

Proposition 65 Listed Chemicals Affected by Amendments to the Federal Hazard Communication Standard

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Change of Basis for Certain Listed Chemicals

- Because of changes in 2012 to the federal Hazard Communications Standards, certain chemicals have been referred to the DARTIC for review.



Chemicals Reviewed by The DARTIC

Retained

- 2-Chloropropionic acid
- N,N-Dimethyl-acetamide
- 4-Vinyl cyclohexene
- Vinyl cyclohexene dioxide

Removed

- *tert*-Amyl methyl ether
- Ethyl-*tert*-butyl ether
- 2-Ethylhexanoic acid
- *p,p'*-Oxybis(benzene sulfonyl hydrazide)
- 1,3,5-Triglycidyl-s-triazinetriene
- *n*-Butyl glycidyl ether
- Diglycidyl ether
- Phenyl glycidyl ether
- α -Methyl styrene
- Methyl isopropyl ketone



Chemicals Before The DARTIC

Today

- Hexafluoroacetone
- Phenylphosphine

For A Future Meeting

- Chloroform
- Methyl n-butyl ketone



Chemicals Before the DARTIC

- These chemicals will remain on the list only if, the DARTIC finds they have been:
“Clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.”



Legal Background



Background

- The “Labor Code” listing mechanism relies on Labor Code Section 6382(d) to identify chemicals known to cause reproductive toxicity.
- The Labor Code incorporates the federal Hazard Communication Standard (HCS)



Background (continued)

Until March 2012, the HCS specifically referred to the American Conference of Governmental Industrial Hygienists (ACGIH) list of Threshold Limit Values (TLVs) and “Subpart Z” of the federal regulations as definitive sources for identifying chemical hazards.



The March 2012 Change:

Before 2012...

- A legal decision, *California Chamber of Commerce v. Brown* (2011), upheld OEHHA's requirement to use the Labor Code mechanism to add chemicals to the Proposition 65 list.
- OEHHA used ACGIH TLVs and subpart Z to identify chemicals that cause reproductive toxicity.

After 2012...

- OEHHA is still required to use the Labor Code listing mechanism.
- Due to the change in the HCS, the ACGIH's TLVs and Subpart Z are not definitive sources for identifying chemicals for Proposition 65 listings.



Chemicals Listed Before 2012

- Chemicals added by the Labor Code mechanism were reviewed.
- Chemicals that cannot be administratively listed on another basis are being presented to the DARTIC for consideration.
- No need to evaluate the TLVs for these chemicals.
- *De Novo* review of toxicity data.



Next Steps

- Committee decides whether the chemical does or does not meet the criteria for listing, or should be deferred to a later meeting.
- Last two chemicals will be presented at a later meeting.



QUESTIONS?

