

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

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 Environmental Health
Network

Silicon Valley Toxics Coalition

United Steel Workers- Local 675

Worksafe

Date : September 13, 2010

To : Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
fkammerer@oehha.ca.gov

From : Californians for a Healthy and Green Economy (CHANGE)

Re : Comments on OEHHA's "pre-regulatory draft regulation document on Green Chemistry Hazard Traits, Endpoints, and Other Relevant Data.

Californians for a Healthy and Green Economy (CHANGE) is pleased to submit these comments on OEHHA's pre-regulatory draft document on Green Chemistry Hazard Traits, Endpoints, and Other Relevant Data. We commend the OEHHA staff for their work on this important effort.

1. Our most important message is that the pre-regulatory draft document is a good start, but should go much further in identifying data points to be included in the Toxic Information Clearinghouse (TIC).

The implementation of SB 509 is one of the key six planks of California's Green Chemistry Initiative. SB 509's purpose is to compile existing knowledge about chemicals so the marketplace and consumers can make better decisions based on a more comprehensive understanding of the hazards in consumer products and individual chemicals. It is our view that the TIC's purpose is to provide all existing knowledge about chemicals' characteristics and hazard traits, as well as the evidence linking them to a broad a range of health and environmental endpoints. There is no reason to limit any relevant data that already exists in the peer-reviewed literature for inclusion in the TIC. Without a robust TIC, this aspect of the Green Chemistry Initiative will not achieve its goal. It is not OEHHA's responsibility to assess the strength of the data - users of the TIC will use their own criteria for that. The TIC can and should contain information that OEHHA may not use in its own risk assessments.

2. In line with the key message that the TIC should include as much useful data as possible, we are pleased to see the inclusion of a nano endpoint, lactational/placental transfer, epigenetic effects, ozone formation, and global warming potential. In addition, we recommend the following hazard traits be added:

- sensitivity to vulnerable sub-populations (such as children)
- potency
- volume of use
- types of end uses for the chemical
- population-level effects
- antibacterial resistance
- significance of timing of exposure
- toxicity at very low levels
- globally-distributed pollution
- biomagnification / bioaccumulation potential
- endocrine disruption (as opposed to acute toxicity)
- interference with signaling in the body
- neuro-developmental effects
- broader toxicological endpoints outlined for wildlife
- contamination of the food chain
- outdoor ozone formation (not just indoor formation)
- impacts on water quality and aquatic life

While some of the above hazard traits are not traditional toxicological endpoints, they are nonetheless important pieces of information related to hazard that should be provided to the public. One suggestion would be to create an additional grouping of hazard traits in addition to the four outlined in the document.

3. The TIC should include a category that denotes chemicals for which there are no or limited data. There should not be an “unclassifiable” category. Rather, there should be a new class for chemicals that have not been studied. Any chemical that falls into the “has not been studied” category should be reviewed by OEHHA every five years to determine whether it should be reclassified.

4. While OEHHA should rely on the work of existing authoritative bodies, including other nations' public health agencies, it should also rely on its own expertise in identifying appropriate hazard traits. OEHHA is widely recognized as having the necessary scientific credentials, and OEHHA's direct contributions in this regard will further distinguish California's TIC as a key resource in the expanding field of green chemistry.

In any case, the work of authoritative bodies should not be filtered to make class determinations. For example the definition of Authoritative Organizations should contain the phrase, “including, but not limited to the following...”

Furthermore, the Class One hazard traits for carcinogenicity and reproductive toxicity should not be more limited than for other hazard traits. The authoritative organization list should be expanded for carcinogenicity and reproductive toxicity.

5. There should be an additional category added to the document, in addition to humans and wildlife, for domesticated animals and livestock, with the same toxicological endpoints as are listed for humans.

6. It is unclear to CHANGE why persistence is defined differently for freshwater and marine ecosystems, as both kinds of ecosystems deserve equal protection. Furthermore, sediments in freshwater ecosystems appear to have been excluded from the persistence definition and this should also be remedied.

7. We are pleased to see there is no discussion of including "de minimis" thresholds, and agree it would be inappropriate to include this in the TIC as it would move beyond hazard identification to an assessment of risk which the TIC is not mandated to address.

We thank you again for the opportunity to comment, and look forward to reviewing the next version of the draft regulations.

On behalf of CHANGE,



Ansje Miller
Center for Environmental Health