The Two Proposition 65 Committees

The Office of Environmental Health Hazard Assessment (OEHHA) administers two committees of expert scientists that decide on the addition of chemicals to the Proposition 65 list. The committees’ names specify their functions: the Carcinogen Identification Committee (CIC) assesses potential carcinogens, and the Developmental and Reproductive Toxicant Identification Committee (DART IC) assesses potential reproductive toxicants. If these committees find that a chemical has been clearly shown to cause cancer or reproductive toxicity, the chemical will be added to the Proposition 65 list. The committee members are appointed by the Governor and are designated as the “State’s Qualified Experts” for evaluating chemicals under Proposition 65.

Committee Meetings

Committee meetings are usually held at the CalEPA headquarters building at 1001 I Street in Sacramento, California. They are open to the public and generally are webcast, but you must be present in order to make oral comments. The meetings are run by the committee chair with assistance from the OEHHA director, who sits with the committee members but does not vote on items before the committee. Meeting agendas are posted at least 10 days in advance of the meeting on OEHHA’s web site and are sent to subscribers of the Proposition 65 listserv. Copies of the agenda and presentation materials are also available at the meeting. Individuals can request paper copies by mail by calling (916) 445-6900.

When determining whether a chemical should be placed on the list, the committees base their decisions on the available scientific evidence on the carcinogenicity or reproductive hazards of the chemical. OEHHA staff scientists compile materials on the relevant scientific evidence on the various chemicals for the committees to review. The materials are posted on OEHHA’s website for a 45-day public comment period at least two months prior to the meeting. The materials are also sent to committee members. Each committee member is provided with the written public comments at least two weeks prior to the meeting. The written public comments are also posted in advance of the meeting on OEHHA’s website. The committees also consider both written and oral comments from the public before making their decisions. After deliberating on the evidence, the committee may decide to list or decline to list the chemical, or may defer the decision on listing to another meeting.

A summary of the meeting is posted on the OEHHA website and the transcript of the meeting is posted a few weeks later. If the committee votes to list a chemical, OEHHA posts a separate listing notice on its website.

Special Accommodations

Individuals who require special accommodations due to a disability may request such services by contacting the Proposition 65 Implementation Office at (916) 445-6900 or by emailing P65Public.Comments@oehha.ca.gov.
is requested, but not required, that the request be submitted at least two weeks prior to the meeting date (include “Special Accommodation Request” in the subject line).

Providing Public Comment

Committee meetings are subject to the requirements of California’s open meeting laws. Therefore, the public has an opportunity to provide comments on action items on the agenda. Meeting notices and agendas provide specific information about time limits for oral comments and submittal deadlines for written comments. These notices also contain relevant staff contact information. Subscribing to the Proposition 65 listserv can help ensure that you receive these notices.

Oral Comments

Generally, public comments are limited to 5 minutes in order to ensure that all commenters have an opportunity to speak. Since our committees consider complex scientific issues, public comments tend to be very scientific in nature. Therefore it is generally more effective for commenters to provide detailed or complex information through their written comments so that committee members have enough time to review and consider them prior to the meeting. Oral comments tend to be most effective when they summarize and highlight the information that commenters submitted in their written comments.

Commenters may ask the Chair for additional time to present oral comments by sending a request to the Proposition 65 Implementation Office at P65Public.Comments@oehha.ca.gov at least three business days in advance of the meeting. The request should specify the name(s) of the commenter(s), the amount of time requested, and briefly explain why additional time is necessary. Committee members also may ask you questions or request clarification concerning your comments.

Persons wishing to speak at the meeting are encouraged, but are not required, to complete a speaker’s card. The speaker’s card asks for your name, organization or affiliation, amount of time requested, and the agenda item you intend to address. As you begin to speak, you may wish to identify yourself with your name and organizational affiliation, if any. This is helpful for the record, which is transcribed by a court reporter, as well as for the benefit of those listening via the internet. Oral comments should be directed to the specific item under discussion.

Written Comments

As stated above, the public is strongly encouraged to prepare written comments if they wish to have a scientific issue considered by the committees. We encourage you to submit comments in electronic form via e-mail, rather than in paper form. Written comments should be submitted in advance of the meeting in order to be adequately considered. Comments transmitted by e-mail should be addressed to P65Public.comments@oehha.ca.gov by the date specified in the notice inviting comments. The comments may relate to the hazard identification or other materials provided to the committee, or may provide additional information relevant to the issues being considered at the meeting. As noted above, the committee members review written comments before their meetings and consider oral comments from the public before making their decisions.