


A M E R I C A N B E V E R A G E
A S S O C I A T I O N

October 18, 2010

Via E-Mail and U.S. Mail

Dr. Joan Denton, Director
Office of Environmental Health Hazard Assessment
Post Office Box 4010
Sacramento, CA 95812

Dr. Dorothy Burk, Chair
and Members
Developmental and Reproductive Toxicant
Identification Committee
c/o Dr. Joan Denton, Director
Office of Environmental Health Hazard Assessment
Post Office Box 4010
Sacramento, CA 95812

Re: CERHR Petition

Dear Dr. Denton and Dr. Burk and Committee Members:

On August 18, 2010, the American Beverage Association joined and expressed support for the American Chemistry Council (ACC) petition to remove the NTP's CERHR from the list of bodies considered authoritative for reproductive toxicity issues. We requested that the DART Identification Committee place this important issue on its agenda for October 2010. We reiterate our request that the Committee substantively review the authoritative status of CERHR as soon as possible. In the meantime, we urge the Committee to recommend to OEHHA that no listings based upon CERHR documents be made, and we request OEHHA not to undertake any CERHR-based listings during this time. The authoritative status of CERHR is an important issue relevant to many more chemicals than just bisphenol A.

We believe that the most fundamental notions of fair play and good government dictate that the Committee substantively review the authoritative status of CERHR this year and that OEHHA not take action on any further CERHR-based listings until that review takes place. The CERHR was identified as an authoritative body in December 2002 based upon the NRDC's August Petition requesting that action. The Petition to list CERHR was placed on the Committee's agenda *for action* rather than just for discussion. The public was given four weeks to comment and was advised of the petition about six weeks before the Committee meeting. This same schedule could have been followed for the ACC's petition, but was not. Accordingly, we suggest that the DART Identification Committee schedule a meeting for the second or third week of December so that it may review this matter and so that the public may be afforded a comment period of at least four weeks.

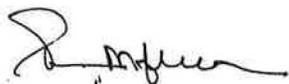
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As noted in the ACC Petition, a number of important substantive issues also strongly favor DART Identification Committee review of CERHR's authoritative status.

Finally, we are confused as to why OEHHA did not post our August 18 comments concerning CERHR on October 8 when it posted other public comments concerning this agenda item. We request that OEHHA post all comments received this year concerning the authoritative status of CERHR and that all such comments be distributed to the Committee for review before its October 21 meeting.

Regards,

A handwritten signature in black ink, appearing to read "Patricia Magee Vaughan". The signature is fluid and cursive, with a large initial "P" and "M".

Patricia Magee Vaughan
Senior Vice President and General Counsel
Legal and Regulatory Affairs