



Chemical Producers & Distributors Association

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[VIA P65PUBLIC.COMMENTS@OEHHA.CA.GOV](mailto:VIA_P65PUBLIC.COMMENTS@OEHHA.CA.GOV)

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1001 I Street
Sacramento, California 95814

RE: January 20, 2012 Notice of Intent to List Four Chemicals by the Labor Code Mechanism, Including Diethanolamine

Dear Ms. Oshita:

The Chemical Producers & Distributors Association (“CPDA”) is submitting this letter in support of comments filed separately by the American Chemistry Council (“ACC”) and the American Cleaning Institute (“ACI”) in response to the above-referenced notice (“Notice”) as it applies to listing diethanolamine (“DEA”). CPDA is the primary advocate on federal and state legislative and regulatory issues for generic pesticide registrants, adjuvant and inert ingredient manufacturers, and product formulators and distributors. Some CPDA members produce DEA or use DEA in producing ingredients for use in formulating products.

CPDA strongly opposes the Office of Environmental Health Hazard Assessment’s (“OEHHA”) effort to use the Labor Code mechanism of section 25249.8(a) of the Health and Safety Code to add DEA to the list of chemicals developed under the Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”). OEHHA incorrectly interprets its authority to list DEA as “ministerial” under this section, thereby improperly foreclosing consideration of scientific evidence that DEA does not cause cancer in humans. Moreover, as the arguments set forth in the referenced ACI comments demonstrate, OEHHA does not have clear legal authority

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to use section 25249.8(a) to add DEA to the existing Proposition 65 list of chemicals. Therefore, CPDA joins ACC and ACI in requesting that OEHHA withdraw the Notice and refrain from further actions to list DEA under the Labor Code mechanism.

Michael C. White, Ph.D., J.D.
Director of Regulatory Affairs