American Forest & Paper Association

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Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95812
via e-mail to fkammerer@oehha.ca.gov

**RE: Green Chemistry Hazard Traits, Endpoints, and other Relevant Data, Pre-Regulatory Draft, August 10, 2010**

Dear Ms. Kramer:

The American Forest & Paper Association (AF&PA) is pleased to submit the following comments on the Green Chemistry Hazard Traits, Endpoints, and other Relevant Data, Pre-Regulatory Draft, August 10, 2010.

The American Forest & Paper Association is the national trade association of the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. Our companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 5 percent of the total U.S. manufacturing GDP. Industry companies produce about $175 billion in products annually and employ nearly 900,000 men and women, exceeding employment levels in the automotive, chemicals and plastics industries. The industry meets a payroll of approximately $50 billion and is among the top 10 manufacturing sector employers in 48 states.

AF&PA has reviewed and supports the comments on the Draft submitted by Koch Industries, Inc. Koch's affiliate, Georgia Pacific, is a member company of AF&PA. Koch's comments discuss a number of important issues with the Draft. Following, we highlight some of these concerns.

1. **Questions of compatibility of the Draft with DTSC's draft Regulation for Safer Consumer Products.**

The Pre-Regulatory draft states in the introduction that "the draft regulations would be added to the regulations currently being proposed by the Department of Toxic Substances Control (DTSC) for the Green Chemistry Program", and that OEHHA and DTSC "are working collaboratively on these proposed regulations in order to ensure that

they are compatible with the regulations and process DTSC has already developed for the Green Chemistry Program."
We assume this means that OEHHA's regulation when it becomes final will be incorporated into DTSC's regulation, currently under development. What will be the process for harmonizing the two regulations? For example, Section 69302.3 of the current DTSC draft lists prioritization factors including chemical hazard characteristics to be used in developing its list of "Chemicals Under Consideration." How will the DTSC prioritization factors mesh with OEHHA's "hazard traits, endpoints and other relevant data?" This could be a real problem since OEHHA's draft regulation does not contain a prioritization process. OEHHA should develop a prioritization process to be incorporated in its regulation, and we strongly recommend that it be based on a weight-of-the evidence approach.

2. **The Draft lacks the required evaluation of hazard traits.**

The Draft falls short of the legislative requirement "to evaluate and specify the hazard traits and environmental and toxicological end-points and any other relevant data that are to be included in the clearinghouse." While the Draft attempts to meet the specification requirement by providing definitions of hazard traits and end-points, there is no evaluation given that would aid in prioritization, and assessing chemical alternatives to meet Green Chemistry goals. The enacted legislation recognizes evaluation of hazard traits and end-points as an important factor for these purposes. OEHHA needs to include evaluation in its regulation.

3. **Mischaracterization of Certain Endpoints and Exposure Potential.**

The Draft incorrectly lists as toxicological hazard traits a number of factors that are not specifically adverse outcomes. These include, for example, "epigenetic toxicity" and "electrophillic potential." These are not toxicological endpoints. Rather, they are mechanisms that may or may not lead to an effect. In addition, the Draft includes various "exposure potentials" as hazard traits that are actually hypothetical (i.e. not scientifically proven to adversely affect humans, animals or plants), or exposures that <u>may</u> present a hazard depending on specific properties of a chemical. For example, such hypothetical traits as global warming, stratospheric ozone depletion, particle size or fiber dimension per se, and others should not be listed as hazard traits since they are not.

AF&PA appreciates the opportunity to comment on the Pre-Regulatory Draft. We respectfully request that OEHHA give serious consideration to the foregoing comments, and those presented in the Koch Industries, Inc. submission. A sound Green Chemistry regulatory program must have a strong scientific foundation, one that uses a weight-of-the evidence approach and avoids any reliance on categorical science-policy precepts.

If you have any questions, please contact Laurie Holmes at 202-463-5174 or laurie_holmes@afandpa.org.

Sincerely,

Paul Noe
Vice President of Public Policy