

# Comments of the California Asphalt Pavement Alliance

## **Comment**

On behalf of the California Asphalt Pavement Alliance and its members the Northern California Asphalt Producers Association and the Asphalt Pavement Association (collectively, "CAPA"), which are trade associations representing most of the asphalt production in the State of California and include asphalt refiners, hot mix asphalt manufacturers, paving asphalt contractors, and associated companies, I am writing to express opposition to the Office of Environmental Health Hazard Assessment's ("OEHHA") proposal for adoption of a unit risk factor for naphthalene ("Proposal"). Given their use of materials containing naphthalene, CAPA members have a significant interest in seeing that OEHHA utilizes appropriate scientific analytical methods and considers all available information before identifying a proposed unit risk factor for naphthalene. At present, CAPA does not believe that OEHHA has adhered to these important principals and therefore opposes the Proposal at this time.

CAPA has reviewed the letter and materials submitted to OEHHA by the *ad hoc* Naphthalene Coalition on March 8, 2004 ("Coalition Submittal") and incorporates the Coalition Submittal by reference. The Coalition Submittal presents a compelling argument that the modeling used to develop the Proposal is not scientifically sound and is inconsistent with available information utilized in preparing the Proposal. Given these apparent flaws, CAPA submits that OEHHA should withdraw the Proposal until such time as the United States Environmental Protection Agency ("USEPA") has released for external review its draft federal assessment of naphthalene cancer endpoints for the Integrated Risk Information System ("IRIS"), which is expected by April of this year, and reevaluate the model used to identify a unit risk factor for naphthalene in light of the USEPA's IRIS assessment.

Not only would a delay pending release of the IRIS assessment be consistent with State policy, which calls for integration of State and federal risk assessment activities and encourages the efficient use of resources, but it would also provide OEHHA with additional insight regarding the validity of its scientific approach. Given the short timeframe in which USEPA is expected to act, it is imperative that OEHHA await the release of the IRIS assessment in order to properly take it into consideration.

While CAPA appreciates the opportunity to comment on the Proposal, it urges OEHHA to modify the methodology used to derive a unit risk factor for naphthalene and to await the results of USEPA's IRIS assessment before seeking review by the Scientific Review Panel on Toxic Air Contaminants.

**RESPONSE:** *OEHHA thanks CAPA for these remarks, and acknowledges the reference to the comments submitted by the American Chemistry Council on behalf of the ad hoc Naphthalene Coalition. The technical matters referred to in this letter are dealt with in greater detail in those latter comments. Please refer to OEHHA's response to the ACC comments for an answer to the points raised here.*