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FROM: *Stutes - Ca.*

TO: Distribution

FROM: T. G. Grumbles

DATE: May 22, 1987

Interoffice
Communication

SUBJ: UPDATE ON CALIFORNIA PROPOSITION 65 - COMMERCIAL IMPACTS

VISTA

Please refer to my memo of April 8 on the subject. Basically, Proposition 65 prohibits any discharge of listed carcinogens, or reproductive toxins and will require labeling on products containing the listed carcinogens. The specific labeling requirements are not clear at this point.

The initial list promulgated by the Governor contained 29 chemicals, including several that Vista manufactures or has in our products.

The attached describes a recent court action requiring the addition of 200 more chemicals to the list. Several more chemicals potentially impacting Vista products were added.

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T. G. Grumbles

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Attachment

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CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION

202/872-4110

May 6, 1987

MAY 10 1987

TO: CSMA Membership

FROM: George G. Misko *PM*
Regulatory Counsel

RE: California Proposition 65 - Superior Court Ruling
Expanding the List of Covered Chemicals

Copy: _____

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On April 24, 1987, the Superior Court for the State of California granted a motion for preliminary injunction which orders Governor George Deukmejian "to issue forthwith a list of substances subject to Proposition 65 that includes" essentially those substances contained on the IARC #1 and #2 lists, and the NTP lists. These 200 chemicals are the same as those contained on the "candidate chemicals" list published by the Governor on February 27, 1987.

In addition to the list of "candidate chemicals", the Governor published a list of 29 covered chemicals on February 27. The covered chemicals (26 carcinogens and 3 reproductive toxins) were those to which the requirements of Proposition 65 applied. The second list of "candidate chemicals" were to be reviewed by a Scientific Advisory Panel, established by the Governor, for determination as to whether they should be included on the list of covered chemicals. (See CSMA memo to membership, March 26, 1987).

The AFL-CIO and a number of environmentalist groups brought suit against the Governor alleging that the list of covered chemicals should have included all the "candidate chemicals" as well. The suit requested the Court to declare the Governor's action invalid, and order him to include the additional substances on the list of covered chemicals. With the Court's preliminary granting of the plaintiff's request, the governor must include the 200 additional chemicals by May 11, 1987 or appeal the decision of the Superior Court.

The Court's order requires the Governor to include on the list of covered chemicals all those substances listed on Plaintiff's Exhibit A, a copy of which is attached, with

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certain modifications. First, vincristine does not have to be included on the list. Second, all the reproductive toxins (except for dibromochloropropane (DBCP) and lead) listed on Exhibit A do not have to be included on the list.

In addition to the substances listed on Exhibit A, the Plaintiffs requested the Court to order the Governor to include certain substances regulated by OSHA under the Hazard Communication Standard. The court determined that the following OSHA regulated carcinogens must be included on the list: 4-nitrobiphenyl ether, alpha-naphthylamine, methyl chloromethyl ether, 4-aminodiphenyl, and ethyleneimine. The Court also determined that the following OSHA regulated substance do not have to be included on the list: coal tar pitch volatiles and cotton dust.

The Court's decision gives a preliminary indication that Proposition 65 may be strictly interpreted by the California Court. We will keep you apprised of further developments.

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EXHIBIT A
CARCINOGENS AND REPRODUCTIVE TOXINS

<u>Carcinogens</u>	<u>References</u>
2-Acetylaminofluorene	2
Acrylonitrile	1,2
Actinomycins	1
Adriamycin	1,2
AF-2[1-(2-furyl)-3-(5-nitro-2-furyl)acrylamide	1
Aflatoxins	1,2
2-Aminoanthraquinone	2
ortho-Aminoazotoluene	1
4-Aminobiphenyl	1,2
1-Amino-2-methylanthraquinone	2
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadazole	1
Amitrole	1,2
ortho-Anisidine	2
ortho-Anisidine hydrochloride	1,2
Analgesic mixtures containing phenacetin	1,2
Aramite	1,2
Arsenic and arsenic compounds	1,2
Asbestos	1,2
Auramine	1
Azaserine	1
Azathioprine	1,2
Benz[a]anthracene	1,2
Benzene	1,2
Benzidine	1,2
Benzo[b]fluoranthene	1,2
Benzo[j]fluoranthene	1
Benzo[k]fluoranthene	1
Benzo[a]pyrene	1,2
Benzotrichloride	1,2
Benzyl violet 4B	1
Beryl ore	1
Beryllium and certain beryllium compounds	1,2
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)	1,2
Bis(chloroethyl)nitrosourea (BCNU)	1,2
Bis(chloromethyl)ether	1,2
1,4-Butanediol dimethanesulfonate (Myleran)	1,2
2-(p-tert-Butylphenoxy)isopropyl-2-chloroethyl sulfite	1
beta-Butyrolactone	1
Cadmium and certain cadmium compounds	1,2
Calcium chromate and sintered calcium chromate	1
Carbon tetrachloride	1,2
Carrageenan (degraded)	1

Carcinogens

References

Certain combined chemotherapy for lymphomas	1,2
Chlorambucil	1,2
Chloramphenicol	1
Chlordecone (Kepone)	1,2
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	1,2
Chloroform	1,2
Chloromethyl methyl ether (technical grade)	1,2
4-Chloro-ortho-phenylenediamine	1,2
Chromium and certain chromium compounds	1,2
Cisplatin	1
Citrus Red No. 2	1
Coke oven emissions	2
Combined oral contraceptives	1
Conjugated estrogens	1,2
para-Cresidine	1,2
Cupferron	2
Cycasin	1,2
Cyclophosphamide	1,2
Dacarbazine	1,2
Daunomycin	1
DDT	1,2
N-N-Diacetylbenzidine	1
2,4-Diaminoanisole sulfate	1,2
4,4'-Diaminodiphenyl ether	1
2,4-Diaminotoluene	1,2
Dibenz[a,h]acridine	1,2
Dibenz[a,j]acridine	1,2
Dibenz[a,h]anthracene	1,2
7H-Dibenzo[c,g]carbazole	1,2
Dibenzo[a,e]pyrene	1
Dibenzo[a,h]pyrene	1,2
Dibenzo[a,i]pyrene	1,2
1,2-Dibromo-3-chloropropane (DBCP)	1,2
3,3'-Dichlorobenzidine	1,2
3,3'-Dichloro-4,4'-diaminodiphenyl ether	1
1,2-Dichloroethane (EDC)	1,2
Dienestrol	1
Diepoxybutane	1,2
Di(2-ethylhexyl)phthalate	1,2
1,2-Diethylhydrazine	1
Diethylstilbestrol (DES)	1,2
Diethyl sulfate	1,2
Dihydroaafrole	1
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	1,2
4-Dimethylaminoazobenzene	1,2
trans-2-[(Dimethylamino) methylimino]-5-(2-5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	1
3,3'-Dimethylbenzidine (ortho-Tolidine)	1,2
Dimethylcarbamoyl chloride	1,2

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Carcinogens

References

1,1-Dimethylhydrazine	1,2
1,2-Dimethylhydrazine	1
Dimethyl sulfate	1,2
1,4-Dioxane	1,2
Direct Black 38 (technical grade)	1,2
Direct Blue 6 (technical grade)	1,2
Direct Brown 95	1
Epichlorohydrin	1,2
Estrogens (not conjugated):	
Estradiol 17B	1,2
Estrone	1,2
Ethinylestradiol	1,2
Mestranol	1,2
Ethylene dibromide (EDB)	1,2
Ethylene oxide	1,2
Ethylene thiourea	1,2
Ethyl methanesulfonate	1
Formaldehyde	1,2
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	1,2
Glycylaldehyde	1
Gyromitrin (acetaldehyde formylmethylhydrazone)	1
Hexachlorobenzene	1,2
Hexamethylphosphoramide	1,2
Hydrazine	1,2
and hydrazine sulfate	2
Hydrazobenzene	2
Indeno[1,2,3-cd]pyrene	1,2
Iron dextran complex	1,2
Isosafrole	1
Lasiocarpine	1
Lead and certain lead compounds	1,2
Lindane and other hexachlorocyclohexane isomers	2
Manufacture of auramine	2
Manufacture of isopropyl alcohol (strong acid process)	2
Manufacture of magenta	1
Melphalan	1,2
Merphalan	1
Methoxsalen with ultraviolet A therapy (PUVA)	1,2
2-Methylaziridine (propyleneimine)	1,2
Methylazoxymethanol/methylazoxymethyl acetate	1
5-Methyl chrysene	1
4,4'-Methylene bis(2-chloroaniline) (MBOCA)	1,2

Carcinogens**References**

4,4'-Methylene bis(N,N-dimethyl)benzenamine	2
4,4'-Methylene bis(2-methylaniline)	1
4,4'-Methylenedianiline and its dihydrochloride	2
Methyl iodide	1,2
Methyl methanesulfonate	1
2-Methyl-1-nitroanthraquinone (of uncertain purity)	1
N-Methyl-N'-Nitro-N-nitrosoguanidine	1
Methylthiouracil	1
Metronidazole	1,2
Michler's ketone	2
Mirex	1,2
Mitomycin C	1
Monocrotaline	1
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	1
Mustard Gas	1,2
2-Naphthylamine	1,2
Nickel and certain nickel compounds	1,2
Niridazole	1
Nitrilotriacetic acid	2
5-Nitroacenaphthene	1
5-Nitro-o-anisidine	2
Nitrofen (technical grade)	1,2
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	1
N-[4-(5-Nitro-2-furyl)-2-thiazolyl] acetamide	1
Nitrogen mustard	1,2
and its hydrochloride	1
Nitrogen mustard N-oxide and its hydrochloride	1
2-Nitropropane	1,2
N-Nitrosodi-n-butylamine	1,2
N-Nitrosodiethanolamine	1,2
N-Nitrosodiethylamine	1,2
N-Nitrosodimethylamine	1,2
p-Nitrosodiphenylamine	2
N-Nitrosodi-N-propylamine	1,2
N-Nitroso-N-ethylurea	1,2
N-Nitrosomethylethylamine	1
N-Nitroso-N-methylurea	1,2
N-Nitroso-N-methylurethane	1
N-Nitrosomethylvinylamine	1,2
N-Nitrosomorpholine	1,2
N-Nitrosornicotine	1,2
N-Nitrosopiperidine	1,2
N-Nitrosopyrrolidine	1,2
N-Nitrososarcosine	1,2
Norethisoterone	1,2
Orange Oil SS	1
Oxymetholone	1,2

Carcinogens

References

Panfuran S (Dihydroxymethylfuratrizine)	1
Phenacetin	1,2
Phenazopyridine	1
and its hydrochloride	2
Phenoxybenzamine and its hydrochloride	1
Phenytoin and sodium salt of phenytoin	1,2
Polybrominated biphenyls (PBBs)	2
Polychlorinated biphenyls (PCBs)	1,2
Ponceau MX	1
Ponceau 3R	1
Prednisone	1
Procarbazine	1,2
and its hydrochloride	2
Progesterone	2
1,3-Propane sulfone	1,2
beta-Propiolactone	1,2
Propylthiouracil	1,2
Reserpine	2
Saccharin	2
Sodium saccharin	1
Safrole	1,2
Selenium sulfide	2
Sequential oral contraceptives	1
Soot, tars, and oils (mineral oils may vary in composition, particularly in relation to their content of carcinogenic polycyclic aromatic hydrocarbons)	1,2
Sterigmatocystin	1
Streptozotocin	1,2
Strontium chromate	1
Sulfallate	2
Testosterone and its esters	1
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1,2
Thioacetamide	1,2
4,4'-Thiodianiline	1
Thiourea	1,2
Thorium dioxide	2
Toluene diisocyanate	2
ortho-Toluidine	1,2
and its hydrochloride	2
Toxaphene (polychlorinated camphenes)	1,2
Treosulfan	1
2,4,6-Trichlorophenol	1,2
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	1
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	1,2
Tris(2,3-dibromopropyl) phosphata	1,2

Carcinogens

Tryptophan-P-1
Tryptophan-P-2
Trypan Blue (commercial grade)

Uracil mustard
Urethane

Vincristine
Vinyl chloride

Zinc beryllium silicate
Zinc chromate

References

1
1
1

1
1,2

1
1,2

1
1

Reproductive Toxins

References

1,1-Butadiene
Carbon disulfide
Dibromochloropropane (DBCP)
Dinitrotoluenes
Ethylene dichloride
Ethylene oxide
Ethylenethiourea
Glycol ethers
Lead
Methylene chloride
Polychlorinated biphenyls (PCB)
Vinyl chloride

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References

- 1 International Agency for Research on Cancer, IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans, volumes 1-30 and supplements 1 and 4, 1972-1983, Lyon, France.
- 2 U.S. Department of Health and Human Services, National Toxicology Program, Fourth Annual Report on Carcinogens, 1985.
- 3 Federal OSHA Regulations.

The substances listed herein as regulated by the United States Department of Labor in accordance with the Federal Hazard Communication Standard, 29 C.F.R. 1910.1203 may not be exhaustive. Respondent had and continues to have the legal duty to conduct forthwith a thorough and diligent search to identify all such substances and place them on the 1.

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