



VIA EMAIL

October 20, 2010

Dorothy Burk, Ph.D., Chairperson
Committee Members
Developmental and Reproductive Toxicant Identification Committee

Joan Denton, Ph.D., Director
Office of Environmental Health Hazard Assessment
Post Office Box 4010, MA-19B
Sacramento, California 9581204010

Re: Petition to Rescind Designation of NTP-CERHR as Authoritative Body

Dear Drs. Denton and Burke and Committee Members:

I am writing on behalf of The Grocery Manufacturers Association (GMA), a trade association whose members are companies that produce, process, and prepare foods consumed by virtually all Californians. GMA requests that the Developmental and Reproductive Toxicant Identification Committee (DARTIC), in cooperation with the Office of Environmental Health Hazard Assessment (OEHHA), request public comment on the petition filed by the American Chemistry Council to rescind the designation of the National Toxicology Program Center for Evaluation of Risks to Human Reproduction (NTP-CERHR) as an “authoritative body” for purposes of Proposition 65. GMA believes the petition should be included as an item for decision at a future meeting of the DARTIC and that, in the meantime, the DARTIC should recommend, and OEHHA should undertake, no listings of chemicals based on their supposed identification by CERHR.

GMA believes that the petition raises an important issue for the implementation of Proposition 65. NTP-CERHR Monographs have been or are being drafted for a number of chemicals of interest to those who produce and market food products that are consumed in California. If these chemicals are proposed for listing under Proposition 65, interested parties should receive fair consideration under a process that is transparent and comprehensible to all concerned. The petition raises legitimate questions about whether those goals can be achieved using NTP-CERHR Monographs as the basis for authoritative body listings.

Aside from the merits of the petition, there is an important procedural reason why public comment should be solicited and why the petition should be placed on the agenda for public discussion before any decision as to its disposition. It appears from the face of the

GROCERY MANUFACTURERS ASSOCIATION

Dorothy Burk and DARTIC Committee Members
Joan Denton
October 20, 2010
Page 2

petition that it was filed with OEHHA and the DARTIC on August 5, 2010, and then was posted on the OEHHA website on October 8, 2010 as part of the public notice of the Committee's agenda for the October 21, 2010 meeting. It is equally apparent from other documents on the OEHHA website that certain parties opposed to the petition were provided copies of the petition before it was made available to the public, and thus were given an opportunity to submit written comments to the Committee prior to the upcoming public meeting. With the benefit of that opportunity, certain organizations have submitted detailed written comments on the merits of the petition, arguing that the petition should be denied and should not be placed on the agenda as a voting item.

Obviously, the selective distribution of a petition by a government agency is fundamentally unfair. Because the petition raises an important and legitimate question, we believe that all interested parties should receive an adequate opportunity to prepare written comments on the merits of the petition and have their views heard by DARTIC before a decision is made.

Sincerely,



Caroline Silveira
Director, State Affairs
Grocery Manufacturers Association
1350 I St NW, Suite 300,
Washington, D.C. 20005

cc: Allan Hirsch, Chief Deputy Director, OEHHA
Carol Monahan-Cummings, Chief Counsel, OEHHA
Cynthia Oshita, OEHHA
Cindy Tuck, Undersecretary, California Environmental Protection Agency
Scott Riehl, Vice President, State Affairs, GMA