



October 19, 2010

Dorothy Burk, Ph.D., Chairperson
Committee Members
Developmental and Reproductive Toxicant Identification Committee

Joan Denton, Ph.D., Director
Office of Environmental Health Hazard Assessment
Post Office Box 4010, MA-19B
Sacramento, California 9581204010

RE: *PETITION TO RESCIND DESIGNATION OF NTP-CERHR AS AUTHORITATIVE BODY*

Dear Drs. Denton and Burke and Committee Members:

I am writing on behalf of the California Manufacturers & Technology Association (CMTA) to request that you request public comment on the petition filed by the American Chemistry Council to rescind the designation of the National Toxicology Program Center for Evaluation of Risks to Human Reproduction as an “authoritative body” for purposes of Proposition 65 and include the petition as a voting issue for the next meeting of the Committee, which we understand will take place in the Spring of 2011.

CMTA includes over 800 California members, who manufacture everything from food, oil, durable goods to electronics and solar systems to California and the world. We provide over 1.5 million jobs to Californians. As part of its mission, CMTA monitors and takes part in regulatory and legislative processes of government that affect manufacturers, the state’s economy and the public in general. As such, CMTA and its members have a clear interest in the administration of Proposition 65, the petition and its consideration by the Committee.

CMTA believes that the petition raises an issue of critical importance to the implementation of Proposition 65. NTP-CERHR Monographs have been drafted or are in the process of being drafted for a number of chemicals (including acrylamide, genistein, soy infant formula and methanol) that may be considered for listing under Proposition 65, and which raise important issues regarding food products that are produced and consumed in California. If these chemicals are proposed for listing, interested parties should receive fair consideration under a process that is transparent and comprehensible to all concerned. The petition raises legitimate questions whether those goals can be achieved using NTP-CERHR Monographs as the basis for authoritative bodies listings.

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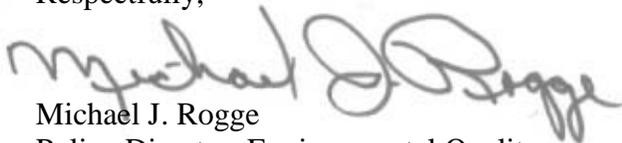
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Aside from the obvious merits of the petition, there is an important procedural reason why public comment should be solicited and why the petition should be placed on the agenda for public discussion before any decision as to its disposition. It appears from the face of the petition that it was filed with OEHHA and the DART-IC on August 5, 2010, and then was posted on the OEHHA website on October 8, 2010 as part of the public notice of the Committee's agenda for the October 21, 2010 meeting. It is equally apparent from other documents on the OEHHA website that certain parties opposed to the petition were provided copies of the petition before it was made available to the public, and thus were given an opportunity to submit written comments to the Committee prior to the upcoming public meeting. With the benefit of that opportunity, certain NGOs have submitted detailed written comments on the merits of the petition, arguing that the petition should be denied and should not be placed on the agenda as a voting item.

The selective distribution of a petition by a government agency to organizations that will oppose the petition without notice to the public at large and equal opportunity for comment to those who may favor the petition is fundamentally improper. Because the petition raises an important and legitimate question, organizations like ours that produce, distribute and sell the food that Californians consume and contribute so much to the California economy should receive a full opportunity to prepare written comments on the merits of the petition and have their views heard.

We request that public comment be heard on this issue on October 21.

Respectfully,



Michael J. Rogge
Policy Director, Environmental Quality
California Manufacturers & Technology Association

cc: Cindy Tuck, Undersecretary, California Environmental Protection Agency