

September 9, 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 regarding OEHHA changes to the proposed regulation: Title 22, California Code of Regulations, sections 69401 through 69406 (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 changes to its 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 (TIC) 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). CHANGE submitted comments to OEHHA on 15 February 2011 regarding its initial draft rulemaking.

**We strongly support these proposed regulations. They will make available in one place much needed health and environment information about chemicals. The revised draft regulations now under consideration are improved, and we continue to support the overall direction of the proposed regulations.**

A. In particular, the addition of Neurodevelopmental Toxicity as a separate hazard trait from neurotoxicity is an important improvement that will strengthen the TIC. We agree that

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Asian Communities for Reproductive Justice \* Bayview Hunters Point Community Advocates \* Black Women for Wellness \* Breast Cancer Action \* Breast Cancer Fund \* California Healthy Nail Salon Collaborative \* California Pan-Ethnic Health Network \* Californians for Pesticide Reform \* Center for Environmental Health \* Clean Water Action \* Coalition for Clean Air \* Commonweal \* Communities for a Better Environment \* East Yard Communities for Environmental Justice \* Environment California \* Environmental Working Group \* Green Schools Initiative \* Green Science Policy Institute \* Healthy 880 Communities \* Healthy Child, Healthy World \* Healthy Children Organizing Project \* Instituto de Educación Popular del Sur de California \* Just Transition Alliance \* Making Our Milk Safe (MOMS) \* Movement Strategy Center \* Pesticide Action Network North America \* Physicians for Social Responsibility - Los Angeles \* Science and Environmental Health Network \* Silicon Valley Toxics Coalition \* United Steel Workers - Local 675 \* Worksafe

[www.changecalifornia.org](http://www.changecalifornia.org)

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neurodevelopmental toxicity should be recognized as a separate endpoint that can have adverse impacts on the sensitive populations of concern of infants and children, and adding these hazards to the TIC will better protect the public health.

B. We are pleased to see that OEHHA has continued to define a developmental toxicity hazard trait as “the occurrence of adverse effects on the developing organism following exposure to a chemical substance prior to conception (either parent), during prenatal development, or postnatally to the time of sexual maturation.” Recognizing that the human organism is vulnerable to injury from exposure to environmental chemicals across many life stages, including in the parent(s) before conception, is a key concept in order to capture all hazard traits of concern.

C. CHANGE supports the list of authoritative bodies listed in the Definitions, including OEHHA itself. With a difficult financial environment, it is simple common sense to incorporate the work of all authoritative bodies that rely on well-conducted scientific studies.

D. We also support the addition of Article 7 on Additional Relevant Data because 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.

However, the purpose of the TIC is to provide hazard information. By including Exposure-Response Relationship data, one potential drawback could be the TIC may be used to weight the value of data in a risk assessment framework, which is not a function the TIC has been mandated to perform. For example, the continued use of a chemical with clear hazard traits might be justified because the TIC notes that an exposure-response relationship is weak in particular contexts. It is our hope that hazardous chemicals will be retired from use because of their intrinsic dangers.

E. In our comments on OEHHA’s earlier draft of these proposed regulations, CHANGE recommended that hazard information about low-level exposures be included in the TIC, such as in cases where a dose-response curve was non-monotonic. We also recommended that evidence of cumulative exposure be included, where a person may be exposed to a chemical with hazard traits through multiple routes of exposure. We do not see these two recommendations explicitly mentioned and suggest the TIC will be strengthened if they are included.

F. 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 complete determination of its hazard traits. As we know, absence of data is not the same as absence of harm. This should be re-evaluated every 5 years or less so the TIC remains current.

Thank you for this opportunity to provide additional input into these important regulations. OEHHA is to be commended for its comprehensive approach to framing hazard traits that will be of great value to both Californians and others around the world.

Respectfully yours,



Kathryn Alcántar  
Campaign Director  
Californians for a Healthy and Green Economy (CHANGE)