

February 15, 2011

Fran Kammerer  
Office of Environmental Health Hazard Assessment  
Sacramento, California  
via e-mail: [fkammerer@oehha.ca.gov](mailto:fkammerer@oehha.ca.gov)

**Re: Comments in support of OEHHA draft rulemaking re the development of Toxics Information Clearinghouse under SB 509**

Dear Ms. Kammerer and relevant OEHHA staff:

Californians for a Healthy and Green Economy (CHANGE) is a broad-based coalition of 35 environmental and environmental justice groups, health organizations, labor advocates, community based groups, parent organizations, and others who seek to fundamentally transform how chemicals are managed in order to protect our workers, children, public health, environment, and the economy. We have been deeply involved with California's Green Chemistry Initiative as a committed stakeholder.

We are pleased to offer comments in support of OEHHA's draft proposed rulemaking that specifies hazard traits, environmental and toxicological endpoints, and other relevant data that are to be included in the Toxics Information Clearinghouse to be developed by the Department of Toxic Substances Control, as required by Health and Safety Code section 25251, which was adopted via SB 509 (Simitian, Chapter 560, Statutes of 2008).

As one of the six planks of California's Green Chemistry Initiative (GCI), the Toxics Information Clearinghouse (TIC) is a key building block that is necessary for the GCI to reach its potential. One of the key reasons the current model of chemicals policy regulation has failed is that there is not enough publically available information about chemicals and their potential hazards.

This has resulted in harmful chemicals becoming widespread in industrial supply chains, commercial products, and in releases to the environment, with high costs to the taxpayer and related to environmental remediation and health care costs.

In addition, the lack of basic information about many chemicals has resulted in regrettable substitutions where chemicals with unknown hazard characteristics have replaced known "bad actors," only to discover later that the substitutions also have problematic hazard traits. This is a bad model for sustainability.

The marketplace will function much more efficiently if everyone has access to as much information about chemicals' hazards as possible. For this reason, we support a very broad "casting of the net" for data points to include in the TIC. The TIC offers a grand opportunity to close many existing data gaps by making important chemical hazard trait information publically available. It is our view that there is no reason to limit any relevant hazard data that already exists in the peer-reviewed literature. The work of authoritative bodies should be included so California takes advantage of useful work already done elsewhere.

Moreover, OEHHA itself should be considered an authoritative body and its own findings included in the TIC where applicable. Due to its work on Proposition 65 and elsewhere, OEHHA has the requisite credentials and track record to contribute in a substantial way to the development of the TIC. OEHHA's contributions will add luster to California's reputation as a leader in the field of green chemistry.

We support language in the draft rulemaking that recognizes the need to include hazard information about low level exposures, neuro-developmental effects, and specific effects where children may be more vulnerable. Evidence of cumulative impacts are also worth including in the TIC.

For chemicals that are unstudied or under-studied, the TIC should ensure the inclusion of a data field that indicates the chemical has not been sufficiently examined to make a determination. As we know, absence of data is not the same as absence of harm. This will need to be re-evaluated every 5 years or less so the TIC remains current.

By proposing to go further than REACH or the UN's Globally Harmonized System, the TIC will enable more preventive solutions to the health and environmental challenges posed by our society's widespread use of chemicals. This can be anticipated to save substantial costs that California would otherwise incur treating its residents for chemically-linked health problems and preventing harmful pollution in the first place.

OEHHA is to be commended for aligning the orientation of its draft rulemaking with important recommendations from the National Academy of Sciences. It is an imperative to update toxicity testing methods to reflect current science.

In this time of economic distress in California, with accompanying complaints in the business community about regulations that will increase costs to the private sector, it is important to note that the proposed regulations require no data submissions nor testing requirements by companies. Because of this, the TIC should properly be viewed as a win-win situation: companies will stand out as better choices when it's known their products contain few or no hazard traits; downstream users of chemicals will be reassured their uses of chemicals are safer for workers and consumers; innovation in the marketplace will be stimulated that will have positive economic benefits for the state; and the public will have the ability to make informed and smarter choices. Unsafe products will slowly disappear, not from regulation but from a market that performs better.

Respectfully yours,



Christina Medina  
Californians for a Healthy and Green Economy (CHANGE)