

July 13, 2009

Ms. Cynthia Oshita
Office of Environmental Health Hazard
Assessment-Proposition 65 Implementation
1001 I Street, 19th Floor
Sacramento, California 95812-4010

RE: Objection to Proposed Listing of 2,4-D as a Carcinogen
Pursuant to Proposition 65

Dear Ms. Oshita:

On June 12, 2009 the Office of Environmental Health Hazard Assessment (OEHHA) issued a request for comments on chemicals proposed for listing by the Labor Code Mechanism. The listing identifies chlorophenoxy herbicides as being "possibly carcinogenic to humans" based upon the 1987 IARC Monograph. 2,4-D is a member of the chlorophenoxy herbicide family and therefore falls within the scope of this listing.

California Citrus Mutual (CCM) is a grower organization representing over 2000 California citrus growers who collectively produce over 60% of California's fresh citrus for both the domestic and export markets. The California Citrus Quality Council (CCQC) represents the California citrus industry on technical and regulatory issues domestically and overseas.

The California citrus industry represents \$1.8 billion of direct economic output and \$3.0 billion when all upstream suppliers and downstream retailers are included, employing a total of over 13,500 workers directly, and another 12,500 workers in support and affiliated industries. 2,4-D is vital to California citrus and the California economy.

The two organizations on behalf of the citrus industry challenge the adequacy of this listing. The mechanism being used, the Labor Code Mechanism relies upon the federal Hazard Communication Standard (HCS) which exempts from labeling pesticides subject to the labeling requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and labeling regulations issued by the Environmental Protection Agency. 2,4-D is such a product. More importantly, we submit that IARC has not concluded that 2,4-D is a "possible" carcinogen and, therefore, the Labor Code mechanism is not an appropriate method for listing 2,4-D.

Background

The listing mechanism utilized by OEHHA refers to Labor Code section 6382(d) which provides that any substance within the scope of the federal Hazard Communication Standard is a hazardous substance subject listing.¹

This regulation provides that a hazard determination may be made based upon the listing of chemicals in certain scientific sources, including the International Agency for Research on Cancer (IARC) Monographs.² OEHHA asserts that the 1987 IARC Supplement 7 Monograph concludes that chlorophenoxy herbicides are “possibly carcinogenic to humans” (Group 2B) and therefore fall within the Labor Code Mechanism for listing. OEHHA is incorrect however in asserting that the 1987 IARC Supplement 7 identifies 2,4-D as possibly carcinogenic. In fact, IARC has affirmatively stated that 2,4-D is not a human carcinogen and there is inadequate evidence to assert that it is an animal carcinogen.

2,4-D Does Not Meet the Criteria for Proposition 65 Listing

No pesticide regulator in the world classifies 2,4-D as a human carcinogen. The 1987 IARC evaluation of chlorophenoxy herbicides summarized previous 1977 and 1986 IARC evaluations.

The 1977 IARC review examined the carcinogenic potential of two chlorophenoxy herbicides, 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) and 2,4-D. The results of the single cohort study of a small number of workers exposed to various herbicides, including 2,4-D, 2,4,5-T and 3-amino-1,2,4-triazole (amitrole) were not sufficient to evaluate the carcinogenicity of **2,4-D** to man.³

The 1977 IARC review was on forms of 2,4-D no longer manufactured. 2,4,5-T was withdrawn from the market in the early 1980s and is no longer used with 2,4-D.

The 1986 IARC listed 2,4-D separately from chlorophenoxy herbicides because the review concluded there was “inadequate” data to classify 2,4-D for carcinogenicity in animals.⁴ Further, in the original 1987 monograph, Table 1 on page 60 lists 2,4-D as a separate classification with no classification for human carcinogenicity and “I” (**inadequate evidence**) for animal carcinogenicity. The footnote to the Table provides:

“This evaluation applies to the group of chemicals as a whole and not necessarily to all individual chemicals within the group.”⁵

¹ Cal. Health & Saf. Code sec. 25249.8(a)

² 29 C.F.R. 1910.1200(d)(4)(ii)

³ Monographs.iarc.fr/ENG/Monographs.vol 15/volume 15.pdf.

⁴ IARC monographs, Vol 41, 1986

⁵ IARC Monographs, Overall Evaluations of Carcinogenicity: an Updating of IARC Monographs Volumes 1 to 42, Supplement 7, 1987

Since IARC's limited and dated reviews of 1977 and 1986 there has been extensive 2,4-D toxicological data development for pesticide re-evaluation programs in many countries.

EPA Currently Regulates 2,4-D

The federal Hazard Communication Standard, upon which this OEHHA listing relies, does not require labeling for chemicals of any pesticide already subject to the labeling requirements of FIFRA and labeling regulations issued under FIFRA by EPA.⁶

2,4-D has been registered in the United States since 1948. 2,4-D was the subject of a Registration Standard and a Registration Standard Guidance document dated February 16, 1988 and September 1, 1988, respectively. In 2005, EPA determined that all products containing 2,4-D as the active ingredient are eligible for re-registration.⁷

Most importantly, in 2007, EPA announced its decision not to initiate a Special Review for 2,4-D, 2,4-DB and 2,4-DP. This was based on extensive scientific review of many epidemiology and animal studies which determined that the weight of the evidence did not support a conclusion that these products were human carcinogens.⁸

Accordingly, there is no basis in statute or regulation for OEHHA to label this herbicide. Further, EPA has been registering and labeling this product for over 50 years and has determined on far more recent scientific analysis than the IARC that 2,4-D is not a carcinogen.

California Impact

2,4-D is applied on 100% of the California lemon crop post harvest and is critical to safe cross country and overseas shipping of this commodity. 2,4-D is also used on California oranges as a growth regulator to delay the maturation process. This allows the grower to store the fruit on the tree for longer periods of time and provides a higher quality fruit for consumers. In addition, this allows for extended harvest periods, extending employment for the California citrus industry workers. Furthermore this product is applied to the exterior of the fruit and does not permeate to the edible portions of the product.

Limiting the availability of 2,4-D will have a significant adverse impact on the California citrus industry. Because 2, 4-D is an inexpensive and safe product, any limitation on its use will place an additional hardship on this industry in a perilous economic climate. This action would affect fruit quality, commodity price and employment in the state of California.

⁶ 29 C.F.R. 1910.1200(b)(5)

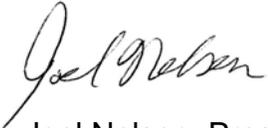
⁷ <http://www.epa.gov/pesticides/reregistration/status.htm>

⁸ <http://www.epa.gov/EPA-PEST/2007/August/Day-08/p15109.htm>

Conclusion

2,4-D does not satisfy the criteria for listing as a carcinogen. Given the long history of safe use, and the clear language of the 1977, 1986 and 1987 IARC monographs, there is no basis for this extreme course of action. I request that OEHHA withdraw 2,4-D from this listing proposal and take no further action on 2,4-D.

Very truly yours,



Joel Nelsen, President
California Citrus Mutual



Jim Cranney, President
California Citrus Quality Council