



May 6, 2013

Via e-mail: P65Public.Comments@oehha.ca.gov

Ms. Susan Luong
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Re: Prop 65 Sulfur Dioxide MADL - GMA Comments

Dear Ms. Luong:

Based in Washington, D.C., the Grocery Manufacturers Association (GMA)¹ is the voice of more than 300 leading food, beverage and consumer product companies that sustain and enhance the quality of life for hundreds of millions of people in the United States and around the globe. Founded in 1908, GMA is an active, vocal advocate for its member companies and a trusted source of information about the industry and the products consumers rely on and enjoy every day. The association and its member companies are committed to meeting the needs of consumers through product innovation, responsible business practices and effective public policy solutions developed through a genuine partnership with policymakers and other stakeholders. In keeping with its founding principles, GMA helps its members produce safe products through a strong and ongoing commitment to scientific research, testing and evaluation and to providing consumers with the products, tools and information they need to achieve a healthy diet and an active lifestyle.¹

¹ GMA represents the world's leading food, beverage and consumer products companies. The association promotes sound public policy, champion's initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised of 48 chief executive officers from the Association's member companies. The \$2.1 trillion food, beverage and consumer packaged goods industry employs 14 million workers, and contributes over \$1 trillion in added value to the nation's economy.

GMA is pleased to provide the following comments in response to the Office of Environmental Health Hazard Assessment's (OEHHA) March 22, 2013 proposal to revise the proposed Proposition 65 Maximum Allowable Dose Level (MADL) of 220 micrograms per day for reproductive toxicity from exposures to sulfur dioxide by amending Section 25805(b) of Title 27 of the California Code of Regulations.² A developmental Lowest Observed Effect Level (LOEL) of 23.9 ppm reported by Murray et al (1979) from a developmental inhalation study in mice and rabbits was used as the basis for determination of the initial proposed MADL for sulfur dioxide.³ A comment received during the initial public comment period stated that an error in the analysis of the data in this study lead to the reporting of a small decrease in fetal body weight at 23.9 ppm as statistically significant. Upon review and reanalysis of the original data, OEHHA agreed that the decrease in fetal body weight was not statistically significant and designated the reported value (23.9 ppm) as the NOEL for that study. A second inhalation study by Singh (1989)⁴ also demonstrated developmental effects due to prenatal exposure to sulfur dioxide and had been included in the Initial Statement of Reasons for the proposed regulation. This study is of sufficient quality to serve as the basis for determination of a Proposition 65 MADL.⁵

Using the NOEL of 32 ppm (equivalent to 84.48 mg/m³) reported in the Singh study and a one thousand fold safety factor, the revised MADL was calculated to be 10,000 micrograms/day.⁶ On this basis, GMA supports OEHHA's decision to increase the proposed MADL for sulfur dioxide from 220 microgram/day to 10,000 microgram/day. This revision is an appropriate regulatory action based on science.

Please do not hesitate to contact Dr. Emilia Lonardo, GMA Vice President of Consumer Product Safety and Science Policy (ELonardo@gmaonline.org, 202-639-5983) should you have any questions.

Thank you for taking these comments into consideration.

Sincerely,



Emilia Lonardo, Ph.D.

Vice President, Consumer Product Safety and Science Policy

² Notice of Revision of Proposed Specific Regulatory Level and Augmentation of Record for Proposed Regulation: Title 27, California Code of Regulations, Section 25805, Specific Regulatory Levels: Chemicals Causing Reproductive Toxicity Sulfur Dioxide [03/22/13]. (<http://oehha.ca.gov/prop65/law/031413suldiox.html>)

³ Murray FJ, Schwetz BA, Crawford AA, Henck JW, Staples RE (1977). Teratogenic potential of sulfur dioxide and carbon monoxide in mice and rabbits. J Environ Sci Health C. 13(3): 233-50.

⁴ Singh J (1989). Neonatal development altered by maternal sulfur dioxide exposure. Neurotoxicology. 10(3): 523-527.

⁵ 22 CCR § 25803 (a) A quantitative assessment which conforms to this section shall be deemed to determine the level of exposure to a listed chemical which will have no observable effect, assuming the exposure at one thousand times the level in question. The assessment shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for listing the chemical as known to the state to cause reproductive toxicity..

⁶ Notice of Revision of Proposed Specific Regulatory Level and Augmentation of Record for Proposed Regulation: Title 27, California Code of Regulations, Section 25805, Specific Regulatory Levels: Chemicals Causing Reproductive Toxicity Sulfur Dioxide [03/22/13]. (<http://oehha.ca.gov/prop65/law/031413suldiox.html>)