

# VINYL ACETATE COUNCIL

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July 13, 2009

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California 95812-4010  
Via Email: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov)

Re: Comments on Proposed Listing of Vinyl Acetate by the Labor Code Mechanism of the Safe Drinking Water and Toxic Enforcement Act of 1986

Dear Ms. Oshita:

The Vinyl Acetate Council (VAC) appreciates this opportunity to submit comments in response to the June 12 Request For Comments On Chemicals Proposed For Listing By The Labor Code Mechanism, which includes vinyl acetate monomer (VAM; CAS No. 108-05-4). OEHHA cited as the basis for the proposal, Labor Code section 6382(d) (as referenced in Proposition 65 section 25249.8), which refers to OSHA's Hazard Communication Standard at 29 CFR 1910.1200, in combination with the International Agency for Research on Cancer's (IARC) classification of VAM in Group 2B.

VAC<sup>1</sup> represents the major North American manufacturers and users/processors of VAM and VAM based polymers. Needless to say, the VAC and its members are deeply concerned about the proposed listing given that it represents the state's determination that VAM should be considered a chemical known to the state of California as causing cancer.

The VAC has carefully reviewed the proposal and the underlying legal and policy basis for OEHHA's proposed determinations. We recognize that OEHHA is of the view that the Labor Code listing decisions are ministerial and as such we have focused the comments on the relevant issues and information needed for OEHHA to decide whether to proceed with the listing. As requested, we have not provided information on the available toxicology data although stand ready to provide such information if OEHHA decides to undertake a scientific review.

We further recognize that several issues relating to the utilization of the Labor Code listing provisions are subject to ongoing litigation (*Sierra Club v. Schwarzenegger*), including whether the Labor Code provisions are to be used to continuously update the Prop 65 list or were intended only for use in establishing the "initial" list. In light of the ongoing litigation, the VAC has chosen not to address these points in these comments. Nonetheless, as described in the attached, even assuming the Labor Code provisions are used in a ministerial fashion, VAC is

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<sup>1</sup> Additional information on VAC can be obtained from <http://www.vinylacetate.org/>.

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convinced that OEHHA has mistakenly included VAM as meeting the criteria for listing. We arrive at this position principally for two reasons:

1. VAM does not meet the definition of “carcinogen” in the OSHA Hazard Communication Standard. As you are no doubt aware, IARC is considered an authoritative source of information by OSHA. In a somewhat ministerial fashion, OSHA has decreed that only substances assigned to IARC Group 1 and 2A meet the definition of “carcinogen” which includes “carcinogens or potential carcinogens.”
2. Despite IARC’s assignment of VAM into Group 2B, IARC concluded in its last (1995) monograph on VAM that there was not sufficient evidence of carcinogenicity for humans or experimental animals. IARC’s 2B designation is based on ancillary information that does not change IARC’s determination that for VAM, there is inadequate evidence of carcinogenicity for humans and limited evidence for animals.

For these reasons, we encourage OEHHA to conclude that VAM does not qualify for listing in accordance with the Labor Code listing mechanisms. Please let me know if I can provide any additional information or clarification.

Sincerely,



Robert J. Fensterheim  
Executive Director

cc: Joan Denton  
Allan Hirsch  
Carroll Monaham-Cummings

# **Vinyl Acetate Council**

**Response to California Environmental Protection Agency  
Office of Environmental Health Hazard Assessment on  
Safe Drinking Water and Toxic Enforcement Act of 1986  
(Proposition 65)**

**Request for Comments on Chemicals Proposed for Listing by the  
Labor Code Mechanism (Carcinogens), June 12, 2009**

**Vinyl Acetate Council  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, DC 20036 USA  
202.419.1500**

**July 13, 2009**

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**VINYL ACETATE COUNCIL**  
**COMMENTS ON PROPOSED PROP 65 LISTING OF VINYL ACETATE**

**I. BACKGROUND/SUMMARY**

On June 12, 2009, the California Office of Environmental Health Hazard Assessment (OEHHA) proposed that vinyl acetate monomer (VAM) be added to the Proposition 65 (“Prop 65”) list of chemicals known to the state of California to cause cancer. OEHHA cited Labor Code section 6382(d) (as referenced in Prop 65 section 25249.8) and the International Agency for Research on Cancer’s (IARC) classification of VAM in Group 2B. As proposed by OEHHA (California Regulatory Notice Register 2009, volume no. 24-Z):

*In 1995, the IARC published Volume 63 of its series, IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. Here, the IARC concluded that vinyl acetate is “possibly carcinogenic to humans (Group 2B).” Therefore, this substance meets the requirements of Labor Code section 6382(d).*

Labor Code section 6382(d)<sup>1</sup> calls for the inclusion on the Proposition 65 list of:

*... any substance within the scope of the federal Hazard Communication Standard (29 C.F.R. Sec. 1910.1200)...*

Curiously, OEHHA chose to rely on this Labor Code section (hereinafter referred to as the Labor Code Haz Com mechanism), rather than the other Labor Code section 6382(b)(1) (also referenced in section 25249.8) which relates specifically to “Substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC)” (hereinafter referred to as Labor Code IARC mechanism).

The Vinyl Acetate Council (VAC), a trade association representing the North American manufacturers of vinyl acetate and vinyl acetate-based polymers, has reviewed the OEHHA proposal and underlying basis for the listing. As part of this review, VAC acknowledges that it is OEHHA’s contention<sup>2</sup> that the Labor Code listing mechanisms are:

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<sup>1</sup> The Court in *AFL-CIO v. Deukmejian* confirmed that even though the federal Hazard Communication Standard includes hazardous chemicals other than known carcinogens and reproductive toxicants, those need not be listed. As the Court stated: “the initial list, and subsequent lists published thereafter, need not include [\*\*486] all substances listed under HCS but only known carcinogens and reproductive toxins listed there.”

<sup>2</sup> January 26, 2006 OEHHA Response to Comments submitted by the American Herbal Products Association.

- To be used for both the “initial list” as well as subsequent revisions;<sup>3</sup>
- Ministerial in nature and are not subject to the procedural requirements or expert technical reviews adopted for the other listing mechanism within the regulations; and,
- That OEHHA maintains it has no discretion but to list all chemicals that meet the Labor Code criteria.

VAC further recognizes that these issues are the subject of ongoing litigation (*Sierra Club v. Schwarzenegger*) and as such has chosen not to address these points in the comments.

Nonetheless, explained below, even assuming the Labor Code provisions are to be used in a ministerial fashion to update the Prop 65 lists, OEHHA has mistakenly included VAM as meeting the criteria for listing under either Labor Code 6382(d) or 6382(b)(1), given that:

- VAM does not meet the definition of “carcinogen” as presented in the OSHA Haz Com regulation of 29 CFR 1910.1200 as OSHA has determined that IARC 2B substances should not be treated as confirmed or potential carcinogens.
- Despite IARC’s assignment of VAM into Group 2B, IARC concluded that based on the data reviewed, there was not sufficient evidence of carcinogenicity for humans or experimental animals.

## **II. ONLY SUBSTANCES KNOWN TO CAUSE CANCER OR REPRODUCTIVE EFFECTS SHOULD BE INCLUDED ON THE PROPOSITION 65 LIST**

Prop 65 is directed at warning people about substances that are “known to cause cancer or birth defects or other reproductive harm.” VAC maintains that the plain reading of Prop 65, in combination with the Court of Appeals decision in *AFL-CIO v. Deukmejian*, 260 Cal. App. 3d 425 (1989) (hereinafter referred to as *AFL-CIO v. Deukmejian*), clearly expresses the view that only substances known to be carcinogens or reproductive hazards - and not substances that are speculated or with limited or insufficient hazard data - should be included on the Prop 65 list.

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<sup>3</sup> The Court decision in *AFL-CIO v. Deukmejian* made reference to the initial list and revisions to that list, suggesting that the Labor Code sections are to be used for the initial list and the other sections should be used for revisions. As the Court noted: “(§ 25249.8, subd. (a).) Section 25249.8, subdivision (a), insures the minimum content of the initial list, and section 25249.8, subdivision (b), directs both defendant and the Panel to engage in a diligent, thorough and continuing search for additional chemicals which evolving scientific knowledge demonstrates are [\*\*\*27] subject to the Act.”

The IARC Labor Code mechanism at 6382(b)(1) refers to “*Substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC)*” suggesting that only substances that are known (i.e., have sufficient evidence) to be a human or animal carcinogen should be listed. This language is consistent with the Health and Safety Code regulation OEHHA adopted in the context of defining the strength of evidence needed to consider a substance formally identified by an “authoritative body” such as IARC. The regulations at Health and Safety Code § 25306, explain that the relevant information needs to be based on "sufficient" human or animal data. In accordance with California Health and Safety Code:

**§ 25306. Chemicals Formally Identified by Authoritative Bodies**

*(a) Pursuant to Section 25249.8(b) of the Act, a chemical is known to the state to cause cancer or reproductive toxicity if the lead agency determines that an authoritative body has formally identified the chemical as causing cancer or reproductive toxicity, as specified in this section.*

...

*(e) For purposes of this section, “as causing cancer” means that either of the following criteria has been satisfied:*

*(1) Sufficient evidence of carcinogenicity exists from studies in humans. For purposes of this paragraph, “sufficient evidence” means studies in humans indicate that there is a causal relationship between the chemical and cancer.*

*(2) Sufficient evidence of carcinogenicity exists from studies in experimental animals. For purposes of this paragraph, “sufficient evidence” means studies in experimental animals indicate that there is an increased incidence of malignant tumors or combined malignant and benign tumors in multiple species or strains, in multiple experiments (e.g., with different routes of administration or using different dose levels), or, to an unusual degree, in a single experiment with regard to high incidence, site or type of tumor, or age at onset.*

OEHHA is apparently basing its proposed listing decision on the Labor Code Haz Com mechanism (6382(d)) rather than the Labor Code IARC mechanism (6382(b)(1)) under the assumption that the definition of “carcinogen” in Haz Com is a less restrictive basis for listing given its reference to both confirmed or potential carcinogens (see Section III of these comments). It is the VAC’s contention that it would make little sense to ascribe a different standard of causality for purposes of listing based on whether OEHHA invokes section 6382(b)(1), 6382(d) or the authoritative body provisions at Health and Safety Code § 25306(e)). This view finds support within the decision in *AFL-CIO v. Deukmejian*, which noted that:

*Only those chemicals that are known for, and not merely suspected of, causing cancer or reproductive toxicity in humans or animals are required by Health & Saf. Code, § 25249.8, to be included on the list...*

*...despite the incorporation into the act by reference of the federal Hazard Communication Standard (HSC) (29 C.F.R. § 1910.1200), in accordance with the provisions of Health & Saf. Code, § 25249.8 and Lab. Code, § 6382, subd. (d), the list of harmful chemicals required by § 25249.8 to be published by the Governor need not include all those chemicals which, though noncarcinogenic, are included within the scope of the HSC, but only the **known** carcinogens and reproductive toxins listed there. (emphasis added)*

As the next section of these comments explains, even if OEHHA were to apply the more expansive definition of carcinogen (i.e., confirmed or potential), there is still no basis to list VAM under the Labor Code provisions.

### **III. THE FEDERAL OSHA HAZARD COMMUNICATION STANDARD DEFINITION OF “CARCINOGEN” ONLY REFERS TO IARC GROUP 1 AND GROUP 2A SUBSTANCES**

The OSHA Hazard Communication Standard (HCS; 29 CFR1910.1200) is designed to ensure that information about workplace health hazards is provided to employees who may be exposed to “hazardous chemicals” with the goal of reducing chemical source illnesses and injuries in the United States. 29 CFR1910.1200(c) defines “hazardous chemical” as “any chemical which is a physical hazard or a health hazard.”

HCS requires chemical manufacturers and importers to evaluate the hazards of the hazardous chemicals they produce or import, and to provide information about their associated hazards.

*...all employers [are] to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. (29 CFR 1910.1200 (b)(1))*

HCS requires several forms of communication to convey hazardous information to employees including training (29 CFR1910.1200(h)(3)), preparation of Material Safety Data Sheets (MSDS) (29 CFR 1910.1200(g)(1)) and labeling. 29 CFR1910.1200(f), which governs the labeling requirements, specifies that all hazardous chemicals be appropriately labeled and to include on the label, among other things, information about their associated “health hazards.”

29 CFR1910.1200(c) defines “health hazard” to include “*chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants...*” (emphasis added). It is within this context that OEHHA should be assessing whether IARC 2B chemicals are within the scope of the Labor Code Haz Com listing mechanism.

In the preamble to the HSC final rule (48 Fed. Reg. 53280), OSHA explains its thinking with regards to carcinogens:

*OSHA has concluded that a chemical is to be identified as one which poses a carcinogenic hazard when either the National Toxicology Program, the International Agency for Research on Cancer, or OSHA itself, publishes a finding that the available information indicates the chemical is a potential or confirmed carcinogen.*

*Employers can determine whether a chemical meets these by consulting the publications of these organizations, or by looking it up in the NIOSH Registry of Toxic Effects of Chemical Substances (RTECS). RTECS entries indicate the findings of NTP, IARC, and OSHA.*

Appendix A to 29 CFR1910.1200 presents the scope of health hazards covered by HCS, and Appendix B, describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard. Both Appendices present the same definition of “carcinogen:”

*A chemical is considered to be a carcinogen if:(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or (b) It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or, (c) It is regulated by OSHA as a carcinogen.” (emphasis added)*

To assist the regulated community determine whether a substance satisfies the definition of “carcinogen” as set forth in 1910.1200, OSHA has provided extensive guidance on the application of the IARC Group designations in assessing the Haz Com requirements for “confirmed” and “potential” carcinogens.

The following excerpt from a 2005 draft OSHA Guidance<sup>4</sup> document is particularly relevant:

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<sup>4</sup> The 2005 draft Guidance document was modified before finalization and the entire discussion regarding IARC classifications was removed. Nonetheless, as noted in personal communication from OSHA (Attachment A), the

*In the HCS definition of "carcinogen", the terms "carcinogen" and "potential carcinogen" are used.*

- *"Carcinogen" in HCS terms relates to the IARC category "Group I - The Agent is Carcinogenic to Humans, and the NTP category for "Substances ...Known to be Carcinogenic."*
- *"Potential carcinogens" in HCS terms relates to the IARC category "Group 2A - The Agent is Probably Carcinogenic to Humans", and to the NTP category for "Substances ...Which May Reasonably be anticipated to be Carcinogens."*

The guidance goes on to note that IARC 2B chemicals only need to be referenced in the MSDS as the information does not rise to the level of concern as to warrant being treated as a confirmed or potential carcinogen to merit triggering the labeling requirement.

Additional guidance on labeling for carcinogens is provided in OSHA's Inspection Procedures for the Hazard Communication Standard Directive Number CPL 2-2.38D (March 20, 1998). In keeping with OSHA's definition of carcinogen and the requirement that carcinogens be appropriately identified on the label, the guidance document offers a lengthy discussion of IARC's classification system. As reflected in the extracted Table A1, only chemicals in IARC Groups 1 and 2A must be labeled as a carcinogen.

SOURCE	MSDS	LABEL
Regulated by OSHA as a carcinogen	X	X
Listed on NTP Carcinogen Report	X	X
IARC--Group 1	X	X
IARC--Group 2A	X	X
IARC--Group 2B	X	Not Required
IARC--Group 3	Not Required	Not Required
IARC--Group 4	Not Required	Not Required
One Positive Study-Animal Only	X	Not Required
Multiple Animal Studies	X	Depends on evidence; NO* review needed.
One Positive Study-Some Human Evidence	X	X

For these reasons, IARC Group 2B agents are not, by definition, a "carcinogen" within the context of the Labor Code Haz Com listing mechanism. The mere fact that IARC classified a substance in "Group 2B - Possibly carcinogenic to human," does not elevate the importance of the hazard data to meet the definition of an OSHA Haz Com "carcinogen" or "potential carcinogen."

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removal does not indicate a change in policy. Similar OSHA guidance on carcinogen labeling can be found at: [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=1551](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1551).

This distinction between IARC 2A (Probably Carcinogenic to Humans) and Group 2B (Possible Carcinogenic to Humans) was recognized in *AFL-CIO v. Deukmejian*. In describing the scope of the substances relevant for listing pursuant to the Haz Com Labor Code listing mechanism, the Court confirmed that it is only carcinogens and reproductive hazards that fall within the HCS:

*Thus, all known or probable human carcinogens identified by IARC and NTP are presumed conclusively by HCS to be carcinogens and must be included on the initial list pursuant to section 25249.8, subdivision (a) and Labor Code section 6382, subdivision (d).<sup>6</sup> (emphasis added)*

It is significant to note that throughout its decision, the Court made no mention of “possible” carcinogens (IARC 2B). For these reasons, the VAC maintains that VAM does not meet the Labor Code listing criteria.

**IV. THE LABOR CODE LISTING MECHANISMS DO NOT REQUIRE ALL IARC 2B CHEMICALS TO BE AUTOMATICALLY LISTED; TO THE EXTENT THE LABOR CODE LISTING MECHANISMS ARE MINISTERIAL, OEHHA SHOULD RELY ON THE IARC EVALUATIONS AND NOT THE IARC GROUP DESIGNATIONS**

The Labor Code listing mechanisms do not require OEHHA to automatically add all IARC 2B carcinogens to Prop 65, but rather to add those chemicals where IARC has determined there to be sufficient evidence of carcinogenicity in humans or animals. IARC’s evaluation process results in an overall assessment of the strength of evidence relating to human and animal data; IARC ascribes their review to one of the following characterizations:

- *Sufficient evidence of carcinogenicity*
- *Limited evidence of carcinogenicity*
- *Inadequate evidence of carcinogenicity*
- *Evidence suggesting lack of carcinogenicity*

While IARC also establishes different Group classifications for chemicals, it is clear that the reference to IARC within Prop 65 is directed at the individual evaluations of human and animal evidence, which is the cornerstone of the IARC assessment process, and not their Group classifications.

OEHHA appears to conclude that all IARC Group 1, 2A and 2B substances merit listing via the Labor Code mechanism, presumably under the assumption that such classifications would not

have occurred unless there was either sufficient human or sufficient animal evidence. This conclusion, however, is not accurate. There are several justifications that IARC uses to assign a compound to Group 2B: one path involving sufficient information and another basis (which describes the hazard data for VAM which was assigned to Group 2B), involves the absence of sufficient information. OEHHA's adoption of a ministerial listing approach that automatically incorporates all IARC 2B chemicals fails to recognize that some IARC 2B substances have insufficient evidence of carcinogenicity. As IARC explains, Group 2B classification may be used:

*when there is inadequate evidence of carcinogenicity in humans but there is sufficient evidence of carcinogenicity in experimental animals.*

It may also be used for:

*an agent for which there is inadequate evidence of carcinogenicity in humans and less than sufficient evidence of carcinogenicity in experimental animals together with supporting evidence from mechanistic and other relevant data....*

VAC maintains that whatever ancillary information or judgment that IARC might consider when assigning a substance to a Group, does not change the IARC evaluation regarding data sufficiency.

VAC appreciates OEHHA's view that the application of IARC's evaluation should be ministerial, which is presumed to mean OEHHA will not consider any underlying science and instead rely on the evaluations of the conclusions. While VAC believes that listing decisions should be made based on the available data, OEHHA's intent to base decision on simple designations, can be met by looking simply at individual IARC evaluations.

In each monograph, IARC relies on standard terms to characterize its evaluation of the strength of evidence for carcinogenicity arising from human data and separately the evidence for experimental animal data. To the extent the Labor Code listing mechanisms are ministerial, VAC recommends that OEHHA only list substances that IARC determined have sufficient human or animal data.

**V. IARC'S REVIEW OF VINYL ACETATE MONOMER DID NOT CONCLUDE SUFFICIENT EVIDENCE OF CARCINOGENICITY AND AS SUCH PROVIDES AN INADEQUATE BASIS FOR A PROP 65 LISTING**

The International Agency for Research on Cancer (IARC) reviewed vinyl acetate monomer (VAM) in 1978, 1985, 1987, and 1995.<sup>5</sup> IARC consistently concluded that there was insufficient evidence of carcinogenicity to classify VAM as a carcinogen.

In the 1985<sup>6</sup>/1987<sup>7</sup> reviews, IARC determined that there was inadequate evidence of carcinogenicity in humans and inadequate evidence of carcinogenicity in animals. As a result, IARC placed VAM in Group 3 - "not classifiable as to carcinogenicity to humans." This is likely the reason that OEHHA did not include VAM on the initial Prop 65 list.

IARC updated their review of VAM in 1995. As described in their monograph, IARC considered the available studies in humans and animals on the carcinogenicity of VAM. IARC's two sentence evaluation is as follows:

*There is inadequate evidence in humans for the carcinogenicity of vinyl acetate.*

*There is limited evidence in experimental animals for the carcinogenicity of vinyl acetate.*

According to IARC, a designation of inadequate evidence in humans means that:

*The available studies are of insufficient quality, consistency or statistical power to permit a conclusion regarding the presence or absence of a causal association between exposure and cancer, or no data on cancer in humans are available.*

IARC further defines limited evidence in experimental animals as:

*The data suggest a carcinogenic effect but are limited for making a definitive evaluation...*

VAC maintains that to the extent OEHHA makes ministerial decisions, they should be based on the IARC "Evaluations" rather than IARC Group designations. IARC Group designations incorporate factors going well beyond evaluating data on carcinogenicity. Relying only on the

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<sup>5</sup> IARC Monograph 63 (1995).

<sup>6</sup> IARC Monograph 39 (1985).

<sup>7</sup> IARC Monograph Supplement 7 (1987).

IARC Group designations would expand the listing decision to incorporate factors that are not relevant to the sufficiency of data for the substances under review.

For these reasons, should OEHHA proceed with the Labor Code listing mechanism in a purely ministerial fashion, listing decisions should be based on IARC's evaluation of the sufficiency of human and animal data, and not on IARC's Group classification.

## **VI. CONCLUSION**

OEHHA proposed to add vinyl acetate to the Prop 65 list based on the 1995 IARC classification of VAM in Group 2B and relying on Labor Code Section 6382(d) – the Labor Code Haz Com mechanism. VAC maintains that since IARC 2B chemicals do not fall within OSHA's definition of "carcinogen," this decision should be reversed.

Moreover, Prop 65 lists should include only substances that are "known to cause cancer or reproductive effects" and as such there should be "sufficient" evidence of carcinogenicity for any substance added to the list. The 1995 IARC evaluation concluded that there was inadequate evidence in humans and limited evidence in experimental animals. While IARC assigned VAM to Group 2B based on ancillary considerations, such determinations are not relevant to OEHHA's listing decision and does not change IARC's determination that there is insufficient evidence of carcinogenicity. For these reasons, OEHHA should not proceed to use the Labor Code provisions to add VAM to the Prop 65 list.

## ATTACHMENT A

**From:** Ruskin, Maureen - OSHA [mailto:Ruskin.Maureen@dol.gov]  
**Sent:** Thursday, July 09, 2009 9:18 AM  
**To:** Bob Fensterheim  
**Subject:** RE: IARC 2A and 2B Haz Com

Bob,

Sorry for the delay in response. Your assessment of OSHA's policy is correct and I am providing several links that should be helpful for you. The first is a 1988 letter of interpretation and the second is our compliance directive for the hazard communication standard which indicates very clearly the requirements for IARC category 2A and 2B carcinogens for labeling and MSDS hazard communication.

As for the difference in the draft hazard determination guidance verses the final, I spoke with the original author of the guidance. His thoughts were similar to mine in that the removal of the discussion on this issue was more a matter that it was not a hazard determination issue but more of a general hazard communication issue. The removal does not indicate a change in policy just a streamlining of the document.

Compliance directive:

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=1551](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1551)

Letter of interpretation:

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=19678](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=19678)

I hope this is helpful. Please let me know if you have any further questions.

Maureen

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**From:** Bob Fensterheim [mailto:r Fensterheim@regnet.com]  
**Sent:** Monday, July 06, 2009 1:57 PM  
**To:** Ruskin, Maureen - OSHA  
**Subject:** IARC 2A and 2B Haz Com

Thank you for speaking with me about the OSHA Haz Com issues relating to the distinction between IARC 2A and 2B for label and MSDS hazard communication.

Attached is the draft guidance that I mentioned over the phone. See page 14 of 56 which discusses the issue.

Ideally I am seeking similar guidance that is not considered draft or other OSHA official documents that state the same.

THANKS

Bob Fensterheim  
202.419.1500