



July 13, 2009

Ms. Cynthia Oshita
California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95812\

Dear Ms. Oshita:

The Adhesive and Sealant Council, Inc. (ASC) is a North American trade association representing 125 manufacturers of adhesives and sealants and suppliers of raw materials to the industry. As the director of government relations for ASC, I am writing to express our members' concern in the proposed listing of vinyl acetate monomer (VAM) on the list mandated by the Safe Drinking Water Toxic Enforcement Act of 1986 (Prop 65).

Vinyl acetate monomer is an industrial liquid that our members use in a number of consumer and industrial adhesives products. In addition to the beneficial products and uses of these polymers, there is an environmental benefit to the use of vinyl acetate. The only substitutes we are aware of for vinyl acetate involve greater environmental impacts. For instance, replacing vinyl acetate likely would result for adhesives in an increase in VOCs from the replacement chemicals, and increase in CO2 emissions, and an increase in the disposal of solid waste.

Vinyl acetate has only been identified as a 2B chemical by the International Agency for Research on Cancer (IARC), on the basis of extremely limited animal testing results. The 2B category generally, and vinyl acetate in particular, does not have the level of scientific information developed to support any finding of "known" to cause cancer without substantial additional review. To the contrary, the monograph for vinyl acetate says:

There is inadequate evidence in humans for the carcinogenicity of vinyl acetate.

There is limited evidence in experimental animals for the carcinogenicity of vinyl acetate.

Thus, OEHHA would be abrogating its responsibility to undertake a rigorous science based review of vinyl acetate if it followed through on the proposed listing.

We do not read the Labor Code or the Superior Court decision in *Sierra Club v.s. Schwarzenegger* as mandating the listing of chemicals that IARC has classified as 2B. Rather, the proposed listing reflects an exercise of discretion that should be the subject of review and comment. Moreover, to the extent we can discern any criteria that may have been used to identify 2B chemicals, including vinyl acetate, for listing such criteria are inconsistent with Proposition 65.

Vinyl acetate in particular is a chemical that should not be listed without a more rigorous scientific review. This was implicitly recognized by OEHHA in an earlier review of vinyl acetate by the Carcinogen Identification Committee (CIC). The CIC reviewed vinyl acetate in the mid-1990s and decided it was not a high priority chemical for listing consideration.

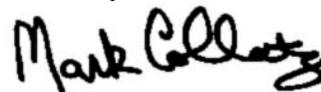
At a minimum, OEHHA should defer listing any of the 2B chemicals as part of the Labor Code listing mechanism until the appeals of *Sierra Club v.s. Schwarzenegger* have been resolved. A notice of appeal has been filed in the case, and the underlying legal issues associated with the scope of the Labor Code listing under Health & Safety Code § 25249.8 (a) will impact how the chemicals proposed for listing will ultimately be considered under Proposition 65.

There is particular concern with the timing of this type of action where, as here, there are a number of unintended negative impacts associated with the listing of vinyl acetate. Beyond the environmental and public health impacts associated with the use of substitute chemicals that are more harmful and create greater emissions and wastes, our members' businesses would be significantly impacted during the most severe economic recession in our company's history.

We appreciate the opportunity to submit these comments and encourage OEHHA to remove vinyl acetate from the proposed chemicals to be listed using the Labor Code mechanism. Vinyl acetate is an important raw material in our business and provides an environmental and economic benefit to our products. It is our understanding that there is insufficient evidence to consider it a chemical known to cause cancer. At a minimum, we would expect OEHHA to undertake a real review of the science before making such an important pronouncement.

If you have any further questions regarding these comments, please contact me at 30/986-9700 ext. 112.

Sincerely,

A handwritten signature in black ink that reads "Mark Collatz". The signature is written in a cursive, slightly slanted style.

Mark Collatz
Director of Government Relations