



AmericanCoatings
ASSOCIATIONSM

October 24, 2016

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Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, California 95814
Submitted via email to: P65Public.Comments@oehha.ca.gov

Re: Prioritization 2016: Chemicals for Consultation by the Carcinogen Identification Committee

The American Coatings Association¹ (“ACA”) submits these comments to the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment (“OEHHA” or “Agency”) in response to Prioritization 2016: Chemicals for Consultation by the Carcinogen Identification Committee under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (“Prop 65”). Because the Carcinogen Identification Committee (“CIC”) is considering prioritizing asphalt and asphalt emissions based upon the International Agency for Research on Cancer’s (“IARC”) classification of asphalt, ACA would like to draw a clear distinction between class 1 and class 2 asphalts and the emulsion asphalt products formulated by the coatings industry – which are class 4 asphalts.

The CIC states that class 2 asphalts are “mostly used in roofing,” but there are emulsion asphalt products used for roofing that are not class 2 asphalts. It will be important for the CIC to understand the difference if the committee does prioritize asphalt and even more important if the CIC ultimately proposes listing asphalt as a carcinogen under Prop 65. Class 1 and class 2 asphalts are generally heated prior to use, while class 4 emulsion asphalt products are water based and not heated prior to use. According to the IARC monograph temperature plays an important role in determining the degree of exposure and also the carcinogenic potential of bitumen emissions. Later in the Monograph, IARC states that Asphalt is non-volatile at ambient temperature. The Monograph presents no data to demonstrate that Asphalt at ambient temperature is considered a carcinogen. Therefore it is important for the CIC to not consider emulsion asphalt products that are used at ambient temperature, such as emulsions and coatings containing asphalt pigments, for prioritization under Prop 65.

Sincerely,

Javaneh Nekoomaram, Esq.
Counsel, Government Affairs

Stephen Wieroniey
Director, Occupational Health and Product Safety

¹ ACA is a voluntary, nonprofit trade association representing approximately 250 paints, coatings, adhesives, sealants, and caulks manufacturers, raw materials suppliers to the industry, and product distributors. The manufacture, sale, and distribution of paints and coatings are a \$20 billion dollar industry in the United States. ACA’s membership represents over 90% of the total domestic production of paints and coatings in the United States. The state of California currently represents approximately 18% of our domestic coatings market. ACA represents approximately 15 paint and coatings manufacturers with locations in California. The paint and coatings industry, including manufacturers and retailers, employs over 31,000 workers in California.