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February 15, 2011

Ms. Fran Kammerer  
Staff Counsel  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95812

**RE: Proposed Regulation for Green Chemistry Hazard Traits (12/17/10)**

Dear Ms. Kammerer:

The Natural Products Association (NPA) is submitting this letter as general comments to OEHHA's Proposed Regulation for Green Chemistry Hazard Traits. The NPA was founded in 1936 to promote and protect the unique values and shared interests of retailers and suppliers of natural nutritional foods and natural products. The NPA is a non-profit 501(c)(6) association whose mission is to unite a diverse membership, from the smallest health food store to the largest natural products supplier. We champion consumers' freedom of choice in our marketplace. We strengthen and safeguard retailers and suppliers, and we build strong markets to fuel industry growth. We are the oldest and largest trade association in the natural products industry representing over 10,000 members. In addition to advocating on behalf of the association's membership, NPA advocates for the same enhanced public health and environmental protection that the regulation seeks to provide and we appreciate the opportunity to comment on this latest draft.

First and foremost, we must express our concerns about the timeframe for approving these regulations. With current vacancies at the California EPA and a new gubernatorial administration, it is imprudent to move along with this process. Pushing ahead without appropriate executive oversight runs the risk of approving draft regulations without knowing whether these regulations will reflect the vision of the Department or the Administration at large. NPA asks OEHHA to suspend these actions until necessary appointments are made.

The NPA echoes the position of EPA's Dr. Anastas and Mr. Spalding that a non-regulatory approach is most effective in promoting green chemistry initiatives - as was stated in a recent InsideEPA.com article. We have seen that industry is aware of what is possible and feasible regarding newer and greener technology - in fact, industry is often implementing this before governmental regulations are requiring it. A system centered on rewarding those companies that utilize the best technology, or in this case the greenest technology, strikes a balance between consumer safety and consideration for feasible government oversight.

Commenting on the Hazard Trait regulation is impossible without first commenting that we believe the creation of a novel, California-only list of toxicities is unnecessary and inefficient. That is, formation of the Toxics Information Clearinghouse is duplicative when, for conventional hazard traits, OEHHA could harmonize with existing international and national systems that already identify the elements necessary to study and characterize chemicals - for example the OECD eChemPortal, the Agency for Toxic Substances and Disease Registry (ATSDR), and the Globally Harmonized System (GHS). These resources provide access to a great deal of toxicity information that has already been evaluated by regulatory authorities around the world and organized into readily accessible databases. The United Nations, identified in the regulation as an "authoritative" organization, has spent a decade developing the "Globally Harmonized System of Classification and Labeling of Chemicals" or "GHS" for understanding

and communicating chemical information. Similarly, the countries of the OECD (Organization for Economic Co-operation and Development) have developed the Screening Information Data Set (SIDS) to better understand chemical hazards. This is used broadly by OECD member states and others as a basis for developing information on and making regulatory decisions about chemicals. We would also note that authors of the REACH legislation relied on such systems heavily, as do all countries of the OECD. We believe these sources are sufficient to satisfy OEHHA's statutory obligation to "to evaluate and specify the hazard traits, toxicological and environmental endpoints, and any other relevant data to be included."

If California proceeds with the approach of establishing this list of toxic chemicals, not only will the TIC be slow to be populated, but there will also be a substantial agency effort required to convert the information to the unique California system both initially and on an ongoing basis. For a state organization, especially a state with budgetary concerns, this makes no sense.

The draft regulation as written has broad and far-reaching implications beyond the original intent of the department. As we review it, we cannot help but wonder how this will not naturally evolve into "Prop 65 on steroids." President Pro Tem Darrell Steinberg has already put out a call for regulatory agencies to review regulations under their purview and weed out duplicative regulations. Even President Obama has called on federal agencies to review their regulatory processes as well as their existing regulations to ensure that what is on the books is not redundant and that proper consideration is given to the impact that regulations will have on business in the United States. He called on regulators to "protect our safety, health, and environment while promoting economic growth." Recent news articles raise serious concerns about the impact that the Green Chemistry Initiative will have on the economy of California, and we ask the department to be aware of these concerns and the potential

widespread negative impacts that could result if the regulations exceed their intended objective.

In addition to the comments above, NPA would like to formally state that we support the comments submitted by the Green Chemistry Alliance. Thank you for your time and consideration of NPA's comments.

Best regards,

A handwritten signature in black ink, appearing to read 'Cara Welch', with a long horizontal flourish extending to the right.

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