

# DART IC PUBLIC MEETING

## DELTAMETHRIN

*March 18, 2013*

# INTRODUCTIONS

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## *Appearing but not speaking:*

- Valent BioSciences Corporation  
Consumer Specialty Products Association  
Western Plant Health Association

# THE STANDARD *for* LISTING

## ■ THE STATUTE

A “chemical is known to the state to cause . . . reproductive toxicity if in the opinion of the state’s qualified experts it has been *clearly shown* through *scientifically valid testing* according to *generally accepted scientific principles to cause* . . . reproductive toxicity.”

California Health & Safety Code § 25249.8(b) (emphasis added).

## THE STANDARD *for* LISTING *(cont'd)*

### ■ CALIFORNIA COURT of APPEAL (2012), *Styrene Information and Research Center v. OEHHA*

Proposition 65 Preamble states

“The people . . . declare their rights: (a) to protect themselves and the water they drink against chemicals *that cause* cancer, birth defects, or other reproductive harm.”

(Emphasis in court opinion.)

“We conclude the Proposition 65 list is limited to chemicals for which it has been determined . . . that the chemical is *known to cause* cancer or reproductive toxicity.”

(Emphasis added.)

The Court noted that the ballot pamphlet is helpful to interpret the law and that it said: “Proposition 65’s new civil offenses focus only on chemicals that are *known to the state* to cause cancer or reproductive disorders. *Chemicals that are only suspect are not included . . . .*”

(Emphasis added.)

CRITERIA *for* RECOMMENDING CHEMICALS *for* LISTING  
*as KNOWN to the STATE to CAUSE REPRODUCTIVE TOXICITY*  
(November, 1993)

- The CRITERIA DOCUMENT provides that:

*“criteria included herein shall be utilized* by the [DART IC] to identify chemicals as known to the State to cause reproductive toxicity.”

\* \* \*

“In evaluating the sufficiency of data, a *“weight of evidence” approach shall be used to evaluate the body of information for a given chemical.*”

(Emphasis added).

## AUTHORITATIVE BODIES LISTING MECHANISM

“ . . . a chemical is known to the state to cause . . . reproductive toxicity if the lead agency determines that *an authoritative body* has formally identified the chemical as causing . . . reproductive toxicity . . . .”

Cal. Code Regs., title 22, § 25306  
(Chemical Formally Identified By Authoritative Bodies)

### *Importance:*

- Deltamethrin registered for use as a pesticide with US Environmental Protection Agency since 1994.
- US EPA is an “authoritative body” for purposes of Section 25306