

**Candidates for Proposition 65 Listing via the Authoritative Bodies  
Mechanism Found Not to Meet the Scientific Criteria  
(22 CCR Section 12306(g)):  
Diazinon (CAS No. 333-41-5)**

**Office of Environmental Health Hazard Assessment  
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The U.S. Environmental Protection Agency (U.S. EPA), an authoritative body for purposes of Proposition 65 (Title 22, California Code of Regulations, Section 12306(l) (22 CCR §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 findings in the *Federal Register* (59:1788-1859, 1994 and 59:61432-61485, 1994). The Office of Environmental Health Hazard Assessment (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 many TRI chemicals that the 22 CCR §12306 regulatory criteria were met and has placed these chemicals on the Proposition 65 list of chemicals known to cause reproductive toxicity. A number of other TRI chemicals were found not to meet the 22 CCR §12306 criteria and have been removed from listing consideration at this time. As described below, OEHHA has determined that scientific criteria for “as causing reproductive toxicity” specified in regulation (22 CCR §12306(g)) were not satisfied for diazinon (CAS No. 333-41-5). This chemical was added by U.S. EPA in 1994 to the TRI list on the basis of developmental toxicity.

Subdivision (i) of section 12306 requires that chemicals which have reached the Notice of Intent to List phase, but are later determined not to meet the technical criteria in 22 CCR §12306 must be sent to the appropriate committee, in this case the Developmental and Reproductive Toxicant Identification Committee of the OEHHA Science Advisory Board. A California Regulatory Notice Register notice for diazinon (November 20, 1998, Register 98, No. 47-Z) announced that the regulatory criteria for listing may have been met. However, because a notice of intent to list was not issued, this chemical will not be referred to the Committee for its review.

Diazinon (CAS No. 333-41-5)

U.S. EPA (*Federal Register* 59(8):1813, 1994) based its finding of developmental toxicity on citations in the Registry of Toxic Effects of Chemical Substances (RTECS, 1993) to four studies, and an additional general citation to confirmatory data in the “EPA/OPP One-liner database”. The information on the studies provided in RTECS was not sufficient in itself to allow OEHHA to determine that the criteria specified in

22 CCR §12306(g)(2) had been met, so OEHHA also reviewed the original studies cited. Subsequent to that review, it has been determined that materials outside of the U.S EPA administrative record cannot be reviewed for the purpose of determining whether the criteria in 22 CCR §12306(g)(2) have been met [Third District Court of Appeal, *Western Crop Protection et al. vs. Gray Davis et al.* (Case No. CO29727, May 9, 2000 as modified on denial of rehearing, June 8, 2000). Because inclusion in RTECS does not reflect review of the original studies by U.S. EPA, OEHHA considers the original studies cited in RTECS but not in the docket to be outside the U.S. EPA administrative record. No confirmatory data were identified from the EPA/OPP One-liner database. Thus, OEHHA cannot conclude that the 22 CCR §12306(g)(2) criteria have been met for diazinon.