproductive toxicity, were primarily evaluated for human epidemiological studies, specifically for at least two analytical epidemiological studies of sufficient quality. Since PFOA is included in OEHHA's tracking database it was evaluated but it did not pass this screen. After receipt of your petition, OEHHA again applied this screen to PFOA and found that, although new data had become available since first applying the screen, the data on PFOA were still insufficient.

California Environmental Protection Agency

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

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Ms. Danielle E. Leonard

October 23, 2007

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The eight chemicals that passed the epidemiologic screen will be presented to the DART IC on December 10. The committee will recommend whether any or all of those chemicals should be brought back to the committee at future meetings as candidates for possible addition to the Proposition 65 list. All of these chemicals have a substantial body of data relevant to their potential to cause developmental and reproductive toxicity, and all have the potential for significant public exposure. Therefore, I believe that OEHHA's limited resources should be dedicated to follow-up on the selected chemicals resulting from the discussion at the DART IC meeting in December.

The information that you provided in your petition, in particular the potential public health concern due to widespread exposure to PFOA, is important to public health. Because of this, our staff will monitor, to the extent possible with our existing resources, the development and publication of any new data relevant to the potential developmental or reproductive toxicity of PFOA. As additional data become available, we will continue to reserve the option of bringing PFOA before the DART IC, or, if appropriate, pursue the listing of PFOA through one of our administrative processes. If additional scientific information on PFOA becomes available to you, please let us know.

Thank you for your interest and participation in this process. If you have any questions, or wish to discuss this decision further, please contact myself at (916) 322-6325 or Allan Hirsch, Chief Deputy Director, at (916) 324-7572.

Sincerely,

[Original signed by]

Joan E. Denton, Ph.D.
Director

cc: Allan Hirsch
Chief Deputy Director

Dorothy T. Burk, Ph.D.
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