



NATURAL RESOURCES DEFENSE COUNCIL

February 15, 2011

Submitted via email to Fran Kammerer, fkammerer@oehha.ca.gov
Office of Environmental Health Hazard Assessment (OEHHA)

**Re: Comments on "Identification of Hazard Traits, Endpoints, and Other Relevant Data for Inclusion in the Toxics Information Clearinghouse in Green Chemistry Initiative."
December 2010, Draft**

On behalf of the Natural Resources Defense Council (NRDC) and Environmental Working Group (EWG), we submit the following comments in strong support of the proposal developed by the Office of Environmental Health Hazard Assessment (OEHHA) to improve the availability of information about hazard traits of chemicals.

SB 509 (Simitian), passed in 2008 as part of the California Green Chemistry Initiative, authorizes the State of California to establish a clearinghouse of basic scientific information about chemicals and their potential toxicity to human health or the environment. OEHHA's hazard trait criteria are the first step towards establishing this clearinghouse by identifying the types of endpoints to be assessed in a scientific study of a chemical. It is organized around four major categories: toxicological, environmental, exposure potential and physical. Within each category, OEHHA has identified specific hazard traits, endpoints and other relevant data which are based on a thorough review of the scientific literature.

The hazard traits criteria being proposal by OEHHA are more robust and comprehensive than any other criteria currently in use by federal or international bodies, such as EPA's Design for the Environment or Europe's REACH program. In addition to including the traditionally assessed endpoints of acute toxicity, cancer, mutagenicity, and reproductive and developmental effects, OEHHA's hazard criteria will include other important effects such as neurotoxicity, endocrine disruption, immunotoxicity, epigenetic effects, cardiotoxicity and a broader range of reproductive and developmental endpoints. The proposed criteria are based on review of the scientific literature and incorporate the findings of other authoritative bodies such as the National Toxicology Program, the International Agency for Research on Cancer and U.S. EPA. In addition, OEHHA is internationally recognized and respected as an authoritative scientific body which has provided many agencies within the State of California with rigorous scientific reviews, and has provided leadership at the federal level on U.S. EPA panels and committees of the National Academy of Sciences and the National Toxicology Program.

It is crucial for protection of public health and the environment that the criteria used to evaluate a chemical's safety, do not rely on outdated scientific methods that were relied upon over the past 40 years. OEHHA's proposal is the most scientifically up to date criteria established and is consistent with the recommendations of the National Academy of Sciences which has called for looking for more "upstream" at early indicators of harm utilizing more advanced scientific methods. OEHHA's proposal is flexible and will allow for the incorporation of newer and rapidly evolving toxicity testing methods which can address multiple hazard traits.

The information that could be included in the clearinghouse will provide reliable information to the state regulatory agencies, other governmental agencies, manufacturers, businesses, and consumers interested in reducing the use of toxic chemicals. Because of flaws in the federal laws which govern the use of chemicals in consumer products, such as the Toxic Substances Control Act, there are few existing tools for gathering information about and addressing the hazards posed by harmful chemicals or the alternatives which could replace them. The creation of a public database of information is not available elsewhere and will have multiple users including consumers and retailers who are making purchasing decisions based on chemical use and toxicity; manufacturers who need access to current scientific evidence when deciding on new technologies and will provide vital information for the development of a list of chemicals of concern by DTSC, as required for implementation of the Safer Consumer Products Regulations established by AB 1978 (Feuer).

It is important to note that the creation of hazard criteria is a framework for the types of data that could be evaluated in a chemical assessment. Notably, once finalized this document does not create any requirements for businesses or industries. They do not require testing or submission of data. They simply address the kinds and categories of scientific data which should be considered when determining the safety of a chemical or a chemical being considered as a replacement for a known toxic chemical. It is important that the clearinghouse clearly indicates when insufficient information has been obtained about a chemical's toxicity, so that chemicals with little toxicity data are not presumed to be low hazard.

In closing, we appreciate the opportunity to submit these comments and commend OEHHA for continuing to show scientific leadership by proposing a strong model for hazard trait criteria. We encourage OEHHA to finalize this proposal as soon as possible.

Sincerely,



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