PRE-REGULATORY WORKSHOP

STATE OF CALIFORNIA

ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

POTENTIAL AMENDMENTS TO

TITLE 27, CCR SECTION 25821

STATE OF CALIFORNIA

ELIHU HARRIS BUILDING

AUDITORIUM

1515 CLAY STREET

OAKLAND, CALIFORNIA

MONDAY, OCTOBER 19, 2015

10:03 A.M.

JAMES F. PETERS, CSR
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A P P E A R A N C E S

STAFF:

Mr. Allan Hirsch, Chief Deputy Director

Dr. Melanie Marty, Acting Deputy Director

Ms. Carol Monahan-Cummings, Chief Counsel

FACILITATOR:

Mr. Jeff Loux, UC Davis

ALSO PRESENT:

Ms. Caroline Cox, Center for Environmental Health

Mr. Mike Easter, EnSIGHT

Mr. Trent Norris, California Chamber of Commerce

Mr. Gary Roberts, Dentons

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1   P R O C E E D I N G S

2   CHIEF DEPUTY DIRECTOR HIRSCH: We're on the

3   record. Good morning. My name is Allan Hirsch. I'm

4   Chief Deputy Director for the Office of Environmental

5   Health Hazard Assessment. I'd like to thank you for

6   starting your work week off with us and attending our

7   workshop on the Proposition 65 pre-regulatory proposal

8   concerning -- am I too loud?

9   CHIEF COUNSEL MONAHAN-CUMMINGS: Yeah, you're too

10   close.

11   CHIEF DEPUTY DIRECTOR HIRSCH: Okay -- concerning

12   the calculation of the reasonably anticipated level of

13   intake or exposure to listed chemicals in consumer

14   products. So with me up here is Dr. Melanie Marty, who is

15   our Acting Deputy Director for Scientific Affairs and

16   Carol Monahan-Cummings our Chief Counsel. Also, with us

17   is Jeff Loux of UC Davis extension. He will be

18   facilitating today's workshop. And he will explain his

19   role in greater detail in a few minutes.

20   So as many of you know, this is the third in a

21   series of four public meetings over a six-day period, in

22   which we've been taking input on four pre-regulatory

23   proposals that are officially separate, but are intended,

24   at least in concept, to work together as a package. And

25   the first two of these meetings took place last Wednesday

1   in Sacramento, where we discussed a proposal for updating

2   the maximum allowable dose level for lead, as well as a

3   proposal identifying naturally occurring levels of lead

4   and arsenic in certain foods.

5   At 1:00 p.m. this afternoon in the same

6   auditorium, we will have a workshop on a proposal covering

7   how one could calculate concentrations of listed chemicals

8   in products. But this morning, we'll be discussing a

9   pre-regulatory proposal for how one should calculate the

10   level of exposure that consumers would incur to listed

11   chemicals, and specifically reproductive toxicants in

12   consumer products.

13   This concept consists of adding one sentence to

14   section 25821 of our Proposition 65 regs, which would

15   specify that the calculations should utilize the

16   arithmetic mean of the rate of intake or exposure for

17   users of that product.

18   And to start that discussion, we'll first hear

19   the legal background on this proposal from Carol

20   Monahan-Cummings, followed by an overview of the proposal

21   itself by Dr. Melanie Marty.

22   But first, I just wanted to remind you that this

23   workshop actually is not being webcast, as this building

24   does not have that capability. Unfortunately, we were not

25   able to find a room with webcasting capabilities in the

1   time frame that we needed, but we do have the next best

2   thing, which is that an audio recording of this workshop

3   is being made and it will be transcribed and a transcript

4   of this workshop will be available in the very near

5   future.

6   So we know that there are strongly held opinions

7   as to how exposures to chemicals in products should be

8   calculated, and we look forward to hearing these thoughts

9   from you both today and in written comments that are

10   submitted during the written comment period, which runs

11   through November 17th.

12   So with that, I'd like to turn over the

13   microphone to our facilitator Jeff Loux of UC Davis

14   Extension, who will go over process details.

15   MR. LOUX: Thanks, Allan. And thanks for

16   everyone being here. Just some quick housekeeping details

17   to make sure that we kind of stay on time and stay

18   focused. Emergency exits, there are four of them around

19   the room. As you came into one, one here, two in the

20   back. The restrooms, if you need them, are a little bit

21   hard to find. Just go out and go down to the right, and

22   you actually have to go through a little construction.

23   There's a little going on, but just keep going and

24   persevere and you'll get there. They are open and ready.

25   My job as facilitator really is just to keep us

1 on time and make sure that we get through the workshop and

2 get through the issues and basically that -- have a

3 neutral at UC Davis Extension's Collaboration Center is

4 assisting OEHHA in that regard.

5 I put up on this little flip chart just a couple

6 of basic sort of meeting management rules. I think we're

7 a pretty small group. We probably don't need to worry

8 about them, but if we kind of just stick to those

9 agreements, recognizing that we will have some strong

10 differences of opinion, and that's a good thing. That's

11 what these kind of pre-workshops are all about, and if we

12 can respect that and respect the time.

13 I've only got a couple of speaker cards, so I

14 suspect time is not going to be an issue at all. I have

15 two. If anyone does wish to speak, what you want to do is

16 fill out one of these blue cards. And we have them up

17 front or I can pass them out and then give them to me and

18 then I'll kind of go through the speakers.

19 We shouldn't have any problem with time as a

20 result of that, because we don't have a lot of speakers

21 yet. But if we do, Monet is here with the big sign that

22 says, you know, five minutes, three minutes, that sort of

23 thing just to keep us on time, but I don't think that's

24 going to be a problem today at all.

25 I'd say we do have the court recorder, which will

1 then turn into official court reporting, so all of this is

2 being recorded but not webcasted, as Allan said. I think

3 that's all the logistics and housekeeping that we need.

4   Okay. So I'll turn it over to Carol and then

5 Melanie.

6   CHIEF COUNSEL MONAHAN-CUMMINGS: I'm going to go

7 to the next slide and you can see which is better.

8   MR. LOUX: Do we want to go lights down or is

9 this good?

10   CHIEF COUNSEL MONAHAN-CUMMINGS: So what's your

11 preference, do you want to leave the lights up? Can you

12 see well enough?

13   MR. LOUX: That's pretty good.

14   CHIEF COUNSEL MONAHAN-CUMMINGS: Okay. I'll just

15 leave it that way. I'd hate to have you all go to sleep

16 this early in the morning.

17   Good morning. I'm Carol Monahan-Cummings, Chief

18 Counsel for OEHHA. And I just want to give a couple

19 little background comments on the reason that we're here

20 for this workshop. It's a little bit different than the

21 ones that we had last week. Particularly the one in the

22 morning last week was responding to a petition for

23 rule-making. We don't have any requests -- formal

24 requests for rule-making on the subjects that we're here

25 on today. However, as a lot of you know there

1   were -- there's been some court decisions, in particular

2   one in ELF versus Beechnut case that interpreted OEHHA's

3   regulations.

4   And what happens in court cases is that you have

5   experts that are hired by each side in the litigation.

6   And their objective in the litigation is to win. And so

7   there's -- the paid experts will give their opinions and

8   then the court has to rely on those opinions, look at the

9   relevant law and come to a conclusion.

10   So when we looked at the decision in the ELF

11   versus Beechnut case, we felt that the court incorrectly

12   interpreted a couple of our regulations, and that the

13   decision is contrary to the intent of our regulations.

14   So we've determined that we want to clarify a

15   couple of issues in our existing regulations, which are

16   actually pretty old. They were adopted nearly 30 years

17   ago, but they've served -- they've served well, and

18   they're -- for the most part, they still represent the

19   position of OEHHA. But there are certain terms within the

20   regulations that we think need to be defined more clearly.

21   And one of those we're going to talk about this

22   morning that has to do with what an average user of a

23   product might look like. We want to remind you that the

24   law -- this particular law does not ban the use of

25   chemicals. It doesn't limit the amount of a chemical that

1 can be in a product. What it does is it requires a

2 warning for individuals who are exposed to a chemical that

3 the State has determined causes cancer or reproductive

4 effects.

5   And so the purpose of the law is to provide

6 warnings to individuals that are exposed. And so it's

7 important that it -- the terminology in the statute

8 talking about exposure in individual and other terms in

9 the statute be well defined in the regulations.

10   So what we're talking about today, as Allan

11 mentioned, is what an average user of a product might be.

12 And so we're going to -- I'm going to have Melanie explain

13 to you the change that we are proposing for the

14 regulation, at least as a pre-regulatory concept. I want

15 to encourage you to give us your ideas on the concept.

16 That's what we -- why we do pre-regulatory workshops, so

17 that we can hear from the public before we take a formal

18 regulatory action. And we're encouraging you to put your

19 comments in writing, as well as make them orally, because

20 it can be kind of a complicated question.

21   Okay. And I don't think I had anything else I

22 wanted to add at this point, but I'm happy to answer

23 questions later, if you'd like.

24   DR. MARTY: Good morning I'm Melanie Marty. I'm

25 Acting Deputy Director for the Science Division at OEHHA.

1 So Prop 65 requires businesses, as you know, to provide a
2 warning to consumers when the level of exposure from a
3 consumer product exceeds a specific amount of a listed
4 chemical. The level of exposure to a listed chemical is
5 determined by multiplying the quote level in question to
6 the concentration -- you can think about it as the
7 concentration of chemical in a given medium times the
8 reasonably anticipated rate of exposure for an individual
9 to a given medium.

10   For exposures to consumer products, a level of
11 exposure is calculated using the reasonably anticipated
12 rate or intake of exposure for average users of the
13 product.

14   We're talking about a possible amendment today to
15 the regulation. So Prop 65 and existing implementing
16 regulations are not specific about how intake or exposure
17 of an average consumer is determined. This lack of
18 clarity can lead to incorrect determinations that some
19 product related exposures are exempt from Prop 65
20 warnings.

21   This possible regulatory action would amend
22 section 25821(c)(2) to clarify that the reasonably
23 anticipated rate of intake or exposure to a listed
24 chemical is to be calculated as the arithmetic mean of
25 intake or exposure for product users. This will help

1 businesses to correctly determine the rate of intake or

2 exposure and decide whether a warning is required.

3 Intakes or exposures vary for users of products

4 and can be represented by a range of values. So this is

5 schematically shown at the bottom of this slide. The

6 range can be characterized as a distribution from lowest

7 to highest exposure. It could be a bell shaped curve,

8 which is what you see on the left of the slide, even on

9 each side, or it could be skewed a little bit. In this

10 case, we're showing a right skewed distribution on the

11 right hand side of this slide.

12 The distribution of food intakes is most often

13 skewed to the right, meaning that a relatively smaller

14 number of people consume the product at significantly

15 higher amounts than other consumers of the product.

16 Now, why would we use the arithmetic mean to

17 determine the average? So the existing regulation right

18 now is not clear whether average should be characterized

19 by the arithmetic mean or the geometric mean or some

20 people like to use a median. The geometric mean, in

21 essence, underweights the rate of exposure of those people

22 whose consumption is nearer to the higher end of the

23 range. The median does not address consumption near the

24 high end of the range at all. It just says half the

25 values are below this and half the values are above this.

1   The arithmetic mean weights all the values for

2   intake rate equally and does not discount exposures near

3   to the high end of the range. The geometric mean will

4   produce a lower average consumption rate than the

5   higher -- than the arithmetic mean in this case.

6   The geometric mean is commonly used for a rating

7   system that scores products based on two or more criteria,

8   which may cause the range of data values sometimes to span

9   multiple orders of magnitude.

10   The arithmetic mean is commonly used for

11   averaging a single criteria, in this case, daily

12   consumption, measured with a single metric.

13   This slides gives us an example of the difference

14   between the geometric mean and the arithmetic mean for a

15   set of numbers. The geometric mean is essentially the nth

16   root of the product of n numbers. So, in this case,

17   assume it's five milligrams per day intake of something,

18   10, 25, and 30. If you do the geometric mean of that, you

19   end up with 13.9. The arithmetic mean is what we're all

20   familiar with. It's the sum of n numbers divided by n.

21   In this case, the arithmetic mean is 17.5.

22   The possible amendment that we're proposing is

23   reasonably anticipated rate of intake or exposure to a

24   listed chemical is calculated as the arithmetic mean of

25   the rate of intake or exposure for users of the product.

1   MR. LOUX: Thanks, Carol and Melanie.

2   So we're kind of moving now into the question

3 portion and the public comment portion. And I think we'll

4 be fine time-wise. It should be good. Does anyone else

5 need a speaker card, if you didn't pick one up, if you

6 intend to speak now that you've heard the presentation. I

7 still only have two, so those are the two I'll call out.

8   If you need a speaker card after you kind of

9 heard things?

10   And does anyone have a speaker card out there in

11 the audience that I didn't -- I've got Trent Norris and

12 Caroline Cox.

13   Okay. Any other speakers?

14   Well, we'll have no problem accommodating however

15 we want to do it. So the idea is the speakers kind of

16 come on up here and kind of talk into that microphone.

17 That will help our recorder make sure. So why don't we

18 have Trent Norris come up first. And this is, you know,

19 questions to Allan, or Melanie, or Carol and also comments

20 and discussion.

21   MR. NORRIS: Thanks. Hi. I'm Trent Norris of

22 Arnold and Porter here on behalf of the California Chamber

23 of Commerce and a large coalition of trade associations

24 organized by the chamber. Anthony Samson of the Chamber

25 sends his regrets. He had a conflict he could not move

1   today, but he asked me to present our oral comments. And,

2   of course, we'll be presenting written comments prior to

3   the deadline.

4   The Chamber believes strongly that OEHHA should

5   not take a one-size-fits-all approach by requiring that

6   the reasonably anticipated rate of exposure or intake be

7   based solely on the arithmetic mean of the distribution of

8   exposure rates. Nothing in the statute requires OEHHA to

9   take this outlier position. And this has not been OEHHA's

10   expressed position in the past. So we strongly object to

11   any implication that this is merely a clarification of

12   OEHHA's long-standing position. This issue comes up in

13   case after case under Proposition 65. There have been

14   thousands of them over the 30 years or so that this has

15   been in effect. And OEHHA has never weighed in on this

16   issue in any formal manner.

17   I personally am unaware of OEHHA ever taking this

18   position, even informally, in 22 years of practice and

19   meetings with staff of a OEHHA, as well as staff of the

20   Attorney General's office.

21   Any estimate of the average term is only as good

22   as the data and methods that are used for the estimate.

23   Statisticians know this. They also know there are

24   different ways to calculate the average, the geometric

25   mean, the arithmetic mean, and the median are examples of

1   that.   Government agencies also know this.

2   The U.S. Centers for Disease Control and

3   Prevention, which is responsible for the database on food

4   consumption that is referenced in the Prop 65 regulations

5   specifically, has guidance addressing when to use the

6   geometric and arithmetic means.   And they say, and I

7   quote, "In instances where the data are highly skewed,

8   geometric means should be used".   A geometric mean, unlike

9   the arithmetic mean, minimizes the effect of very high or

10 low values, which could bias the mean if a straight

11 average, i.e. arithmetic mean, were calculated.   U.S. EPA

12 calls for the geometric mean when dealing with skewed data

13 distributions for exposure assessments as well.   And OEHHA

14 itself has used the geometric mean.

15   As one example, OEHHA determined the cancer

16 potency for phenylhydrazine hydrochloride as the geometric

17 mean of potencies derived for each of the data sets

18 analyzed.

19   So the determination of average, the determine

20 used in the regulations, therefore must be made based on

21 analysis of the distribution.   Is it highly skewed?   Is it

22 a bell curve?   Where does it fit?

23   The California Attorney General has recognized

24 this in briefings in multiple cases seeking to determine,

25 and the term they use is, the central tendency of a

1   distribution to be the average - that's the term used in

2   the regulations - which can, in fact, be something other

3   than the arithmetic mean.

4   It would also be bad policy for OEHHA to move in

5   this direction. For skewed distributions, such as OEHHA

6   acknowledges is true for most foods, using the arithmetic

7   mean would require warnings for many more consumers than

8   are actually necessary. In many cases, the arithmetic

9   mean of exposure is at the 80th or 85th percentile of the

10   entire distribution, as compared to the geometric mean,

11   which is closer to the median, at the 55th or 60th

12   percentile.

13   A warning on a consumer product is provided to

14   all users. So the practical effect of this proposal would

15   be to change the law, so that we are now providing

16   warnings for all users of the product, where only 15 to 20

17   percent of the users are exposed above the threshold

18   level, in other words, those above the 80th or 85th

19   percentile.

20   This runs directly contrary to the Governor's

21   reform initiative to make warnings under Prop 65 more

22   meaningful for consumers and to have fewer warnings as

23   well.

24   This also is obviously a reaction to the Beechnut

25   decision, since it only addresses reproductive toxicants

1   and not carcinogens. There's nothing in the statement

2   that addresses why that would be the case.

3   And furthermore, it is contrary to the facts to

4   say that you're averaging only one particular criterion

5   here. In food cases, there indeed are three criteria at

6   least that get averaged together in order the figure out

7   the actual exposure, one is the amount consumed per eating

8   occasion, two is the eating occasions per day, i.e. the

9   frequency of consumption, how frequently people consume

10   the product, and the third is the concentration of the

11   chemical.

12   When those three are multiplied together, the

13   distribution becomes more skewed. So because this is

14   talking about the rate of intake or exposure to the

15   chemical, you have to look at all three of those criteria.

16   That gives you a skewed distribution, in many cases for

17   foods, and for perhaps for in other products. And it's

18   therefore appropriate, as OEHHA recognizes, when there's

19   more than one criteria involved to use the geometric mean.

20   I should also point out that this affects not

21   only the warning provision of Prop 65, but the discharge

22   prohibition. So one cannot say, well, it's just all about

23   warnings. Prop 65 bans the discharge of chemicals to a

24   source of drinking water, or to land where it may enter a

25   source of drinking water, above the particular level set

1   for that chemical. And exposure, under this regulation,

2   would be calculated in exact three same way. The

3   exemption would apply the same, and so you could indeed be

4   banning products as a result of this.

5   So in sum, we believe strongly that OEHHA should

6   not adopt this proposed language, should leave it to the

7   courts discretion after reviewing the science, reviewing

8   the specific distribution for the chemical at issue and

9   for the product at issue, to determine what average means,

10 and to thereby implement the regulations, as we believe

11 they were intended, almost 30 years ago.

12   Thank you.

13   MR. LOUX: Thanks, Trent.

14   The next speaker I have is Caroline Cox. And

15 does anybody else think they may want to speak, but they

16 don't have a blue card and want the fill one out. And are

17 there any other blue cards out there, now that you've

18 gotten going and you will want to speak in

19   MS. COX: Good morning. My name is Caroline Cox.

20 And I'm from the Center for Environmental Health here in

21 Oakland. I just want to speak briefly in support of this

22 proposal. You know, I was thinking about those voters

23 back in 1986 who made Proposition 65 into a law. And I

24 doubt any of them were thinking about the meaning of the

25 word average. But I'm sure if you had asked any of those

1 voters what they thought average meant, they would have

2 thought it meant the plain old, ordinary, what we call

3 arithmetic mean. The kind of average that we all learned

4 to do in fourth grade, right?

5 And I also think there was a strong presumption

6 on the voters who supported the law that they wanted to be

7 protected. The reason that they voted for Proposition 65

8 was they wanted more protection from toxic chemicals. And

9 I think OEHHA has made it really clear in the materials

10 that they prepared for this meeting that the more health

11 protective way to define average is as the arithmetic

12 mean.

13 So we're in support of the proposal.

14 I would request that, if possible, OEHHA

15 clarify -- and if I'm the only one who doesn't understand

16 this, I ask your forgiveness. But under what specific

17 circumstances does this definition of average apply? As

18 Trent mentioned, with food cases, there's typically an

19 issue about how much you eat, what your serving size or

20 consumption amount is, and then there's also an issue of

21 how often you eat it or frequency of consumption.

22 And it wasn't clear to me whether this was meant

23 to apply to both those things or one or the other. So if

24 there's a way to clarify that, I think that would be very

25 useful.

1   Thank you.

2   MR. LOUX: Thank you, Caroline.

3   Okay. The next speaker I have is Gary Roberts.

4   And I ask again, is there anyone else that has a card who

5   wants to speak, card out there, or who needs a card, needs

6   one and wants to speak and didn't get a chance to sign up?

7   Okay. Gary.

8   MR. ROBERTS: Thank you. Good morning. I'm Gary

9   Roberts of Dentons. I have a few questions and a comment.

10   And my questions are, is this a science based

11 action or a policy action, number one?

12   Number two, why is there a rush?

13   Number three, there is a statement on page three

14 of the pre-regulatory comments that is kind of -- I read

15 as a fact statement. It's two sentences and I'll read it

16 now for those who don't have the three page comments with

17 them.

18   Quote, "The geometric mean could be acceptable

19 for a rating system that scores products based on two or

20 more criteria, such as price, availability, and sales

21 data. However, the geometric mean is not the appropriate

22 metric for identifying average consumption levels of a

23 food or a consumer product", closed quote. What is the

24 citation for that statement?

25   And then my comment is that this action is

1 remarkably unjustified in light of the thousand-fold

2 safety factor present in the statute.

3   Thank you.

4   MR. LOUX: Thank you, Gary.

5   The next speaker I have is Mike Easter? And

6 again, is there anyone else who has a speaker card? It

7 would be good for us to get a sense of -- rather than just

8 having them come in one at a time, because then we won't

9 quite know how much time to give them. Does anyone else

10 need a speaker card? Need a blank one?

11   MR. EASTER: My name is Mike Easter. I'm a

12 toxicologist and a principal at EnSIGHT. I do a lot of

13 Proposition 65 risk assessments. And when I saw this, I

14 was concerned that, from what I can -- from what I

15 understand is a policy decision, not premised upon any

16 scientific determination.

17   If we keep in mind that, as Trent pointed out,

18 that this is a warning statute, and this information that

19 we're talking about today is used to make the

20 determination when a warning is necessary, we want to keep

21 it towards the center where the average user is for the

22 reasons he cite, specifically to avoid underwarning and

23 overwarning.

24   In the context of looking at the variables that

25 go into an exposure assessment, there's a number of them.

1   Some of them may be distributed log normally, some may be

2   arithmetic, harmonically, there's a whole -- there's a

3   myriad or indefinite.

4   And it just seems to me that when we go through

5   and make the determination as to whether a warning is

6   required, we want to apply objective scientific process.

7   So kind of getting back to this proposed rule, it

8   seems inappropriate to make the determination a priori

9   that all distributions are best described by an arithmetic

10 mean. I think really what would be appropriate here is a

11 process to make the determination of how the treat the

12 data.

13   And rather than having a proposed regulation

14 addressing it, maybe other types of guidance information

15 might be useful in that regard. I know that you guys

16 prepare interpretive guidance for a number of other

17 aspects of these exposure assessments. And this might be

18 a better fit, rather than a priori rule that it could

19 result in overwarning or underwarning.

20   Thank you.

21   MR. LOUX: Thanks, Mike.

22   Is there anyone else who wants to speak or ask a

23 question or address?

24   Anybody else?

25   No. So Allan, Melanie, Carol, do you guys want

1   to respond to any of these? There were a few direct

2   questions. There were a couple of comments, a couple of

3   suggestions. Do you want to respond to any of them

4   or -- it's up to you.

5   DR. MARTY: In terms of the question that Gary

6   Roberts asked, is this a science based or policy based?

7   So I looked at it from a science perspective,

8   but, you know, obviously there's choices. And so you

9   could say it's maybe a mix.

10   And then somebody made a statement that OEHHA has

11   used the geometric mean and gave an example of one of the

12   slope factors, cancer potency factors. And, yes, we have

13   done that. We've done that where you have a number of

14   data sets that you can analyze, and they might be

15   very -- from very different types of experiments. So they

16   really aren't the same way of measuring something. So,

17   yes, we have done that.

18   Now, in terms of using average versus -- or

19   arithmetic versus geometric versus any percentile in an

20   exposure assessment, in OEHHA's other risk assessment

21   programs, we typically use an arithmetic mean for a skewed

22   distribution, plus one of the high end percentiles to

23   characterize exposures to a population.

24   Anyone else want to respond to it? Allan, Carol,

25   anything?

1   No. Okay. Anybody else out in audience? One

2   more shot at it, since we've got plenty of time. Anybody

3   else want to ask a question?

4   Okay. All right.

5   CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Well, I'd

6   like to thank everyone for making the effort to come here

7   this morning and participate in our workshop. I think

8   rather than try to respond off the top of our heads to

9   comments that we've heard, we'll definitely go back and

10   think about them. And we assume that we'll see those same

11   comments perhaps expounded upon in your written comments.

12   Hold on, I think Dr. Marty has something else to

13   say.

14   DR. MARTY: I just wanted to add in the other

15   programs where we're looking at the arithmetic mean of

16   skewed distributions. Those are in peer reviewed

17   scientifically peer reviewed risk assessment guidelines.

18   CHIEF DEPUTY DIRECTOR HIRSCH: Okay. So again,

19   we'll be thinking about these comments as well as written

20   comments that need to be submitted to us by the end of the

21   comment period on November 17th.

22   So again, we would encourage those comments to be

23   emailed to Monet Vela of our staff, at Monet, M-o-n-e-t

24   dot V-i-l-l-a at OEHHA.ca.gov.

25   CHIEF COUNSEL MONAHAN-CUMMINGS: V-e-l-a,

1   V-e-l-a.

2   CHIEF DEPUTY DIRECTOR HIRSCH: Oh. Okay. Your

3   right. My a apologies.

4   MR. LOUX: It's on the agenda notice and on the

5   website.

6   CHIEF DEPUTY DIRECTOR HIRSCH: I can't believe I

7   did that.

8   (Laughter.)

9   DR. MARTY: You must have been thinking of that

10   famous actress Monet Villa.

11   (Laughter.)

12   DR. MARTY: It was a joke. Sorry.

13   CHIEF DEPUTY DIRECTOR HIRSCH: I was writing it

14   out yesterday and had taken the day off.

15   Can you also snail mail comments to Monet

16   Vela -- and I see it in my notes here I have that right,

17   V-e-l-a, at the Office of Environmental Health Hazard

18   Assessment, 1001 I Street, Sacramento, 95812. And of

19   course details including proper spellings are available on

20   our website at oehha.ca.gov.

21   So again the next step is for us to -- is to

22   review both oral and written comments and then presumably

23   to produce both an official proposed regulation and an

24   Initial Statement of Reasons. And we would then expect to

25   initiate the State's official regulatory process

1 of -- which would include a public hearing and comment

2 period on the official proposed reg.

3   This workshop is really just an early preliminary

4 step in that regulatory process. So thanks again to the

5 staff and to the Jeff Loux for helping us today. And I'm

6 sure we'll see many of you back here at 1:00 o'clock for

7 the afternoon workshop on measuring concentrations of

8 listed chemicals in products.

9   (Thereupon the workshop concluded at 10:37 AM.)

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 1   C E R T I F I C A T E   O F   R E P O R T E R

 2   I, JAMES F. PETERS, a Certified Shorthand

 3   Reporter of the State of California, and Registered

 4   Professional Reporter, do hereby certify:

 5   That I am a disinterested person herein; that the

 6   foregoing California Office of Environmental Health Hazard

 7   Assessment workshop was recorded electronically and

 8   transcribed under my direction, by computer-assisted

 9   transcription in shorthand by me, James F. Peters, a

10   Certified Shorthand Reporter of the State of California.

11   I further certify that I am not of counsel or

12   attorney for any of the parties to said workshop nor in

13   any way interested in the outcome of said workshop.

14   IN WITNESS WHEREOF, I have hereunto set my hand

15   this 27th day of October, 2015.

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21   JAMES F. PETERS, CSR, RPR

22   Certified Shorthand Reporter

23   License No. 10063

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