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September 12, 2011

Ms. Fran Kammerer  
Staff Counsel  
Office of Environmental Health  
Hazard Assessment  
1001 I Street  
Sacramento, CA 95812

**RE: Proposed Regulation for Green Chemistry Hazard Traits (July 2011)**

Dear Ms. Kammerer:

On behalf of the California Industrial Hygiene Council (CIHC) and its stakeholders ([www.cihconline.com](http://www.cihconline.com)), we respectfully submit the following comments and concerns relative to the Office of Environmental Health Hazard Assessment's (OEHHA) Revised Proposed Regulation for Green Chemistry Hazard Traits (regulation released July 29, 2011).

By way of background, the CIHC was founded in 1990 to establish a legislative presence in California to represent the Industrial Hygiene profession. The field of Industrial Hygiene is dedicated to the anticipation, recognition, evaluation, and control of occupational and environmental health hazards. CIHC, representing the five Local Sections of AIHA in California, views its mission as bringing good science to the legislative and/or regulatory table which impacts the health of both workers and the public. It is affiliated with the National American Industrial Hygiene Association (AIHA), an 11,000 member organization, as well as the International Occupational Hygiene Association (IOHA), which represents the global community of Occupational Hygiene organizations in over 26 countries.

Our comments include those of our California membership, as well as comments from the national AIHA's Stewardship and Sustainability, as well as Risk Assessment Committee science experts. While in concept we are in favor of a hazard trait identification proposal and its efforts to include both occupational and environmental full life cycle hazard traits, three primary concerns remain:

- The Hazard Trait Criteria and the (future) companion Toxic Clearinghouse Inventory should focus on an inventory of chemicals, traits and potential risks that are comprehensive and accessible by all. The required ecological/toxicological /epidemiological information that manufacturers and governments alike will be responsible for providing and accessing should leverage existing scientific data sets that are internationally available and recognized as being scientifically reliable. While there has been much effort placed into crafting the toxicity definitions, the proposed July 2011 Hazard Trait Criteria Regulation does not align with well established, internationally recognized systems and principles for determining chemical hazards. This is a major problem!

To propose a framework that differs from the best science frameworks today sub-optimizes California's ability to comprehensively, efficiently and cost effectively implement the regulation's overarching purpose by leveraging existing, internationally recognized resources to protect workers and the public alike. Given California's economy and impact in the global market, we would suggest that this proposed regulation could benefit from a peer review by a broader based global science organization (National Academy of Sciences, NAS, is one such body).

- The existing proposal appears to accept any level of “evidence” (whether right, wrong, potential or suspect) as acceptable hazard trait data. There is no discussion of a “weight of evidence” process to decipher the strength of data when assigning toxicity hazard traits. Without such a process, this proposed regulation lacks the ability to consider all relevant and reliable information in light of its strength to develop a scientifically valid decision regarding chemical hazards. This runs counter to what scientists do globally.
- And finally, the proposed regulation’s purpose is to identify hazard traits of a chemical that will influence potential adverse risk. In general, the characteristics of a chemical which drive high potential risk are influenced not only by inherent human and/or environmental potency, but by usage, dose, volume and working/living environments. None of these potential considerations and potential exposure evaluations are factored into this proposed regulation. This is a serious flaw in the proposed regulation. It reflects a basic misunderstanding of hazard traits and why it is important to characterize them.

In summary, the California Green Chemistry Initiative (and its companion regulations) has the potential to strengthen efforts geared to protecting California workers and the public. However, in order to accomplish this, the proposed Hazard Trait Regulation must: a.) leverage toxicity definitions and a systems architecture that align with internationally recognized systems; b.) integrate a “weight of evidence” process that discerns reliable data from that not considered to be so; and c.) incorporate potential exposure characteristics into the dialogue on hazard traits which drive risk potential.

The California Industrial Hygiene Council (CIHC), comprised of members dedicated to the anticipation, identification, evaluation and control of occupational and environmental health risks, is available to assist in the scientifically sound development of this Initiative’s goals. At the end of the day, our charters remain the same—to protect our workers and the public! For questions or further information, please contact Chris Laszcz-Davis at (925)-330-1774.

Sincerely,

  
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The Honorable Debbie Raphael, Director, DTSC  
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