



Southern California Federation of Scientists

April 21, 2018

SOUTHERN CALIFORNIA FEDERATION OF SCIENTISTS
Comments on Revised Proposed Toxicity Criteria Rule

The revised proposed rule weakens the prior proposed rule, which in turn weakened the original proposal.

As originally put forward in 2016, the rule was to codify longstanding practice that California would use the more protective of toxicity criteria from California's Office of Environmental Health Hazard Assessment (OEHHA) or the US Environmental Protection Agency (EPA). That would be sensible, good science and thoughtful public health protection.

The latest draft would – and does – use the less protective standard. It does so even when OEHHA or EPA, whichever has the more protective value, has deemed its criteria to have met its scientific criteria.

The current draft further would give to DTSC the ability and authority to second-guess OEHHA and EPA, rejecting the more protective value. OEHHA was established to be the entity that performed the scientific review of the toxicity of these chemicals. DTSC has neither the scientific capability nor, frankly, in light of the years of troubling disclosures about DTSC, the credibility to usurp OEHHA's role.

We recommend that the draft be rejected and the rule be issued as originally intended—to require the use of the more protective of OEHHA or EPA toxicity criteria.