

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

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**Dart IC Meeting  
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# Outline

- Proposed change of basis for certain chemicals
- Legal Background
- Next Steps
- Questions?



# Change of Basis for Certain Listed Chemicals

- Certain chemicals on the list no longer meet the listing requirements for an administrative listing and have been referred to the DART IC for review.
- A change of basis has been proposed for six other chemicals under the authoritative bodies or formally required mechanisms.



# Change of Basis for Listing



## Authoritative Bodies

Dichloroacetic acid (Listed 11/8/2013 based on U.S. EPA findings)

Nitrous oxide (Listed 11/8/2013 based on NIOSH findings)

Carbaryl (based on NIOSH findings)-Comment period closes December 8, 2013



## Formally Required (takes effect Nov. 22)

- 1,2-Dibromo-3-chloropropane (based on OSHA requirements)
- Ethylene oxide (based on EPA/ OSHA requirements)
- Lead (based on OSHA requirements)



# Chemicals Before The DART IC

## Today

- tert-Amyl methyl ether
- 2-Chloropropionic acid
- N,N'-Dimethylacetamide
- 2-Ethylhexanoic acid
- Ethyl-tert-butyl ether
- p,p'-Oxybis(benzenesulfonyl hydrazide)
- 1,3,5-Triglycidyl-s-triazinetrione
- 4-Vinyl-cyclohexene and Vinyl cyclohexene dioxide

## For A Future Meeting

- n-Butyl glycidyl ether
- Chloroform
- Diglycidyl ether
- Hexafluoroacetone
- Methyl n-butyl ketone
- Methyl isopropyl ketone
- $\alpha$ -Methyl styrene
- Phenyl glycidyl ether
- Phenylphosphine



# Chemicals Before the DART IC

- These chemicals will remain on the list only if, in the judgment of the DART IC, they have been:

Clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.



# Legal Background

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# 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 DART IC 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.
- Additional chemicals will be presented at a 2014 meeting



# QUESTIONS?

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