

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**REQUEST FOR COMMENTS ON CHEMICALS PROPOSED FOR LISTING  
BY THE LABOR CODE MECHANISM**

**June 12, 2009**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is requesting comments as to whether the chemicals identified in the table below meet the requirements for listing under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to Health and Safety Code section 25249.8(a).

<b>Chemical</b>	<b>CAS No.</b>	<b>Endpoint</b>	<b>Reference</b>
Tert-Amyl methyl ether	994-05-8	Developmental	ACGIH (2009)
n-Butyl glycidyl ether	2426-08-6	Male reproduction	ACGIH (2009)
Carbaryl	63-25-2	Male reproduction Developmental	ACGIH (2009)
Chloroform	67-66-3	Developmental	ACGIH (2009)
2-Chloropropionic acid	598-78-7	Male reproduction	ACGIH (2009)
Dichloroacetic acid	79-43-6	Male reproduction	ACGIH (2009)
Diglycidyl ether	2238-07-5	Male reproduction	ACGIH (2009)
N,N-dimethylacetamide	127-19-5	Developmental	ACGIH (2009)
Ethylene oxide	75-21-8	Male reproduction Developmental <sup>1</sup>	29 CFR part 1910, Subpart Z
Ethyl-tert-butyl ether	637-92-3	Male reproduction	ACGIH (2009)
2-Ethylhexanoic acid	149-57-5	Developmental	ACGIH (2009)
Methyl chloride	74-87-3	Male reproduction <sup>2</sup>	ACGIH (2009)
Methyl n-butyl ketone	591-78-6	Male reproduction	ACGIH (2009)
p,p'-Oxybis(benzenesulfonyl hydrazide)	80-51-3	Developmental	ACGIH (2009)
Phenyl glycidyl ether	122-60-1	Male reproduction	ACGIH (2009)
Phenylphosphine	638-21-1	Developmental	ACGIH (2009)
Toluene	108-88-3	Female reproduction <sup>2</sup>	ACGIH (2009)

1,3,5-Triglycidyl-s-triazinetrione	2541-62-9	Male reproduction	ACGIH (2009)
4-Vinyl-cyclohexene	100-40-3	Male reproduction Female reproduction	ACGIH (2009)

<sup>1</sup> Already on the Proposition 65 list on the basis of female reproductive toxicity

<sup>2</sup> Already on the Proposition 65 list on the basis of developmental toxicity

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) incorporated certain provisions of the California Labor Code into Proposition 65. The law requires that certain substances identified as causing reproductive toxicity in 29 CFR part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration or in the Threshold Limit Values for Chemical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists [ACGIH] (latest edition) be listed as known to cause reproductive toxicity under Proposition 65. As the lead agency for the implementation of Proposition 65, the OEHHA evaluates whether listing under Proposition 65 is required.

**OEHHA's determination:** In the case of all of the above-identified chemicals except ethylene oxide, the ACGIH Threshold Limit Value was established based solely or in part on the basis of a relevant reproductive or developmental effect. In the case of ethylene oxide, Title 29 of the Code of Federal Regulations, section 1910, subpart Z, identifies the chemical as causing developmental and male reproductive toxicity.

**Request for comment:** OEHHA is requesting comments as to whether the chemicals identified above meet the requirements for listing as causing reproductive toxicity, as specified in Health and Safety Code section 25249.8(a). **Because these are ministerial listings, comments should be limited to the question whether the ACGIH has established a TLV for the chemical or substance that is based in whole or in part on a reproductive or developmental effect, or whether OSHA has identified the chemical as causing reproductive or developmental effects in Title 29, CFR section 1910, subpart Z. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence and will not respond to such comments if they are submitted.**

**OEHHA must receive comments by 5:00 p.m. on Monday, July 13, 2009.** A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice:

Mailing Address: Ms. Cynthia Oshita  
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If you have any questions, please contact Ms. Oshita at (916) 445-6900.