

**Response to Comments Concerning the Notice of Intent to List
Tetrahydrofuran; 2-Ethylhexyl Acrylate; Methyl Acrylate; and Trimethylolpropane
Triacrylate, Technical Grade as Causing Cancer under Proposition 65**

**Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
December 2021**

Background

On June 11, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) issued a Notice of Intent to List¹ tetrahydrofuran, 2-ethylhexyl acrylate, methyl acrylate, and trimethylolpropane triacrylate, technical grade under Proposition 65² as chemicals known to the state to cause cancer. The June 11 notice initiated a 45-day public comment period³ that closed on July 26, 2021. Five sets of comments were received during the comment period. This document responds to those comments.

The process by which OEHHA lists chemicals and substances via the Labor Code listing mechanism is described in Title 27, California Code of Regulations, section 25904⁴. The regulation sets out the requirements for listing chemicals as causing cancer pursuant to Health and Safety Code section 25249.8(a) and Labor Code section 6382(b)(1).

Pursuant to Section 25904(c), a chemical must be included on the Proposition 65 list if it is identified by the International Agency for Research on Cancer (IARC) in its Monographs series on the Evaluation of Carcinogenic Risks to Humans (most recent edition), based on sufficient human or animal evidence, as carcinogenic to humans (Group 1), probably carcinogenic to humans (Group 2A) or possibly carcinogenic to humans (Group 2B). Tetrahydrofuran⁵, 2-ethylhexyl acrylate⁶, methyl acrylate⁷, and

¹ Notice of Intent to List Chemicals by the Labor Code Mechanism: Tetrahydrofuran; 2-Ethylhexyl Acrylate; Methyl Acrylate; and Trimethylolpropane Triacrylate, Technical Grade, available at: <https://oehha.ca.gov/proposition-65/cnr/notice-intent-list-chemicals-labor-code-mechanism-tetrahydrofuran-2-ethylhexyl>

² The Safe Drinking Water and Toxic Enforcement Act of 1986 (codified at Health and Safety Code section 25249.5 *et seq.*) hereinafter referred to as Proposition 65 or the Act.

³ The comment period was extended an additional 15 days due to the COVID-19 Emergency.

⁴ All further references are to sections of Title 27, Cal. Code of Regs unless otherwise stated.

⁵ International Agency for Research on Cancer (IARC, 2019a). IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 119. Some Chemicals That Cause Tumours of the Urinary Tract in Rodents. IARC, World Health Organization, Lyon, France. Available from: <https://publications.iarc.fr/575>

⁶ International Agency for Research on Cancer (IARC, 2019b). IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 122. Isobutyl Nitrite, β -Picoline, and Some Acrylates. IARC, World Health Organization, Lyon, France. Available from: <https://publications.iarc.fr/583>

⁷ *Ibid.*

trimethylolpropane triacrylate, technical grade⁸ meet this criterion for listing because they are identified by IARC as having sufficient evidence of carcinogenicity in animals and are classified as possibly carcinogenic to humans (Group 2B).

Response to comments

After careful consideration of the public comments received, OEHHA has determined that tetrahydrofuran, 2-ethylhexyl acrylate, methyl acrylate, and trimethylolpropane triacrylate, technical grade meet the requirements for listing as known to the state to cause cancer and will be listed under Proposition 65 on December 17, 2021.

Summaries of the public comments and responses by OEHHA are provided below.

Commenters	Abbreviation
The Adhesive and Sealant Council	ASC
Basic Acrylic Monomer Manufacturers, Inc.	BAMM
Plastic Pipe and Fittings Association	PPFA
Techcheck, LLC	Techcheck
The Tetrahydrofuran Task Force	TTF

Comment 1: BAMM asserts that the IARC classifications for 2-ethylhexyl acrylate and methyl acrylate, specifically Group 2B, are erroneous and misleading and that a Proposition 65 listing is unwarranted. They acknowledge that OEHHA will not respond to comments on IARC’s scientific conclusions under the Labor Code listing process but wish to include their position in the public record for these listings.

ASC also states that 2-ethylhexyl acrylate should not be listed under Proposition 65. ASC disagrees with IARC’s scientific findings. They believe that there is insufficient evidence for the IARC classification of 2-ethylhexyl acrylate as a carcinogen.

Both TTF and PPFA also recognize that Labor Code listings are ministerial but state their opposition to the listing of tetrahydrofuran for the record. TTF disagrees with IARC’s scientific conclusions and the classification of tetrahydrofuran (Group 2B). PPFA contends IARC’s review is “inadequate” and “does not reflect the best available science.”

Response 1: As the commenters acknowledge, the Labor Code listings are a ministerial duty based on whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen in IARC groups 1, 2A or 2B, based on sufficient animal or human evidence. Pursuant to Health and Safety Code section 25249.8(a), Section 25904(c) of the regulations and in compliance with relevant

⁸ IARC (2019b), full citation provided in footnote 6.

case law, OEHHA cannot refuse to list a chemical pursuant to the Labor Code listing mechanism if a commenter disagrees with IARC's scientific conclusions.

Comment 2: TechCheck disagrees with IARC's Group 2B classification of trimethylolpropane triacrylate. They believe that there is inadequate evidence and question the studies used by IARC. TechCheck believes that trimethylolpropane triacrylate should not be listed under Proposition 65.

Response 2: OEHHA would like to clarify that the chemical being listed is trimethylolpropane triacrylate, technical grade. The listing of trimethylolpropane triacrylate, technical grade is a ministerial duty based on the chemical's identification by IARC as a Group 2B carcinogen with sufficient evidence in experimental animals. Pursuant to Health and Safety Code section 25249.8(a), Section 25904(c) of the regulations and in compliance with relevant case law, OEHHA is required to list this chemical pursuant to the Labor Code listing mechanism.

Comment 3: TTF and PPFA both request that a No Significant Risk Level (NSRL) be immediately developed if tetrahydrofuran is listed.

Response 3: OEHHA acknowledges the request for an NSRL and will consider it at a later date.