

# **DART-IC Choices Stir up Controversy**

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# OEHHA to Task the DART-IC with Cannabis Toxicity Evaluation

By LisaLisa | DART-IC Choices Stir up Controversy

California's Office of Environmental Health Hazard Assessment (OEHHA) has engaged the state's Developmental and Reproductive Toxicant Identification Committee (DARTIC) of OEHHA's Science Advisory Board to evaluate whether certain cannabis compounds, such as (marijuana), marijuana (cannabis) smoke, cannabis extracts, and  $\Delta$ -9-Tetrahydrocannabinol (THC) has been shown to cause reproductive toxicity (developmental toxicity endpoint). Chemicals identified as reproductive toxicants by the DARTIC are added to the Proposition 65 list.

OEHHA will develop hazard identification materials on cannabis chemicals and is requesting scientific information relevant to whether they cause reproductive toxicity (developmental toxicity endpoint). The data call-in period will end at 5:00 p.m. on April 29, 2019. The committee meeting is tentatively planned for sometime in the Fall of 2019, but the date has not been announced.

The timing of the evaluation is interesting as the USDA has hinted at possibly loosening restrictions for certain cannabidiol extracts in food or dietary supplements.

The departure of Commissioner Scott Gotlieb from his post may not have much of an impact going forward. Recently Commissioner Gotlieb announced the formation of a working group to develop rules that would permit the use of certain extracts from hemp in food or dietary supplements and indicated that a public hearing was being planned to discuss how some uses of cannabidiol in food and dietary supplements might be legalized.



Dart-IC's upcoming evaluation of cannabis compounds may have a profound impact on the cannabis industry if the compounds are found to cause developmental toxicity. Such a finding would cause Cannabis providers to post "Clear and reasonable warnings along the lines of the alcohol warnings for pregnant women.

# CEH Study Claims that Lead in Candies and Purses Dropped Thanks to Prop 65 Enforcement

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The Oakland based Center for Environmental Health (CEH) has released a new [report](#) that the implementation of California's Proposition 65 labeling law for toxic chemicals has resulted to a significant reduction in the amount of lead tested in certain colorful purses and candies.

In 2004, hazardous levels of lead were found in almost 50% of the chili and tamarind candies sold in California. Five years later, it dropped to only 3% after the CEH and California's Department of Justice filed lawsuits against the manufacturers.

Meanwhile, a study in 2009 reported that lead-tainted pigment was found in about a third of faux-leather wallets, purses, and handbags sold in California and online. CEH sued the manufacturers and by 2016 the purses and handbags that were lead-tainted dropped to 8 percent.

Caroline Cox, a senior scientist at CEH and lead author of the report said that the results "show that Prop 65 and other similar state laws are an effective way of encouraging companies to make safer products."

A Prop 65 warning is required for lead, a highly toxic chemical for young children, especially babies. Lead exposure can cause irreversible brain and nervous system damage. If a pregnant woman touches a lead-tainted purse there's a possibility that the toxic metal can poison the unborn baby.

In 2009, the **Orange County Register** found dangerous levels of lead in candies for children that were imported from Mexico. The latest study shows that manufacturers have reduced lead contamination.

Prop. 65 had been criticized as a burdensome law to businesses which also confuses and creates pointless fear among consumers. However, the new report shows that the law is actually working to lessen people's exposure to harmful substances.

Margaret Handley, a University of California San Francisco professor of epidemiology and biostatistics said the study is limited only to candies and purses and does not include other food, candies, and consumer products. Her own research shows the opposite results because the number of lead contamination health alerts for those products increased.

Handley said that lead has also been found in food and candies imported from other countries, not only Mexico as well as from food brought in by family and friends from abroad.

She recommended that the state and local health departments come up with a more coordinated way of



finding the sources of lead poisoning and warn people about them.



# Washington States' legislature has passed the strongest chemical law in the Nation

By LisaLisa | DART-IC Choices Stir up Controversy



Washington's state legislature has passed a bill that would create a regulatory system to identify and impose restrictions or prohibitions on, certain chemicals of concern found in consumer products. The bills' supporters say that if it becomes law, it will be the "nation's strongest policy for regulating toxic chemicals in consumer products".

The Pollution Prevention for Our Future Act (SB 5135) would call for the state's Department of Ecology (DOE) to take regulatory actions on consumer products containing chemicals of high concern. It identifies as priorities substances such as PFASs compounds, phthalates, flame retardants, phenolic compounds, and PCBs.

The introduction of the bill came after a task force responsible for determining approaches for protecting the area's endangered orca whale population identified certain toxic contaminants as a priority threat last year.

The state Senate passed the bill last month by a narrow margin. An amended version passed the House last week on a 60-37 vote, and the Senate concurred with the updated legislation on April 22 by a 2 margin.

The measure now heads to Governor Jay Inslee, who is expected to sign it into law.

## **The Devil is in the Details**

The measure directs the ecology department to "determine regulatory actions to increase transparency and to reduce the use of priority chemicals in priority consumer products."

This could include notification requirements, such as providing lists of products containing priority chemicals, product ingredient disclosure or information regarding exposure and chemical hazard.

The measure directs the ecology department to 'determine regulatory actions to increase transparency and to reduce the use of priority chemicals in priority consumer products'

But the legislation also authorizes the department to restrict or prohibit priority substances when it determines that a safer alternative is "feasible and available", and that such an elimination will "reduce a significant source or use" of a chemical, or if doing so is necessary to protect the health of sensitive populations or species.

The legislation outlines the criteria for identifying priority substances, which include whether they are

persistent, bioaccumulative and toxic (PBT) or listed on the state's Chemicals of Concern to Children ([CHCC list](#)).

Substances may also be designated if they are of concern to sensitive populations and species, taking into consideration such factors as their environmental and toxicological endpoints, potential exposures, and potential to degrade, form reaction products or metabolize into other concerning substances.

Priority products are those identified as "a significant source or use" of priority substances. Exempted from the measure are food and beverages, motor vehicles, drugs, products regulated by the Federal Aviation Administration (FAA) or Department of Defense (DOD) and plastic shipping pallets manufactured before 2012.

The ecology department is also blocked from restricting or requiring disclosure for inaccessible electronic components of electronic products.

A coalition of NGOs issued a joint statement celebrating the bill's passage, calling its passage a "huge win.

"This huge win keeps Washington state at the forefront of the nation, stopping the use of harmful chemicals in products that pollute our homes, bodies, and waters," said Laurie Valeriano, executive director of Toxic-Free Future.

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The act, said Clean Production Action's Cheri Peele, will "help move the market toward safer chemicals in products, which reduces business liability."

Liz Hitchcock, acting director of Safer Chemicals, Healthy Families, added: "Other states and the federal government should follow their lead."

But the measure has faced strong opposition from industry groups, which have argued that the state should use its existing authorities rather than adopt a new programme.

"Despite some improvements to the bill before it was passed by the legislature, the American Chemistry Council (ACC) remains concerned with the bill's underlying presumption that the presence of any identified high priority chemical in a consumer product means that the product is potentially harmful," a spokesperson for the trade group told Chemical Watch.

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The ACC added it was concerned that the legislation gives the DOE authority to determine if a chemical is "functionally necessary" and if an alternative is "feasible and available".

"Just because an alternative is available and could be used does not mean that it is in the best interest of the consumer to use the alternative," it said. "Giving the department the right to determine the necessity of a chemical product opens the door to decisions not being based on the best available science," it added.

The legislation calls for the DOE to identify its first priority products by June 1, 2020. Regulatory actions to address these would need to be determined two years down the road, with rules in place to implement the regulatory actions by midway through 2023.

This process is set to repeat on a five-year cycle from 2024.

# California State Water Board to Start Testing for PFAS Chemicals in Drinking Water

By LisaLisa | DART-IC Choices Stir up Controversy

The California State Water Boards Will Soon start testing drinking water for the presence of a number of PFAS compounds that may cause several adverse health effects.

PFAS (per- and polyfluoroalkyl substances) are highly fluorinated manmade compounds that are reported to have a variety of adverse health effects. PFAS compounds are resistant to heat, water, and oil. These properties have led to the common use of PFAS compounds in a wide range of products designed to be waterproof, stain-resistant or non-stick, such as carpets, furniture, cookware, clothing, and food packaging. These same compounds are also used in fire retardant foam at airfields and industrial processes involving flammable and combustible liquids. PFAS compounds are resistant to chemical breakdown. This property, combined with their ubiquitous use, explain why PFAS compounds are being found in drinking water supplies throughout the country.

PFOA (perfluorooctanoic acid) and PFOS (perfluorooctane sulfonic acid) are the most well-known PFAS compounds and have been the primary focus of regulatory action. The United States Environmental Protection Agency issued a 2016 non-binding health advisory of 70 parts per trillion (ppt) for PFOA and PFOS, either singly or combined. EPA defines this as the concentration of PFOA and PFOS in drinking water below which adverse health effects are not anticipated to occur over a lifetime of exposure.

Like many other states, California has decided to adopt its own PFAS standards and is regulating them under a variety of programs.

## Drinking Water

Effective July 13, 2018, the California State Water Resources Control Board's Division of Drinking Water (DDW) established drinking water notification levels of 14 ppt for PFOA and 13 ppt for PFOS, and a combined PFOA/PFOS drinking water response level of 70 ppt, which are available [here](#). Notification and response levels are non-binding, health-based advisory levels for contaminants in drinking water where maximum contaminant levels (MCLs) have not been promulgated. Establishment of notification and response levels often is the DDW's first step toward adopting binding MCLs.

Water providers are not required to test for contaminants with notification or response levels. However, if they do test, and a contaminant exceeds a notification level, they are required to notify their governing body, the water systems they directly supply and the local agencies (i.e., city and/or county) whose jurisdiction includes areas supplied with their drinking water. Water systems regulated by the California Public Utilities Commission must also notify the commission. The DDW recommends but does not require, consumers, be informed of notification level exceedances.

The combined 70 ppt response level is the concentration where the DDW recommends that additional steps be taken to reduce public exposure to PFOS/PFOA. Generally, this involves taking the drinking water source out of service. If the source is not taken out of service, the DDW recommends both local agency and customer notification. The DDW retains the right to provide notification of a response level exceeding these levels should a water provider elect not to issue the notice.

## Proposition 65

Effective November 10, 2017, California added PFOA and PFOS to California's Proposition 65 list of chemicals known to the State to cause reproductive toxicity. As a result, no later than November 9, 2018, businesses will be required to provide a "clear and reasonable warning" before "knowingly and intentionally" exposing a person to either chemical. Likewise, Proposition 65's "discharge prohibition," which prohibits a

business from knowingly discharging or releasing a Proposition 65 listed chemical into a drinking water source or onto land where it can or probably will pass into a drinking water source, will take effect in July 2019 for both chemicals.

### **Safer Consumer Products**

In April 2018, the public comment period ended for adding more than 3,000 PFAS compounds used in carpets and rugs as “Priority Products” under the California Department of Toxic Substances Control’s Safer Consumer Products law. Should the listing become final, “responsible parties” will be required to evaluate alternative chemicals for use as soil- and stain-resistant repellents in carpets and rugs sold in California. Given the ongoing concerns raised about PFAS compounds, water providers, as well as those associated with the generation, use and disposal of PFAS compounds, should anticipate increased regulatory scrutiny, as well as the potential for litigation alleging groundwater and drinking water contamination.

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# California Sets Two Prop 65 MADL Levels for n-Hexane

By LisaLisa | DART-IC Choices Stir up Controversy

California's Office of Environmental Health Hazard Assessment (OEHHA) has approved two Maximum Allowable Dose Levels (MADLs) for n-Hexane under Proposition 65. The two MADLs, which will be implemented starting July 1, were 20,000 and 28,000 micrograms per day for inhalation and oral exposures respectively.

Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 that prohibits businesses with more than 10 employees to knowingly and intentionally expose any individual to a listed substance without first giving a "clear and reasonable warning." However, the law does not require any warning if the exposures are below a "safe harbor" level or MADL for chemicals causing reproductive toxicity.

Prop 65 is also considered a consumer "right-to-know law" because it informs or warns consumers if certain products or packaging contain hazardous chemicals.

N-Hexane is a solvent component, degreaser, and low-temperature thermometer filling. In December 2017, the chemical was listed as a reproductive toxicant under Prop 65.

The MADLs of 28,000 and 20,000 micrograms per day for oral exposure and inhalation exposure respectively were proposed as the safe harbor values in September 2018.

OEHHA opened the proposed MADL for public comments until November 19, 2018.

**n-Hexane**

Colorless, volatile liquid; sweet/gasoline odor. Irritating to eyes/skin/respiratory tract. Also causes: dizziness, fatigue, muscle weakness, hallucinations. Chronic: peripheral neuropathy (muscle weakness, motor loss, sensory disturbances). Flammable.



CAS No. 110-54-3

The image shows a GHS hazard pictogram for n-Hexane. It is a diamond-shaped symbol divided into four quadrants. The top quadrant is red with the number '3'. The bottom-left quadrant is blue with the number '1'. The bottom-right quadrant is yellow with the number '0'. The bottom center of the diamond contains a black minus sign. The pictogram is set against a light gray background with a subtle drop shadow.

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# CIC to Determine Whether Acetaminophen is Carcinogenic

By LisaLisa | DART-IC Choices Stir up Controversy



California's Office of Environmental Health Hazard Assessment (OEHHA) has announced that the state's Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board will that the expert panel will consider whether acetaminophen should be added to the state's list of Proposition 65 carcinogens.

Acetaminophen was selected for this review when the CIC expert committee added the The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board serves as the state's qualified experts and renders an opinion about whether a candidate chemical has been clearly shown to cause cancer. The chemicals identified as carcinogens by the CIC are added to the Proposition 65 list.

OEHHA has selected acetaminophen for the CIC's review for possible listing under Proposition 65. The agency is initiating the development of hazard identification materials pertaining to this chemical.

According to a 2011 study published in the Journal of Clinical Oncology, Aspirin and ibuprofen did not increase the risk of lymphoma, however, their findings suggested these findings applied only for acetaminophen. Aspirin and ibuprofen did not increase this risk, according to the study. published on May 10, 2011

Chemical Selected for Preparation of Cancer Hazard Identification Materials.

The review that the CIC expert panel will look at other scientific evidence that may be more recent than the Journal of Clinical Oncology's findings.

## **Chemical Acetaminophen**

### **CAS No.**

**Acetaminophen 103-90-2**

### **103-90-2**

OEHHA is soliciting public comments to provide information relevant to the assessment of the evidence of carcinogenicity for acetaminophen. Relevant information includes but is not limited to:

Cancer bioassays

Cancer epidemiological studies  
Genotoxicity testing

Other pertinent data on:

Pharmacokinetics

Biomarkers; and

Effects on biochemical and physiological processes in humans

Interested parties wishing to provide pertinent information should submit it on or before April 29, 2019.

Array

OEHHA selected this chemical from those prioritized by the CIC in 2011. For details, follow this link:

<https://oehha.ca.gov/proposition-65/transcript-comment-presentation/meeting-synopsis-and-slide-presentation-carcinogen>.

Hazard identification materials for acetaminophen will be presented at a future meeting of the CIC for consideration of listing under Proposition 65. As of the release of this notice, this meeting has not been scheduled.

Hazard identification materials are made available to the public for comment prior to the CIC's consideration of the chemical for possible listing. The availability of hazard identification materials will be announced in the California Regulatory Notice Register and on OEHHA's website. Public comments received on these materials are sent to the CIC for its consideration prior to the meeting at which the chemical will be considered for listing. OEHHA announces the time, date, location, and agenda of CIC meetings in the California Regulatory Notice Register and on its website.

We encourage you to submit relevant information responsive to this request in electronic form, rather than in paper form. Comments may be submitted electronically through our website at

<https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the addresses below:

Mailing Address:

Julian Leichthy

Office of Environmental Health Hazard Assessment

Proposition 65 Implementation Program

P.O. Box 4010, MS-12B

Sacramento, California 95812-4010

Fax: (916) 323-2265

Street Address:

1001 I Street

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# OEHHA to Consider Two New SUD Requests

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California's Office of Environmental Health Hazard Assessment (OEHHA) has two ongoing requests to issue Safe Use Determinations (SUDs) under Proposition 65.

The first request was from Design Hardwood Products, Inc., the manufacturer of WOODWISE wood filler products. The company requested a SUD that exposure to crystalline silica (respirable-sized airborne particles) which are found in four of its wood fillers does not present a significant cancer risk under Prop 65. If a SUD is issued for the four products, a warning is not required if the amount of crystalline silica is below the safe limit.

The second request came from the Vision Council. The trade group is requesting a SUD on exposure to bisphenol (A) that is used in some eyewear products sold or manufactured by its member companies.

OEHHA is accepting comments on both SUDs until the public comment period ends on April 8.

## **The danger of 'clear and reasonable' warning display in rental cars**

OEHHA also issued a notice of its recommendation to adopt a new section to its rules on ways 'clear and reasonable' Prop 65 warnings for toxic chemicals may be displayed in rental cars.

The proposed change is in response to concern from the rental car industry that the presence of a Prop 65 warning sticker on will make the car more easily identifiable as a rental. Police records show that tourists in rental cars are favorite break-in targets by car thieves and burglars.

The proposal includes several display methods of 'safe harbor warnings'.



Public Comments on the proposals will be accepted through April 22.

# OEHHA Considers Safe Harbor Warnings for Wood Filler Products and Rental Cars

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