



July 11, 2011

**Via E-Mail**

Dorothy Burk, Ph.D.  
Chair, California Developmental and Reproductive  
Toxicant Identification Committee

Re: CERHR and NTP/ Authoritative Bodies Issues

Dear Dr. Burk:

As you may recall from our letters to you of August 18, 2010 and October 18, 2010, the American Beverage Association has joined in and expressed support for the petition to remove the National Toxicology Program's ("NTP") Center for the Evaluation of Risks to Human Reproduction ("CERHR") from the list of bodies considered authoritative for reproductive toxicity issues, submitted by the Polycarbonate/BPA Global Group of the American Chemistry Council on August 5, 2010.

The issues raised by the ACC petition are of widespread importance and go well beyond bisphenol A, for example, another CERHR report addresses methanol which is found in fruit juice. Important and not-at-all-simple assessments of the issues relating to these chemicals should not be based upon OEHHA's ministerial review of a CERHR document.

The responsibility of designating authoritative bodies, and of reviewing those designations when appropriate, is an extremely important responsibility of this Committee. Proposition 65 calls upon the Governor to publish "a list of those chemicals known to the state to cause . . . reproductive toxicity." The Governor, through OEHHA and the regulations it administers, has asked the DART Identification Committee to be responsible for identifying what bodies are "authoritative" for the important Proposition 65 task of identifying "known" reproductive toxicants. We support and consider correct the Committee's 1998 action to clarify that NTP is not generally authoritative on reproductive toxicity issues.

Proposition 65 was described to the California voters in the official Ballot Pamphlet as a law that "singles out chemicals that are scientifically known to cause cancer or reproductive disorders (such as birth defects)." (Emphasis in original). This point was repeated several times in the Ballot Pamphlet; for example, "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." (Italics in original).

The DART Identification Committee has before it sufficient information to evaluate our and others' concerns that CERHR should not be treated as an authoritative body. The Committee does not have, however, information before it that is adequate to evaluate whether any other unit within the NTP, or the NTP itself as a whole, should be considered authoritative. It is our understanding that the Committee does not have any documents that serve as examples of what action of NTP, other than action by CERHR, might be considered authoritative. The identification of an authoritative body is far too significant to undertake on anything other than a complete record, and we urge the Committee to take no action during its July 2011 meeting other than action relating to CERHR.

We request that you or OEHHA share this letter with other members of the DART Identification Committee as soon as possible. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Magee Vaughan", written over a horizontal line.

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

cc: Dr. George Alexeeff  
Cynthia Oshita