DART IC Public Meeting

Deltamethrin

March 18, 2013
INTRODUCTIONS

- **Stanley W. Landfair, McKenna Long & Aldridge LLP**
  (Counsel to Bayer CropScience LP)

- **Larry Sheets, Ph.D., DABT**
  (Toxicologist, Research Fellow, Study Director, Human Safety Manager for Deltamethrin, Bayer CropScience LP)

- **F. Jay Murray, Ph.D., DABT, Murray & Associates**
  (Consulting Toxicologist to S.C. Johnson & Son, Inc.)

*Appearing but not speaking:*

- Valent BioSciences Corporation
- Consumer Specialty Products Association
- Western Plant Health Association
THE STANDARD for Listing

THE STATUTE

A “chemical is known to the state to cause . . . reproductive toxicity if in the opinion of the state’s qualified experts it has been clearly shown through scientifically valid testing according to generally accepted scientific principles to cause . . . reproductive toxicity.”

California Health & Safety Code § 25249.8(b) (emphasis added).
THE STANDARD for Listing (cont’d)

California Court of Appeal (2012),
Styrene Information and Research Center v. OEHHA

Proposition 65 Preamble states

“The people . . . declare their rights: (a) to protect themselves and the water they drink against chemicals that cause cancer, birth defects, or other reproductive harm.”
(Emphasis in court opinion.)

“We conclude the Proposition 65 list is limited to chemicals for which it has been determined . . . that the chemical is known to cause cancer or reproductive toxicity.”
(Emphasis added.)

The Court noted that the ballot pamphlet is helpful to interpret the law and that it said: “Proposition 65’s new civil offenses focus only on chemicals that are known to the state to cause cancer or reproductive disorders. Chemicals that are only suspect are not included . . .”
(Emphasis added.)
The CRITERIA DOCUMENT provides that:

“criteria included herein shall be utilized by the [DART IC] to identify chemicals as known to the State to cause reproductive toxicity.”

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“In evaluating the sufficiency of data, a “weight of evidence” approach shall be used to evaluate the body of information for a given chemical.”

(Emphasis added).
AUTHORITATIVE BODIES LISTING MECHANISM

“... a chemical is known to the state to cause ... reproductive toxicity if the lead agency determines that an authoritative body has formally identified the chemical as causing ... reproductive toxicity ...”

Cal. Code Regs., title 22, § 25306
(Chemical Formally Identified By Authoritative Bodies)

Importance:

- Deltamethrin registered for use as a pesticide with US Environmental Protection Agency since 1994.
- US EPA is an “authoritative body” for purposes of Section 25306