WORKSAFE
safety, health, and justice for workers

January 10, 2014

Cynthia Oshita
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010
Sent to: P65Public.Comments@oehha.ca.gov

Re: Notice of intent to list TCE

Dear Ms. Oshita:

Worksafe is pleased to support OEHHA's proposal to list trichloroethylene (TCE) for its reproductive toxicity (male reproductive and developmental endpoints) under the *Safe Drinking Water and Toxic Enforcement Act* of 1986.

In doing so, we join our public health, environmental health and environmental justice allies who have long advocated that this solvent be recognized as causing a wide range of adverse health effects, including those considered "reproductive". We do so from the vantage point of a California-based independent non-profit dedicated to protecting people from job-related injuries, illnesses, diseases and death. Much of our focus is on low-wage immigrant workers and their experiences with occupational health and safety hazards.

Occupational exposure to hazards often provides the first clue to the untested effects of far too many chemicals. Human studies linking TCE on the job to a wide range of reproductive effects, or raising the possibility of these outcomes, go back to 1973. 40 years later, the Agency for Toxic Substances and Disease Registry linked the risk of neural tube birth defects with increasing levels of TCE exposure in the first trimester of pregnancy, in a study of military families at Camp Lejeune, North Carolina. In between, there have been many studies and reports about TCE's reproductive hazards, including the U.S. EPA's comprehensive 2011 IRIS assessment. The *Toxicological Review of Trichloroethylene* provides more than sufficient evidence for this Proposition 65 listing.

From a public health and precautionary perspective, it has taken far too long to recognize the many hazards of this toxic chemical, especially the reproductive ones. As the European Environment Agency's 2013 report -- *Late lessons from*

early warnings: science, precaution, innovation -- warns, TCE is one of 88 case studies claimed to be regulatory false positives, when it is a "real risk" to health.

While slow in coming, the actions of regulatory agencies in North America and Europe have reduced the use of TCE. In the United States, they are applying EPA's 2011 findings to environmental clean-ups. Yet TCE continues to be used/ produced in California and is found in consumer products in the state.

For example, from 2001 to 2011 (the last year for which data is available), California facilities required to do so reported to EPA (under the Toxics Release Inventory) that they "released" a total of 201,978 pounds of TCE and a waste total of 1,657,564.88 pounds (see http://www.rtknet.org/db/tri/). Workers and their fence-line communities bore the brunt of these releases, which under-estimate the true amounts, as they deal only with large quantities. From past use, the toxic chemical is still found in our outdoor air, while studies of sub-surface vapor intrusion into buildings have found dangerous levels of TCE in indoor air.

Public health approaches, like those adopted in California's unique green chemistry regulations (the 2013 *Safer Consumer Product Regulations*), can help prevention efforts by indicating, or requiring, the need for informed substitution or elimination of this toxic solvent. OEHHA plays an important role because the Prop 65 list is used in those regulations, California's occupational health standards, and elsewhere in the country and around the world. (The state's *Hazard Communication Standard* requires employers to provide information about the hazards of anything on the Prop 65 list to employees. This means that employers and workers also should know that TCE's out-of-date permissible exposure limit/PEL will not protect people from two important chronic effects: cancer and adverse reproductive outcomes.)

Adding TCE to the Prop 65 list is a major step towards eliminating this cancer-causing, reproductive toxin from our environment and workplaces. It will increase public awareness of its many hazards and provide more meaningful and necessary protection for the state's workers, consumers and residents. It is a long-overdue correction to list this toxic chemical that truly meets the test of reproductive hazards.

Please let me know if you have any questions.

Sincerely

Dorothy Wigmore, MS
Occupational health specialist
Worksafe, Inc.