Monet Vela  
Office of Environmental Health Hazard Assessment  
P. O. Box 4010  
Sacramento, California 95812-4010  

Dear Ms. Vela:

The Center for Environmental Health, Worksafe, and the California Labor Federation thank you for this opportunity to provide comments about the proposed Section 25904 regulations regarding the Labor Code listing mechanism under Proposition 65. We offer the following comments:

Overall, we support OEHHA's proposed regulations that describe the Proposition 65 Labor Code listing process. We understand that the proposed regulations are determined in part by recent court decisions. We do however, think that it is important to consider that the field of toxicology testing is changing rapidly. This point was eloquently made in a recent report from the National Academy of Sciences:

"Today, toxicological evaluation of chemicals is poised to take advantage of the ongoing revolution in biology and biotechnology. This revolution is making it increasingly possible to study the effects of chemicals using cells, cellular components, and tissues—preferably of human origin—rather than whole animals. These powerful new approaches should help to address a number of challenges facing the field of toxicity testing. New tests should illuminate changes at the molecular level, helping scientists to better predict how chemical exposures do or do not lead to certain health effects and how they affect sensitive populations such as children. They should enable rapid screening of chemicals, which could reduce the backlog of the large number of industrial chemicals that have not yet been evaluated under the current testing system. They should also reduce animal use and suffering."

We recommend that OEHHA clarify the regulations so that the new toxicology testing with cell-based or tissue-based systems that NAS described will be acceptable for Proposition 65 listing purposes when deemed acceptable by the International Agency for Research on Cancer.

We also support Subsection (a)(2) of the proposed regulation which will allow OEHHA to avoid duplicating work already being done through the federal hazard communication standard.

Sincerely,

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