



Sept. 12, 2011

The Dow Chemical Company
P.O. Box 1398
Pittsburg, California 94565
USA

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

RE: Revised Proposed Regulation for Green Chemistry Hazard Traits (7/29/11)

Dear Ms. Kammerer:

The Dow Chemical Company appreciates the opportunity to provide comment on the Office of Environmental Health Hazard Assessment's (OEHHA) Revised Proposed Regulation for Green Chemistry Hazard Traits ("regulation") released on July 29, 2011.

Dow is a diversified company with a portfolio of specialty chemical, advance materials, agrosociences and plastics businesses. Dow delivers a broad range of technology-based products and solutions to customers in approximately 160 countries and in high growth sectors such as electronics, water, energy, coatings and agriculture. Dow both manufactures and imports products and raw materials that are in the scope of the proposed regulation. Dow is a leader in helping to shape chemicals management improvements across the globe. Our commitment to the Green Chemistry Initiative has been evident from the very beginning with Dow's engagement on the Science Advisory Panel and our current representation on the Green Ribbon Science Panel. Further, Dow has more presidential green chemistry challenge awards than any other company. Dow is a strong advocate for regulatory and voluntary initiatives which will enhance public health and environmental protection, promote innovation while still respecting confidential business information, and further the principles of sustainable development.

Dow has a 75 year history of maintaining a premier Toxicology and Environmental Research and Consulting (TERC) function whose vision is *"To be the most respected and valued leader in the science and practice of chemical safety assessments"*. TERC's highly qualified professionals help guide the safe use of Dow products by providing Dow businesses with technical consulting, testing and research services that span more than 15 different areas of scientific expertise. This body of experts previously came together to provide insight and technical review of the proposed regulation relative to hazard traits and endpoints. We were disappointed that the majority of our comments submitted on February 14, 2011, on OEHHA's initial proposal appeared to have been ignored.

Further, Dow is also disappointed that the majority of the comments of the scientific experts engaged in peer review were also not addressed. There were numerous technical weaknesses pointed out by the reviewers that remain in the revised proposal. It is also unclear whether OEHHA is addressing the gap in peer review pointed out by the experts as they noted that they lacked sufficient expertise in certain areas, e.g. in the area of environmental toxicology. We



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encourage OEHHA to reconsider the comments of the experts employed in the peer review and engage other experts to address the areas not covered.

Dow is extremely concerned about the novel approach OEHHA has proposed for hazard trait determination, which amounts to a California-specific process of classifying chemicals. It appears that major aspects of OEHHA's approach have not been authorized by the implementing statute. Many aspects of OEHHA's proposed approach represents scientifically questionable deviations from well established, internationally agreed upon systems and principles for determining chemical hazards.

In addition to the points outlined above, Dow supports the comments, by reference here, on the revised proposed regulation being submitted by the American Chemistry Council and by the Green Chemistry Alliance. If OEHHA chooses to finalize the regulation in advance of DTSC promulgating the AB 1879 regulation, Dow urges OEHHA to address both the specific technical weaknesses identified as well as the need for further peer review.

Thank you for consideration of our comments.

Regards,

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