

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**Candidates for Listing via the Authoritative Bodies Mechanism Found Not to Meet the
Scientific Criteria (22 CCR 12306(g))
June 18, 1999**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) provides two mechanisms for administratively listing chemicals which are known to the State to cause reproductive toxicity or cancer (Health and Safety Code Section 25249.8(b)). One such mechanism involves the listing of chemicals that a body, considered to be authoritative by the state's qualified experts, formally identifies as causing cancer or reproductive toxicity. As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency reviews candidates for listing pursuant to this administrative mechanism as provided in Health and Safety Code Section 25249.8(b) and Title 22, California Code of Regulations, Section 12306 (22 CCR 12306).

The U.S. Environmental Protection Agency (U.S. EPA), an authoritative body for purposes of Proposition 65 (22 CCR Section 12306(l)), identifies chemicals as causing developmental or reproductive toxicity in implementing its Toxic Release Inventory (TRI) program (*i.e.*, Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)). On this basis the U.S. EPA, in 1994, added a number of chemicals to the TRI list and published its inclusions to the list in the *Federal Register* (59:1788-1859, 1994 and 59:61432-61485, 1994). OEHHA has reviewed the bases for these TRI chemical additions in the context of the regulatory criteria governing Proposition 65 listing via the authoritative bodies mechanism (22 CCR 12306).

OEHHA determined for several TRI chemicals that the 22 CCR 12306 regulatory criteria were met and is in the process of placing these chemicals on the Proposition 65 list of chemicals known to cause reproductive toxicity. OEHHA has determined that these same regulatory criteria have not been met for some of the chemicals added by U.S. EPA in 1994 to the TRI list on the basis of reproductive or developmental toxicity. Two of these chemicals are listed in the table below. Two other lists of chemicals (nine chemicals and five chemicals) not meeting these criteria were previously published (*California Regulatory Notice Register (CRNR)*, March 19, 1999; and May 21, 1999, respectively). In each case, the scientific criteria for "as causing reproductive toxicity" given in regulation (22 CCR 12306(g)) were not satisfied.

In accordance with 22 CCR 12306(i), both chemicals will be referred to the Developmental and Reproductive Toxicant (DART) Identification Committee of the OEHHA Science Advisory Board because these determinations were made subsequent to the issuance of a notice of intent to list (*CRNR*, April 16, 1999). Therefore, at a future meeting, the DART Identification

Committee will opine whether “the chemical has been clearly shown through scientifically valid testing according to generally accepted principles” to cause reproductive toxicity.

TRI chemicals not meeting the scientific criteria (22 CCR 12306(g)) for authoritative bodies listing as causing reproductive toxicity under Proposition 65

Chemical	CAS No.
2,4-D 2-ethylhexyl ester	1928-43-4
2,4-D 2-ethyl-4-methylpentyl ester	53404-37-8

A document providing more detail on the basis for this determination can be obtained from OEHHA’s Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Home Page at: <http://www.oehha.ca.gov/>. Questions regarding this notice should be directed to:

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