

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(Proposition 65)**

**AVAILABILITY OF THE DRAFT PRIORITIZATION PROCESS DOCUMENT
FOR PUBLIC REVIEW AND COMMENT**

May 28, 2004

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65, California Health and Safety Code 25249.5 et seq.) requires the Governor to publish a list of chemicals known to cause cancer and reproductive toxicity. One of the mechanisms by which a chemical is placed on this list is a finding by the “state’s qualified experts” that a chemical “has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity.” (Health and Safety Code section 25249.8(b)) As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) has formed the Science Advisory Board (SAB), which includes two committees of independent scientists and health professionals that serve as the state’s qualified experts. These committees are the Carcinogen Identification Committee (CIC) and the Developmental and Reproductive Toxicant Identification Committee (DART IC).

This document describes a process used by OEHHA staff to identify chemicals for evaluation by the CIC and DART IC. The process is designed to ensure that the efforts of these committees are focused on chemicals that may pose significant hazards to Californians. As with the previous prioritization process, this process includes opportunities for public input at multiple points.

At its December 2002 meeting the CIC asked OEHHA to develop this process as an alternative to the prioritization process currently in use. The CIC specifically asked for an alternative process that could better take into account the level of exposure and population potentially affected by various chemicals being reviewed by OEHHA, as well as the degree and extent of potential harm posed by the chemicals. The CIC also asked OEHHA to address the deficiencies in the current process and the costs of the alternative process.

The prioritization process also affects the work of the DART IC and, after consultation with the Director of OEHHA, the Chair of the DART IC asked that the DART IC be involved in developing an alternative prioritization process. The Prioritization Subcommittee, formed as a subcommittee of the DART IC and CIC, is advising OEHHA in this effort. When finalized, this prioritization process will replace the existing one described in OEHHA’s 1997 document, “Procedure for Prioritizing Candidate Chemicals for Consideration under Proposition 65 by the ‘State’s Qualified Experts’.”

OEHHA is seeking public comment on the proposed changes to its prioritization procedure. However, the discretion to modify or adopt this or any other internal management procedure remains with the Director. This procedure does not have the force or effect of law or regulation and is not subject to the requirements of the Administrative Procedure Act (see Health and Safety Code section

25249.8(e)). OEHHA is requesting comments regarding whether the proposed prioritization procedure can efficiently identify chemicals for CIC and DART IC review.

This notice announces the availability of the draft prioritization process document and initiates a 30-day public review and comment period. A public workshop will be held during the comment period on **Wednesday, June 16, 2004**, in Oakland, California. The workshop will commence at 10:00 a.m. in Conference Room 2, Elihu Harris State Building, 1515 Clay Street, Oakland California, and will last until all business has been conducted or until 5:00 p.m. After revisions, the revised procedure will undergo a second comment period (30-day) prior to review by the CIC and DART IC. The draft document is available from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the Internet at the following address: **<http://www.oehha.ca.gov/prop65.html>**. Written comments provided in **triplicate** should be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Monday, June 28, 2004.