

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE OF INTENT TO LIST CHEMICALS  
March 19, 1999**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) provides two mechanisms for administratively listing chemicals which are known to the State to cause cancer or reproductive toxicity (Health and Safety Code Section 25249.8(b)). One such mechanism by which a chemical may be listed is if a body considered to be authoritative by the state's qualified experts has formally identified it as causing cancer or reproductive toxicity. The following are identified as authoritative bodies for purposes of Proposition 65 as it pertains to chemicals known to cause reproductive toxicity: the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer (for transplacental carcinogenicity only), the U.S. Food and Drug Administration, and the National Institute for Occupational Safety and Health. The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations (22 CCR), Section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency intends to list the chemicals identified below as known to the State to cause reproductive toxicity, pursuant to this administrative mechanism as provided in Health and Safety Code Section 25249.8(b) and 22 CCR, Section 12306.

Relevant information on three of the chemicals in today's notice, bromoxynil octanoate, thiophanate methyl, and terbacil, was requested in a notice published in the *California Regulatory Notice Register* on October 30, 1998. On November 20, 1998, a similar notice was published requesting information on bromacil lithium salt which is also included in today's notice. Public forums were held on December 18, 1998, and January 11, 1999, respectively. Public comments were received on these 4 chemicals. OEHHA has completed its review of the comments and has determined the chemicals meet the criteria for listing under 22 CCR, Section 12306. OEHHA is issuing this notice of intent to list for the chemicals identified in the table below. A document providing more detail on the basis for the listing can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Home Page at: <http://www.oehha.ca.gov/>. Anyone objecting to the listing of the chemicals identified below as causing reproductive toxicity on the basis that there is no substantial evidence that the criteria of sufficiency of evidence of reproductive toxicity identified in 22 CCR, Section 12306 have been satisfied should provide written comments in triplicate, along with supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
301 Capitol Mall, 2nd Floor, Room 205  
Sacramento, California 95814  
Fax No.: (916) 327-1097  
Telephone: (916) 445-6900

Comments may also be hand-delivered to Ms. Oshita at the Office of Environmental Health Hazard Assessment at the same address.

**In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Monday, April 19, 1999.**

The following chemicals have been determined by OEHHA to meet the criteria set forth in 22 CCR, Section 12306 for listing as causing reproductive toxicity under the authoritative bodies mechanism:

Chemical	CAS No.	Toxicological Endpoint	Reference <sup>a</sup>
Bromacil lithium salt	53404-19-6	developmental toxicity	U.S. EPA (1994a,b)
Bromoxynil octanoate	1689-99-2	developmental toxicity	U.S. EPA (1994a,b)
Terbacil	5902-51-2	developmental toxicity	U.S. EPA (1994a,b)
Thiophanate methyl	23564-05-8	male reproductive toxicity female reproductive toxicity	U.S. EPA (1994a,b)

<sup>a</sup> Formal identification by U.S. EPA of chemicals causing reproductive toxicity is provided in U.S. EPA (1994b) below, while additional information on the basis for such identification is provided in U.S. EPA (1994a).

### **References**

U.S. Environmental Protection Agency (U.S. EPA, 1994a) Proposed Rule: Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right to Know. *Federal Register* (59 FR 1788).

U.S. Environmental Protection Agency (U.S. EPA, 1994b). Final Rule: Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right to Know. *Federal Register* (59 FR 61432).