

7.i. Oppose Letters – Members/Caucus

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California State Senate



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DICK ACKERMAN
SENATE REPUBLICAN LEADER
SENATOR, THIRTY-THIRD DISTRICT

September 11, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Recommended Veto of AB 1108 (Ma)

Dear Governor Schwarzenegger:

I write to respectfully request your veto of Assembly Bill 1108, which prohibits the use of phthalates, which are used to soften plastic in children's toys and feeding products.

AB 1108 bans DINP, which is the primary phthalate in children's toys and has been shown to pose absolutely no health risk to children. At the same time, it prohibits DINP (or any other phthalates listed in the bill) from being replaced with any chemicals that are listed as carcinogens or reproductive toxicants by the state or federal government. However, DINP itself is not listed as a carcinogen or reproductive toxicant.

The Consumer Product Safety Commission (CPSC) conducted a peer reviewed health assessment of potential risks posed to children by DINP in toys and found no demonstrated health risk. The Commission also found that substituting DINP with other chemicals could increase choking hazards to children, stating: 'If DINP is replaced in children's products, the potential risks of substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard. Other plasticizers might not be as well studied as DINP.'

AB 1108 is yet another example of bad policy based on fear rather than objective science. For these reasons, I respectfully request your veto.

Sincerely,

A handwritten signature in black ink that reads "Dick Ackerman".

DICK ACKERMAN
Senate Republican Leader

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(916) 651-4031
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California State Senate

SENATOR
BOB DUTTON

THIRTY-FIRST SENATE DISTRICT



COMMITTEES

VICE-CHAIR
ENERGY UTILITIES &
COMMUNICATIONS
BUDGET & FISCAL REVIEW
SUBCOMMITTEE NO. 4
ON STATE ADMIN.
GENERAL GOV.
JUDICIAL & TRANSPORTATION

MEMBER

RULES
APPROPRIATIONS
BUDGET & FISCAL REVIEW
ENERGY UTILITIES &
COMMUNICATIONS
TRANSPORTATION & HOUSING
JOINT LEGISLATIVE AUDIT
COMMITTEE
SELECT COMMITTEE ON
ALAMEDA CORRIDOR
SELECT COMMITTEE ON
MOBILE & MANUFACTURED HOMES

September 19, 2007

Governor Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

RE: Request for Veto of AB 1108 (Ma)

Dear Governor Schwarzenegger:

I am writing to respectfully request that you veto AB 1108 – a bill that prohibits the use of phthalates, which are used to soften plastic, in children's toys and feeding products.

I agree with the American Chemistry Council when they point out, "California lists almost 900 chemicals as being known to cause cancer or reproductive toxicity. DINP is not one of those chemicals. California and federal regulators believe it poses no health risks. The safety of consumer products is of the utmost concern to everyone – that being said, arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent."

The arguments about consumer protection are similar to the "pro-consumer" arguments against big box retailers, which are thinly disguised anti-competitive measures.

Former Governor Davis saw the vice in this kind of bill. He vetoed two prior attempts at regulating the same practices this bill would prohibit.

For the reasons mentioned above, I respectfully request that you veto AB 1108.

Sincerely,

A handwritten signature in black ink that reads "Bob Dutton".

BOB DUTTON
State Senator, 31st District

California State Senate

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STATE CAPITOL
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SENATOR GEORGE RUNNER
REPUBLICAN CAUCUS CHAIR
SEVENTEENTH SENATE DISTRICT

COMMITTEES:

BANKING, FINANCE AND
INSURANCE
VICE CHAIR
ENVIRONMENTAL QUALITY
VICE CHAIR
APPROPRIATIONS
REVENUE AND TAXATION
SELECT COMMITTEE ON
HIGH SCHOOL GRADUATION

September 14, 2007

Governor Arnold Schwarzenegger
ATTN: John Moffatt
Legislative Unit
State Capitol, First Floor
Sacramento, CA 95814

RE: ASSEMBLY BILL 1108 (Ma)—REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing as the Vice Chair of the Senate Committee on Environmental Quality to respectfully request that you veto Assembly Bill 1108, as passed by the Assembly (41-34) and the Senate (21-18). This bill would ban a plastic softener called phthalates from toys without a shred of evidence that this substance has caused any human harm in the 50 years it has been used in the United States.

The United States Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury from products such as toys; they have determined—after conducting a thorough evaluation of the risk of exposure to children—that “...**exposure to DINP from DINP-containing toys would be expected to pose a minimal to non existent risk of injury for the majority of children.**” This fact was confirmed for me by the CPSC less than 60 days ago. Attached you will find a copy of that letter signed by Jacqueline Elder, Assistant Executive Director of the Office of Hazard Identification and Reduction.

In addition, the most-used phthalate in toys, DINP, is not listed on California's Proposition 65 list, and the bill requires any replacement product not be listed on Prop 65 list. Clearly, eliminating this substance from commerce without proper scientific review bypasses the system already in place to call out chemicals and substances that OEHHA deems priority for further review. Assemblymember Ma's bill effectively removes from the equation those chemists and scientists appointed to do such work.

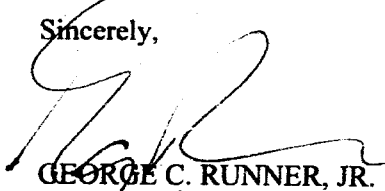
I think you will agree that we, as lawmakers, should not be in the business of *acting as* scientists and removing *true* scientists from the debate with regard to chemical assessment. I believe this is exactly what your Green Chemistry Initiative is all about. Passage of this bill would, in effect, weaken the authority you have invested in CalEPA to develop a systematic, scientifically-based

Veto Request AB 1108
September 14, 2007
Page 2

approach to chemical management in California. In fact, I understand Assemblymember Ma soundly rejected amendments that would have addressed the flaws in the legislation and bring it into line with your stance regarding chemical policy. Signing this legislation would reward that rejection and undermine the entire premise of the Green Chemistry Initiative.

For these many reasons, AB 1108 merits your veto. Thank you for your consideration of this request. If you have comments or questions, please do not hesitate to contact me.

Sincerely,



GEORGE C. RUNNER, JR.
Senator, 17th District
Vice Chair, Senate Committee on Environmental Quality

Enclosure – Copy of letter from U.S. CPSC



AUG - 3 2007

U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

Jacqueline Elder
Assistant Executive Director
Office of Hazard Identification and Reduction

Tel: 301 504-7645
Fax: 301 504-3407
Email: jelder@cpsc.gov

July 27, 2007

Senator George Runner
Vice Chair, Senate Committee
on Environmental Quality
State Capitol, Room 5097
Sacramento, CA 95814

Dear Senator Runner:

Thank you for your letter regarding phthalates in children's toys and childcare articles. The U.S. Consumer Product Safety Commission (CPSC) technical and scientific staff* has done a thorough evaluation of the presence and toxicity of potentially "hazardous chemicals in PVC" used in children's toys. In addition, a Chronic Hazard Advisory Panel (CHAP), made up of independent scientists recommended by the National Academy of Sciences working in conjunction with CPSC staff, evaluated the chemical diisononyl phthalate (DINP).

Commission staff subsequently conducted a study of children to determine what kinds of objects they mouth and the amount of time the objects are actually in their mouths. Also, toys were tested to determine how much phthalate migrated out of the toy that could potentially be ingested by a child. The Commission staff utilized information from these studies to complete a risk assessment and concurred with the CHAP that "...exposure to DINP from DINP-containing toys would be expected to pose a minimal to non-existent risk of injury for the majority of children." Based on the results of this risk assessment, the U.S. Consumer Product Safety Commission denied a petition requesting a ban of the use of PVC in products intended for children five years and under.

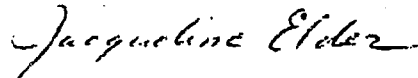
*The comments in this letter are those of CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Page 2

The staff briefing package regarding this petition can be obtained on the CPSC website at <http://www.cpsc.gov/library/foia/foia02/brief/briefing.html>. The briefing package is dated September 18, 2002, and is entitled *Petition Requesting a Ban of Use of PVC in Products Intended for Children Five Years of Age and Under (HP 99-1)*. It appears on the website as seven distinct pieces.

It is also important to note that the CPSC staff has kept abreast of the new research and has not seen anything that would cause a change in the staff's position on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline Elder".

Jacqueline Elder

STATE CAPITOL
P.O. BOX 942849
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(916) 319-2029
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Assembly
California Legislature



MICHAEL N. VILLINES
ASSEMBLY REPUBLICAN LEADER
ASSEMBLY MEMBER, TWENTY-NINTH DISTRICT

DISTRICT OFFICE
6245 N FRESNO STREET
SUITE 106
FRESNO, CA 93710
(559) 446-2029
FAX (559) 446-2028

Tuesday, September 18, 2007

Governor Arnold Schwarzenegger
State Capitol, First Floor
Sacramento, CA 95814

RE: RECOMMENDED VETO OF AB 1108 (MA)

Dear Governor Schwarzenegger:

This letter serves to memorialize a veto request for Assembly Bill 1108, which passed the Assembly on June 5, 2007, by a vote of 41 to 34, with 31 members of the Assembly Republican Caucus voting 'No'.

Beginning January 1, 2009, Assembly Bill 1108 prohibits the manufacture, sale, or distribution in commerce of any toy or child care product with concentrations of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in excess of 0.1 percent. Similarly, it prohibits the manufacture, sale, or distribution in commerce of any toy or child care product with concentrations of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP) in excess of 0.1 percent and intended for use by a child under the age of three that can be placed in a child's mouth. It would also require manufacturers to use the least toxic alternative when replacing phthalates in those products.

The Assembly Republican Caucus requests a veto based upon three primary concerns: the pre-emption of federal authority; the questionable nature of replacement products; and the Legislature's lack of the requisite technical experience to adequately consider the effects of phthalates in toys and child care products.

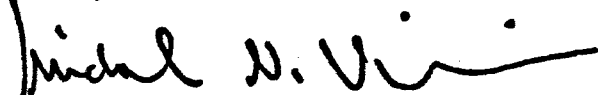
Assembly Bill 1108 pre-empts federal lawmaking and regulatory authority. The federal Food and Drug Administration and Consumer Products Safety Commission actively research and restrict the use of products. This bill would establish yet another California-specific mandate and is likely to cause supply disruptions for national retailers. To ensure consistency between all states, the Republican Caucus believes matters like this should be regulated at the federal level.

Before we prohibit the use of phthalates in toys and child care products based upon conflicting studies of their effects on animals, we must first determine what will be used to replace phthalates and if the new product will have more harmful attributes than what is being replaced. We simply do not have enough information on the alternative products to make that determination, nor to ensure that any alternative will be less toxic than phthalates. We must urge caution before we require all manufacturers to use untested products.

Finally, the Legislature has neither the technical nor the scientific knowledge necessary to ban the use of phthalates. Over the past several years, the Legislature has considered an increasing number of product bans, whether it be for fire retardants, child care products, or chemicals in finger nail polish. Simply speaking, these types of measures should be considered administratively by a nonpartisan, bureaucratic team of scientists with input from all stakeholders. The Legislature is not the appropriate institution to effectuate good public policy on the regulation of chemicals.

For the reasons stated above, I respectfully request that you veto Assembly Bill 1108.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael N. Villines". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael N. Villines
Assembly Republican Leader

MV: jk

7.ii. Oppose Letters – Organizations/Local Gov't



September 7, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: **AB 1108 (Ma) – REQUEST FOR VETO**

Dear Governor Schwarzenegger:

On behalf of the member companies of the American Chemistry Council (ACC), I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility that ACC and its member companies take seriously. However, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 -- based on this philosophy - that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study -- which included staff from California's Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found "**no demonstrated health risk**" from the primary phthalate



in children's toys (DINP) and "no justification" for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**" The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

- ✓ DINP, the primary phthalate used in children's toys **is not on California's Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was "**unlikely to pose a risk to consumers**" which **included assessing impact on adults, children and infants.**
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008 and ACC members are actively participating in this effort. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,



Jack N. Gerard
President and CEO

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor





September 17, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol Building
Sacramento, CA 95814

RE: AB 1108 (Ma) REQUEST FOR VETO

On behalf of AeA (American Electronics Association) and our nearly 2,700 high tech member companies nationwide, I am writing to respectfully ask you to **VETO AB 1108 (Ma)** which would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including toys. While we believe that protecting public health is necessary we believe that AB 1108 lacks scientific backing and deserves to be vetoed.

Comprehensive reviewers of the scientific evidence on phthalates have found no scientific basis to restrict these materials. While our member companies are not in the business of manufacturing toys we cannot be supportive of a proposal that outright bans a material in a set of consumer products absent scientific data to back up the restriction.

Additionally, AB 1108 would set a dangerous public policy precedent and would establish a departure from your Administration's policy goals surrounding chemical-use policy. This past May, Cal/EPA launched its "Green Chemistry Initiative" to develop a comprehensive scientifically-based framework for assessing chemical use in products. AeA and our member companies are very supportive of this effort and will continue to be engaged as the process moves forward. The main goal of this effort is to develop a more streamlined and science-based approach to answering questions about chemicals that are used in products. Part of this process would be to not only examine the toxicity of a material, but also to potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone – that being said, arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent.

For these reasons, I urge you to **VETO AB 1108**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Gregorich', is written over a faint, illegible typed name.

Joe Gregorich
Policy Director
California State Government Affairs

Cc: Assemblymember Fiona Ma
Chris Kahn, Office of the Governor
John Moffatt, Office of the Governor
Rick Brausch, Department of Toxic Substances Control

AMPAC FINE CHEMICALS

PO Box 1718
Rancho Cordova, CA 95741

September 19, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of Ampac Fine Chemicals LLC, I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50 years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry, and we take that responsibility very seriously.


However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third-party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect the public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), Ampac Fine Chemicals believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,



Aslam Malik, PhD
President, Ampac Fine Chemicals

cc: John Moffat, Deputy Legislative Secretary

September 7, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

As a toy company operating in the State of California, I am writing to urge you to veto AB 1108 (Ma), legislation that would disregard science and ban the use of phthalates, a key ingredient that serves to make children's products safer.

At **Babaluu, Inc** toy safety is our highest priority. To ensure that toys sold in California meet the highest safety standards, science – not politics – must govern important policy decisions about toy safety. Politically driven, chemical-by-chemical regulation by the State Legislature will severely undercut the comprehensive scientific approach to chemical safety taken by the Office of Environmental Health and Hazard Assessment (OEHHA), the Department of Toxic substances Control (DTSC), and envisioned by your "Green Chemistry Initiative."

This is especially true in the case of AB 1108, which seeks to ban a particular ingredient, DINP, which is not on our State's Prop. 65 list of dangerous chemicals and which has repeatedly been deemed safe by the U.S. Consumer Product Safety Commission (CPSC). In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment - the US Consumer Product Safety Commission (CPSC) found "no demonstrated health risk" from the primary phthalate in children's toys (DINP) and "no justification" for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard." The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

Oddly, if AB 1108 were to become law, manufacturers would be forced to replace DINP with ingredients that have not been as well studied or proven safe for use in toys. This could have the unintended consequence of jeopardizing the ability to make toys safe for California children and families.

We should be doing all we can to keep kids safe, but we need to make sure policy decisions are made with the best available information. Instead of instituting a ban that flies in the face of our science to date, we believe you should veto AB 1108 and let your

Green Chemistry Initiative go forward and work to create a more systematic, science-based approach to chemical regulation that ensures the safety of toys and other products.

Thank you very much for considering our views on this important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Blair Everett", with a long horizontal flourish extending to the right.

Blair Everett, Founder

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

Date 09/07/2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration’s stated chemicals policy, as expressed by CalEPA in its “Green Chemistry” initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state’s scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials.

- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found “**no demonstrated health risk**” from the primary phthalate in children’s toys (DINP) and “**no justification**” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they “have kept abreast of the new research” and have “not seen anything that would cause a change in the staff’s position on this issue.”
- ✓ DINP, the primary phthalate used in children’s toys **is not on California’s Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was “**unlikely to pose a risk to consumers**” which **included assessing impact on adults, children and infants.**
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

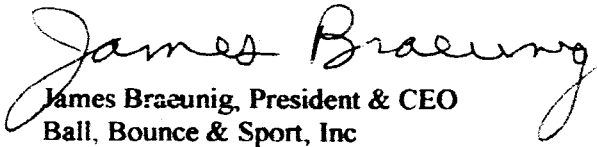
AB 1108 Contradicts Science-Based “Green Chemistry” Initiative

One of the main reasons that the CalEPA “Green Chemistry” Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Ball Bounce
and Sport

Sincerely,


James Braeunig, President & CEO
Ball, Bounce & Sport, Inc

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



The Chemical Company

By Facsimile
916-445-4633

September 7, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

Re: Request for Veto of AB 1108

Dear Governor Schwarzenegger:

BASF Corporation, which has six facilities in California, is writing to ask that you veto AB 1108, a measure that would ban the use of "phthalates" in a range of consumer products. This measure contradicts the significant body of credible scientific research that affirms the safety of phthalates.

Phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars, and products found in the home, businesses, and hospitals. In toys, phthalates ensure that the composite plastic is not weak or brittle, since these characteristics might cause breakage and result in a choking hazard.

In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment -- the US Consumer Product Safety Commission (CPSC) found "no demonstrated health risk" from the primary phthalate (referred to as "DINP") in children's toys and "no justification" for banning its use. The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. Moreover, the European Union, following the release of a 10-year risk assessment of various phthalates concluded, "The end products containing DINP (clothes, building materials, toys and baby equipment) and the sources of exposure (car and public transport interiors, food and food packaging) are unlikely to pose a risk for consumers (adults, infants, and newborns) following inhalation, skin contact and ingestion."

BASF Corporation
100 Campus Drive
Florham Park N.J. 07932
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9/18/07

Mr. Chris Kahn, Office of the Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration’s stated chemicals policy, as expressed by CalEPA in its “Green Chemistry” initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state’s scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found **“no demonstrated health risk”** from the primary phthalate in children’s toys (DINP) and **“no justification”** for banning its use. In fact, the CPSC said **“If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard.”** The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner,

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5031 24th street • sacramento california 95822 • 916 484 3812 • 916 457 7634 fax



CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

- ✓ DINP, the primary phthalate used in children's toys **is not on California's Proposition 65 list**. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.
- ✓ The European Union, following the release of a 10-year risk assessment of various phthalates concluded that DINP was "unlikely to pose a risk to consumers" which included assessing impact on adults, children and infants.
- ✓ Data from the Centers for Disease Control and Prevention (CDC) show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,

Clay Covington
Vice President

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

BJC Forty Years of Excellence in Service

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CONFIDENTIAL

September 20, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

**SUBJECT: AB 1108 (MA) – CHILDREN’S PRODUCTS: PHTHALATES
REQUEST FOR VETO**

Dear Governor Schwarzenegger:

The California Chamber of Commerce respectfully **REQUESTS** that you **VETO AB 1108 (Ma)**, which would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys. **AB 1108 (Ma)** would not make consumer products any safer than they currently are. In fact, the bill runs contrary to a large body of scientific review, as well as the direction of California’s Green Chemistry Initiative.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found “**no demonstrated health risk**” from the primary phthalate in children’s toys (DINP) and “**no justification**” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they “have kept abreast of the new research” and have “not seen anything that would cause a change in the staff’s position on this issue.”
- The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was “**unlikely to pose a risk to consumers**” which included **assessing impact on adults, children and infants.**

The Honorable Arnold Schwarzenegger
September 20, 2007
Page Two

- Data from the Centers for Disease Control and Prevention (CDC) show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike **AB 1108 (Ma)**, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

AB 1108 (Ma) would create a patchwork of rules for manufacturers who produce products for a global marketplace. The likely result of this change would be higher prices for consumer goods in California. **AB 1108 (Ma)** would have the simple affect of worsening California's already unfriendly business climate and would interfere with the progress being made with the Green Chemistry Initiative.

For the above reasons, the CalChamber respectfully **REQUESTS** that you **VETO AB 1108 (Ma)**.

Sincerely,



Jason Schmelzer
Policy Advocate

JS:dw



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September 10, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of the California Grocers Association, I write to request your veto on Assembly Bill 1108 (Ma), which seeks to ban a wide range of consumer products that are intended for use by children. We believe the proposed legislation contradicts the significant body of credible scientific research that affirms the safety of these compounds, including their use in consumer products.

CGA is a non-profit, statewide trade association representing the food industry since 1898, representing approximately 500 retail members operating over 6,000 stores in California and Nevada, and approximately 300 grocery supplier companies.

Phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Safety reviews by European and American scientific panels have found phthalates to be safe for use in consumer products. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials. Other phthalates that would be banned are rarely if ever used in children's toys. AB 1108 would needlessly deprive consumers of products with a distinguished safety profile.

For these reasons, we are opposed to AB 1108 and we respectfully request a veto on the measure.

Sincerely,

KRISTIN POWER
Vice President, Government Relations

cc: Assembly Member Ma
John Moflatt, Office of the Governor
Patty Zwartz, CalEPA



September 19, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: AB 1108 (Ma) – Phthalate Ban – Request for Veto

Dear Governor Schwarzenegger,

The California Manufacturers & Technology Association (CMTA) respectfully requests your veto on **AB 1108 (Ma)**, which would prohibit the manufacturing, processing, and distribution of any toy or childcare product containing a class of chemicals called phthalates in concentrations exceeding 0.1%.

Scientific evidence does not support the contention that these items pose a risk. In fact, the U.S. Consumer Product Safety Commission, the U.S. Center for Disease Control and the European Union have all concluded that phthalates are unlikely to pose a risk to consumers.

Cal EPA's Green Chemistry Initiative is being developed to address just such public concerns. Chemicals should not be banned without a thorough evaluation of the scientific evidence including: toxicity, exposure, environmental risks, benefits and alternatives. Quite often, as in this instance, alternatives haven't been as thoroughly tested as the chemical in question.

For the reasons above, CMTA is opposed to AB 1108. We respectfully request that you **Veto** this legislation.

Sincerely,


Michael J. Rogge
Policy Director, Environmental Quality

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



CALIFORNIA RETAILERS ASSOCIATION

980 NINTH STREET, SUITE 2100 · SACRAMENTO, CA 95814
(916) 443-1975 · FAX (916) 441-4218

September 14, 2007

Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108: VETO REQUEST

Dear Governor Schwarzenegger:

The California Retailers Association respectfully requests your veto of AB 1108 (Ma), which would ban use of a family of chemicals known as phthalates. Phthalates are commonly used to make vinyl soft and flexible, such as in the traditional children's "rubber ducky" or bathtub books.

Studied for decades, there is no scientific assessment that supports such a ban. European and The Consumer Product Safety Commission determined there was "no demonstrated health risk" from DINP, the phthalate used most commonly in children's toys. The European Union concluded that DINP was "unlikely to pose a risk to consumer".

Additionally, your Administration, through Cal EPA, proposed an extensive and thoughtful series of amendments to AB1108, to make the bill consistent with the "Green Chemistry" initiative. However, the amendments were completely rejected by the author and supporters. California Retailers Association, whose members sell hundreds of thousands of consumer products, supports the concept of the Green Chemistry Initiative, to comprehensively consider chemicals in various products, their toxicity, health and environmental risks and available alternatives. We do not support arbitrarily picking a "chemical of the month" to ban, without thoughtful analysis and deference to existing analysis where available.

Accordingly, we urge a veto of AB 1108.

The California Retailers Association is a trade association representing major California department stores, mass merchandisers, supermarkets, chain drug and convenience stores, as well as specialty retailers such as auto, book and home improvement stores. Our



Chemical Industry Council of California
P.O. Box 2260 Folsom, CA 95763-2260

September 12, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, California 95630

Re: VETO REQUEST: AB 1108 (Ma) phthalates

Dear Governor Schwarzenegger:

I write on behalf of the members of the Chemical Industry Council of California* (CICC) to respectfully urge you to veto AB 1108 (Ma), a bill to ban the use of "phthalates" in a wide range of consumer products intended for use by children. Phthalates are chemical compounds used as softeners in toys, cars and products found in the home, businesses, and hospitals. While well intended, CICC believes AB 1108 contradicts a significant body of credible scientific research that affirms the safety of phthalates, including use in toys and other consumer products.

A comprehensive review of the scientific evidence regarding phthalates has uncovered no scientific basis for restricting these materials:

- The US Consumer Product Safety Commission found "no demonstrated health risk" from the primary phthalate (DINP) in children's toys and "no justification" for banning its use;
- The European Union, following the release of a 10-year risk assessment of various phthalates on adults, children and infants concluded that DINP was "unlikely to pose a risk to consumers;"
- The National Toxicology Program, an arm of the U.S. National Institutes of Health, assessed both DINP and DIDP and concluded both phthalates are of "minimal concern" for all age groups;
- Data from the Centers for Disease Control and Prevention show that the average human exposure to DINP is far below safety levels set by the U.S. government.

CICC has long held the belief that the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. Amendments offered by your Administration, to perform just such a scientific evaluation, were rejected by the author. For this, and the aforementioned, I respectfully request you veto AB 1108.

Sincerely,

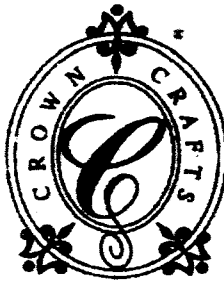
John R. Ulrich
Executive Director
(916) 989-9692

* The Chemical Industry Council of California (CICC) is a voluntary trade association comprised of large and small chemical manufacturers and distributors throughout California. CICC represents multiple facilities including: forty-three (43) manufacturing plants, five (5) research laboratories, and sixty-seven (67) sales, service, and distribution centers. Our California members account for annual sales in excess of \$3,000,000,000 and directly employ more than 5700 workers, with combined annual payroll in excess of \$283,000,000. An additional 11,000 indirect jobs are created by CICC member companies with an additional combined annual payroll of some \$560,000,000.

To: John Moffatt
327-1009

From John Ulrich
Chemical Industry Council
of CA

FM



Crown Crafts Infant Products, Inc.

September 7, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found “**no demonstrated health risk**” from the primary phthalate in children’s toys (DINP) and “**no justification**” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they “have kept abreast of the new research” and have “not seen anything that would cause a change in the staff’s position on this issue.”
- ✓ DINP, the primary phthalate used in children’s toys **is not on California’s Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was “**unlikely to pose a risk to consumers**” which **included assessing impact on adults, children and infants.**
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based “Green Chemistry” Initiative

One of the main reasons that the CalEPA “Green Chemistry” Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,

Nanci Feehan

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



The Dow Chemical Company
P.O. Box 1398
Pittsburg, California 94565
925 - 432-5000

September 13, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) - REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of The Dow Chemical Company I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.

However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), The Dow Chemical Company believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,

Dale Backlund
Site Leader - Tracy, CA
The Dow Chemical Company

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax

F M



The Dow Chemical Company
P.O. Box 1198
Midland, California 94765
510 - 432-5000

September 12, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of The Dow Chemical Company I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.

However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third party scientific health assessments that have found no basis to restrict phthalates in toys (or other products); and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public. These amendments were rejected by the author.

As a strong support of doing business in California and member of the Chemical Industry Council of California (CICC), I believe the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's overall regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

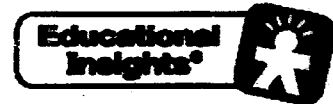
Sincerely,

Don

Donald Wood
Technology Leader
The Dow Chemical Company

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax

DM



18730 S. Wilmington • Rancho Dominguez, CA 90220 USA
Telephone: (310) 884-2000 • Fax: (310) 884-2013 www.educationalinsights.com

September 7, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

As a toy company operating in the State of California, I am writing to urge you to veto AB 1108 (Ma), legislation that would disregard science and ban the use of phthalates, a key ingredient that serves to make children's products safer.

At Educational Insights, toy safety is our highest priority. To ensure that toys sold in California meet the highest safety standards, science – not politics – must govern important policy decisions about toy safety. Politically driven, chemical-by-chemical regulation by the State Legislature will severely undercut the comprehensive scientific approach to chemical safety taken by the Office of Environmental Health and Hazard Assessment (OEHHA), the Department of Toxic Substances Control (DTSC), and envisioned by your "Green Chemistry Initiative."

This is especially true in the case of AB 1108, which seeks to ban a particular ingredient, DINP, which is not on our State's Prop. 65 list of dangerous chemicals and which has repeatedly been deemed safe by the U.S. Consumer Product Safety Commission (CPSC). In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment - the US Consumer Product Safety Commission (CPSC) found "no demonstrated health risk" from the primary phthalate in children's toys (DINP) and "no justification" for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard." The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

Oddly, if AB 1108 were to become law, manufacturers would be forced to replace DINP with ingredients that have not been as well studied or proven safe for use in toys. This could have the unintended consequence of jeopardizing the ability to make toys safe for California children and families.

We should be doing all we can to keep kids safe, but we need to make sure policy decisions are made with the best available information. Instead of instituting a ban that flies in the face of our science to date, we believe you should veto AB 1108 and let your Green Chemistry Initiative go forward and work to create a more systematic, science-based approach to chemical regulation that ensures the safety of toys and other products.

Thank you very much for considering our views on this important issue.

Sincerely,

James Whitney
President, Educational Insights

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

U72



European Resilient Flooring Manufacturers' Institute

ERFMI, 66, Avenue de Cortenberg, B-1000 Brussels, Belgium

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814
USA

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info@erfmi.com
www.erfmi.com

Your ref

Our ref

Direct line

Date

01-10-2007

AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger,

We are writing to respectfully ask that you veto AB 1108. It is not our intention to repeat all the scientific and political arguments which were brought to your attention by our American colleagues of the Resilient Floor Covering Institute (RFCI) and which ERFMI fully supports. We would like to underline that legislation must be a.o. supported by sound science. Today phthalates belong to the group of the best studied chemicals. So the European Union have been conducting a comprehensive risk assessment on phthalates for over ten years concluding that e.g. DINP was "unlikely to pose a risk to consumers" which included assessing impact on adults, children and infants. The ban of such well examined chemicals like phthalates contains the risk that the introduced alternatives for phthalates, which are less investigated, might even have worst effects on children's health and on the environment.

Mr Governor, we trust in your wisdom and remain

Yours sincerely,

ERFMI, European Resilient Flooring Manufacturers' Institute

Ton Pluijmer
Managing Director

cc: Mr. Chris Kahn, Mr. John Moffatt, Mr. Dan Dunmoyer, (Office of the Governor)

President
Managing Director Ton Pluijmer

Bertrand Chammas (Gerflor SA)
Office Manager: Dr Jochen Zimmermann

Bank account Fortis Bank, Rond Point Schuman 10, B-1040 Brussels, Belgium
Account N° 001-3887236-10, SWIFT Code GEBABE33, IBAN BE41 0013 8872 3610, BTW BE479 462 192

ExxonMobil Chemical Company
13501 Katy Freeway
Houston, Texas 77079-1399

E.P. (Elissa) Sterry
Vice President
Intermediate

ExxonMobil
Chemical

September 10, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

SEP 10 2007

RE: Request for veto of Assembly Bill 1108 (Ma)

Dear Governor Schwarzenegger:

ExxonMobil Chemical requests your veto of AB 1108, which would ban the manufacture, sale and distribution of toys or child care articles that contain specified phthalates.

This bill runs counter to your Administration's Green Chemistry Initiative, which will utilize a coordinated, comprehensive strategy for the development of information on the hazards and risks of chemicals, and will be overseen by a robust panel of distinguished scientists. This initiative will provide the appropriate framework for determining the safety of chemicals currently used in toys as well as potential replacements, and will develop ways to reduce exposure to dangerous substances. AB 1108, on the other hand, perpetuates a non-integrated, chemical-by-chemical ban approach without the benefit of having the Green Chemistry scientific panel take a broader view of chemicals management in consultation with Cal-EPA. The AB 1108 approach does not allow California to focus on the highest priorities for the State, and instead would ban a chemical which has been thoroughly tested and found to be safe by a federal authoritative body.

One of the products we make, diisononyl phthalate (DINP), is the principal phthalate plasticizer used to make soft vinyl toys and would be banned by AB 1108. ExxonMobil is the largest producer of DINP and the largest supplier of plasticizers in the world. The use of DINP in vinyl toys has been extensively studied by multiple scientific panels and regulatory agencies, including the U.S. Consumer Product Safety Commission, and found to be safe for use in children's products.

We understand that the State of California is carefully examining the issue of toy safety as it relates to your objective to remain in the forefront of protecting health and the environment. ExxonMobil Chemical Company and its affiliates also take the issue of product safety very seriously, and so we share a common goal with California. We are committed to the safety of our products and to the health and well being of our customers and consumers who use them, especially children.

In support of our efforts to thoroughly understand the health and environmental risks of our products, ExxonMobil employs a staff of over 100 full-time scientists to perform rigorous toxicology and environmental impact studies. In fact, we have proactively invested \$20 million on safety testing and evaluations of DINP to provide our customers and the public with the assurance that DINP can be safely used in a broad range of applications including vinyl toys.

The results of these studies on DINP have been published in peer-reviewed scientific journals. They have also been reviewed by a number of governmental scientists in the U.S. and in Europe.

A Division of Exxon Mobil Corporation

September 10, 2007

The most comprehensive review, which specifically looked at the safety of DINP in vinyl toys, was conducted by the U.S. Consumer Product Safety Commission (CPSC). The CPSC assembled an independent panel of scientific experts to review all of the toxicology data and they conducted extensive exposure studies. The CPSC staff concluded that exposure to DINP would not pose a risk to children, even if DINP were used in all toys, rattles, and teething. The CPSC Commissioner stated in 2003, "Consumers may have a high level of assurance that soft plastic products pose no risk to children."

The CPSC recently reaffirmed these findings. As stated in a 2007 letter from CPSC to California Senator George Runner, "... the CPSC staff has kept abreast of the new research and has not seen anything that would cause a change in the staff's position on this issue."

In fact, the CPSC has specifically cautioned against the unintended risks of alternatives: "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard. Other plasticizers might not be studied as well as DINP."

Scientists at the European Union have also reviewed the safety of DINP. The EU considered worst-case scenarios and concluded that exposures were still well within safe limits. Despite this, the use of DINP has been restricted by political decision in the EU. These restrictions were first put in place in 1999 before the CPSC completed their evaluations, and were made permanent in 2005 prior to the publication of the EU's risk assessment in 2006.

We support California's efforts to ensure that the products that are manufactured and sold in the state--and those used to make toys in particular--are safe for consumers. However, product-by-product and chemical-by-chemical approaches can have unintended, even regrettable consequences. Any action to restrict the use of certain chemicals should be based on rigorous scientific scrutiny. Otherwise, over time the public may be deprived of access to safe and beneficial products, and may be exposed to unknown safety hazards and risks present in alternatives that have not undergone thorough testing.

Given the inconsistency with your Administration's Green Chemistry Initiative, the extensive testing and evaluations of DINP, and the conclusions of the CPSC as well as the European Chemical Bureau, ExxonMobil Chemical requests your veto of AB 1108.

Kind Regards,



Elissa Sterry
Vice President
Intermediates
ExxonMobil Chemical Company

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor
Ms. Maureen Gorsen, Director, Department of Toxic Substances Control



Peter T. Thomas
Vice President
Organic Specialties

September 18, 2007

FERRO CORPORATION
7061 EAST PLEASANT VALLEY ROAD
INDEPENDENCE, OHIO 44131 U.S.A.
TELEPHONE: (216) 750-1492
FACSIMILE: (216) 750-1417

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger,

Ferro Corporation respectfully asks that you veto AB 1108. This legislation would ban the use of a family of chemicals called "phthalates" in toys, even though this family has been used for over 50 years in a wide range of consumer vinyl products, including toys. Phthalates are commonly used to make vinyl products soft and flexible without affecting durability. They are used also as softeners for plastics in cars and products found in the home, businesses and hospitals.

Consumer products need to be safe. However AB 1108 deserves to be vetoed for these key reasons:

- The bill contradicts a wide range of independent third-party scientific assessments that have found no basis to restrict phthalates in toys;
- Use of alternative chemicals for softening vinyl products, especially toys, may result in unintended and adverse results, such as more brittle toys, as noted by the U.S. Consumer Product Safety Commission; and
- Piecemeal, arbitrary legislative efforts such as AB 1108 are the opposite of your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative. This comprehensive initiative will provide a more systematic, science-based approach regarding chemicals used in products. Unlike AB 1108, this science-based process would include not only identifying the hazards of chemicals in products, but also assessing potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternative chemicals.

The safety of consumer products is of the utmost concern to everyone; however banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 108.

Sincerely,

Peter T. Thomas
Vice President, Organics Specialties

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



Galleher

September 19, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

**9303 Greenleaf Avenue
Santa Fe Springs
California
90670**

**562.944.8885
562.941.3929 Fax
www.galleher.com**

Delivering Flooring Solutions

- ✓ In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found **"no demonstrated health risk"** from the primary phthalate in children's toys (DINP) and **"no justification"** for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**" The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."
- ✓ DINP, the primary phthalate used in children's toys **is not on California's Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was **"unlikely to pose a risk to consumers" which included assessing impact on adults, children and infants.**
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,

Jeff Hamar
President

cc: Mr. Chris Kahn. Office of the Governor
Mr. John Moffatt. Office of the Governor
Mr. Dan Dunmoyer. Office of the Governor

FROM : GCDA

FAX NO. : 8316362970

p. 21 2007 11:01AM P1

General Chemical West LLC

2340 Best Drive
Holister, CA 95023
(831) 636-5151



September 5, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) - REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of General Chemical, I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of industrial and consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.


However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect the public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), General Chemical believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,



Mark Banger
Plant Manager
General Chemical West, LLC
(831) 630-6263

cc: John Moffat, Deputy Legislative Secretary; (916) 227-1008 fax



, Inc.

September 21, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of Hasa Inc., I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously. Particularly, our company provides the chemicals necessary to sanitize waste water, drinking water, swimming pools and various agriculture crops.

However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), Hasa Inc. believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,

Lisa W. Johnson
VP Operations
Hasa Inc.

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax


HEMOCLEANSE, INC.

September 18, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing respectfully to ask that you veto AB 1108, legislation that would ban the use of certain "phthalates" in toys and children's products. Phthalates have been used for more than 50 years in a wide range of products. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed because the bill contradicts a wide range of independent, third-party scientific assessments that have found no basis to restrict phthalates in toys.

Phthalates are commonly used to make vinyl soft and flexible without sacrificing its durability. They are used as softeners in toys, medical devices, cars and many products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials. As examples:

- The U.S. Consumer Product Safety Commission (CPSC) conducted an extensive, peer-reviewed health risk study of phthalates that involved staff from California's Office of Environmental Health Hazard Assessment and found "no demonstrated health risk" from DINP, the primary phthalate in children's toys, and "no justification" for banning its use. In fact, the CPSC said "if DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard." The CPSC declined even to issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

HEMOCLEANSE, INC.

3601 Sagamore Parkway North, Suite B • Lafayette, Indiana 47904 USA
Tel: (765) 742-4813 • Fax: (765) 742-4823

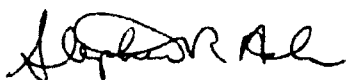
The Honorable Arnold Schwarzenegger
Governor, State of California
September 18, 2007
Page Two

- The European Union, following the release of a 10-year risk assessment of various phthalates, including an assessment of impacts on adults, children and infants, concluded that DINP was "unlikely to pose a risk to consumers."
- Data from the Centers for Disease Control and Prevention (CDC) show that the average human exposure to DINP is far below safety levels set by the U.S. government.

Moreover, the public policy precedent that would be established by such a law departs from what I understand is your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative, to create a comprehensive, science-based framework for assessing chemicals in products. In fact, your Administration proposed a series of amendments to AB 1108 -- based on this philosophy -- that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and, if need be, to take action to protect public health. These amendments were rejected by the proponents of AB 1108.

The safety of consumer products is of the utmost concern to everyone, but arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,
HEMOCLEANSE, INC.



Dr. Stephen R. Ash
Chairman of the Board of Directors, Director of Research and Development,
and Medical Director

SRA/hh

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



HOFFMAN PLASTIC COMPOUNDS INC.

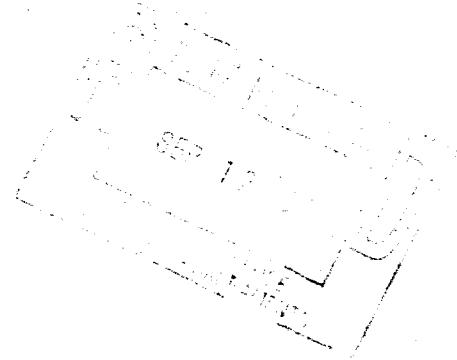
16616 GARFIELD AVENUE, PARAMOUNT, CALIFORNIA 90723-5305

TEL: (323) 636-3346 - FAX: (562) 630-8200

www.hoffmanplastic.com e-mail: info@hoffmanplastic.com

9/6/07

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814



RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration’s stated chemicals policy, as expressed by CalEPA in its “Green Chemistry” initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state’s scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

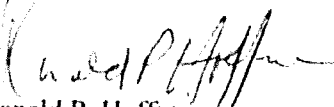
- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found **“no demonstrated health risk”** from the primary phthalate in children’s toys (DINP) and **“no justification”** for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they “have kept abreast of the new research” and have “not seen anything that would cause a change in the staff’s position on this issue.”
- ✓ DINP, the primary phthalate used in children’s toys **is not on California’s Proposition 65 list.** Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was **“unlikely to pose a risk to consumers”** which included assessing impact on adults, children and infants.
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based “Green Chemistry” Initiative

One of the main reasons that the CalEPA “Green Chemistry” Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,


Ronald P. Hoffman
President

Hoffman Plastic Compounds, Inc.
- a California Employer for the past 36 years -

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814



RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of the member companies of the Juvenile Products Manufacturers Association (JPMA), I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including baby bottles. JPMA is dedicated to educating parents on the safe selection and use of children's products, such as plastic baby bottles. However, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in baby bottles, toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found **"no demonstrated health risk"** from the primary phthalate in children's toys (DINP) and **"no justification"** for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**" The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."
- DINP, the primary phthalate used in children's toys **is not on California's Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**

Juvenile Products Manufacturers Association, Inc.

15090 Commerce Parkway, Suite C • Midland, NJ 08841 • 856.638.0120 • Fax: 856.439.0525

E-mail: jpma@jpma.org • Website: www.jpma.org

- The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was **"unlikely to pose a risk to consumers" which included assessing impact on adults, children and infants.**
- Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.
- In July 2007, the U.S. Food and Drug Administration (FDA) affirmed the safety of polycarbonate baby bottles, stating: **"FDA has confidence that no safety concern exists for BPA in regulated food contact materials. Furthermore, FDA has determined that the use of polycarbonate-based baby bottles and BPA-based epoxy coated cans used to hold infant formula is safe."**

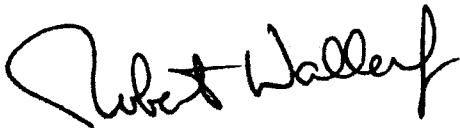
AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

We rely on the polycarbonate plastic like that in baby bottles for safety, protection and convenience. Any parent who has ever dropped a plastic baby bottle can be grateful that it didn't shatter next to their baby.

More than ever before, the safety of juvenile products is of the utmost concern to parents nationwide; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,



Robert B. Waller, Jr.
President

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



September 12, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: **AB 1108 (Ma) – REQUEST FOR VETO**

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found "**no demonstrated health risk**" from the primary phthalate in children's toys (DINP) and "**no justification**" for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a

mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**" The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

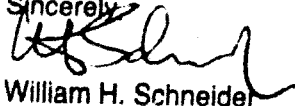
- ✓ DINP, the primary phthalate used in children's toys is not on California's Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.
- ✓ The European Union, following the release of a 10-year risk assessment of various phthalates concluded that DINP was "unlikely to pose a risk to consumers" which included assessing impact on adults, children and infants.
- ✓ Data from the Centers for Disease Control and Prevention (CDC) show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,


William H. Schneider
Vice President

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

MECSTM

, INC.

September 13, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814
RE: AB 1108 (Ma) - REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of MECS, Inc., I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.

However, AB 1108 deserves to be vetoed for two reasons:

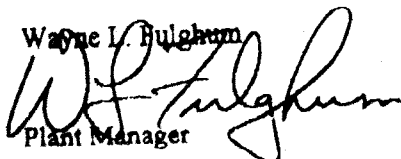
- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), MECS believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,

Wayne L. Fulghum



Plant Manager

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax

Avon Plant
1778 Monsanto Way
Martinez, CA 94553
Tel: (925) 313-0681 Fax: (925) 228-9367
www.mecsglobal.com

FM



September 10, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, as expressed by CalEPA in its "Green Chemistry" initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.

Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study – which included staff from California's Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found "**no demonstrated health risk**" from the primary phthalate in children's toys (DINP) and "**no justification**" for banning its use. In fact, the CPSC said "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential

risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**" The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."


- ✓ DINP, the primary phthalate used in children's toys **is not on California's Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was "**unlikely to pose a risk to consumers**" which **included assessing impact on adults, children and infants.**
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,
Munchkin Inc.


Andy Kempf
EVP of Sales

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

26700 South Santa Road, Tracy, California 95304
209/835-5424 Fax 209/835-5445

September 13, 2007

To: The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO
Dear Governor Schwarzenegger:

On behalf of Olin Chlor Alkali Products, I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.


However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), Olin Chlor Alkali Products believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Best Regards;


Jeff Inkes
Plant Manager – Tracy CA Facility
Ph: (209) 835-5424 x 206
FAX: (209) 835-5445

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax

FM

AB 1108 also is likely unconstitutional because it interferes with interstate commerce. It prohibits the manufacture, sale or even the ability to "distribute in commerce" toys and child care articles containing DINP. California can not regulate national or international commerce. In addition, AB 1108 has no enforcement mechanism. This is because the ban is, as a practical matter, unenforceable.

The CPSC conducted a peer reviewed health assessment of potential risks posed to children by DINP in toys and found "**no demonstrated health risk.**" The CPSC also found that substituting DINP with other chemicals could increase choking hazards to children, stating:

"If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard. Other plasticizers might not be as well studied as DINP."¹

Here are the key facts:

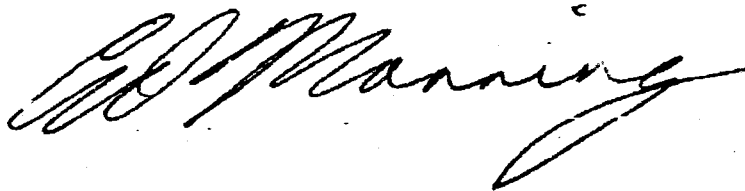
1. A five-year study conducted by the CPSC on children's toys, which included original research on the mouthing habits of children 5 and under, found "no demonstrated health risk" from exposure to DINP. The mouthing study report stated that "even with the assumption that all soft plastic toys contain DINP, upper percentile DINP intake is a small fraction of the [Allowable Daily Intake]." CPSC acknowledged that DINP is not in all soft plastic toys, so this is beyond a worst case analysis. In a letter from the CPSC dated July 2007, it was noted that "CPSC staff has kept abreast of the new research and has not seen anything that would cause a change in the staff's position on this issue."
2. Extensive risk assessments conducted by the European Chemicals Bureau on DBP, BBP, and DINP found that their current use consumer applications, including toys and childcare items, pose minimal to no risk to children.
3. Data from the Centers for Disease Control and Prevention (CDC) show that average exposures to subjects aged six and up are well below federal safety levels established for all the phthalates tested.
4. In tests of urine samples taken from infants by CDC researchers, they were unable to detect any levels of DINP metabolites. Biomonitoring has little benefit if the proponents of AB 1108 ignore the results.
5. Despite the fact that CDC says there is no demonstrated health risk, soft rattles, teethingers, and pacifiers are not made in the U.S. with phthalates as a vinyl additive. Thus, there is no concern for phthalates with respect to the items posing the highest potential for actual exposure.
6. Rats are not humans. Phthalates affect laboratory animals differently than humans. Specifically, the Chronic Hazard Advisory Panel, concluded that, even though some rat studies indicate DINP is a reproductive toxicant, "the risk to reproductive and developmental processes in humans due to DINP exposure is extremely low or non-existent."

¹ Babich, M. Et Al. (2004). Risk Assessment Of Oral Exposure To Diisononyl Phthalate From Children's Products. Regulatory Toxicology and Pharmacology 40:151-167.

AB 1108 requires that phthalates can not be replaced with any chemicals that are carcinogens or reproductive toxicants. The only way to find a less toxic alternative is through the use of standard risk assessment. But AB 1108 ignores standard risk assessment. How can a company reformulate with something that is less toxic when DINP is not listed by the State of California as a reproductive toxin or carcinogen? AB 1108 defies common sense.

AB 1108 runs afoul of both common sense and the Constitution. The bill is unenforceable, will lead to unnecessary litigation, and ultimately could increase, not decrease, health risks to children. We respectfully ask that you veto AB 1108.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "E. P. Manning". The signature is written in dark ink and is positioned centrally on the page, below the closing "Very Truly Yours,".

Edward P. Manning

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



6 September 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: **AB 1108 (Ma) – REQUEST FOR VETO**

Dear Governor Schwarzenegger:

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Government Reviews Affirm Phthalates are Safe as Used

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- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found “**no demonstrated health risk**” from the primary phthalate in children’s toys (DINP) and “**no justification**” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be

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Phone (858) 566-6991 Fax (858) 566-4108
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mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**" The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they "have kept abreast of the new research" and have "not seen anything that would cause a change in the staff's position on this issue."

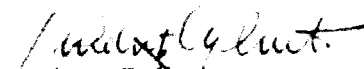
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AB 1108 Contradicts Science-Based "Green Chemistry" Initiative

One of the main reasons that the CalEPA "Green Chemistry" Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,


Prudente G. Cuato
President

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



PolyOne Corporation
2104 E. 223rd Street
Carson, CA 90745
(310) 513-7100
www.polyone.com

Rod Myers
Facility Manager
The PolyOne Corporation
2104 E. 223rd Street
Carson, CA 90810-1611
September 10, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
Office of the Governor
State Capitol
25420 Del Paso Road, 1st Floor
Sacramento, CA 95834

Re: Veto Request – AB 1108 (Ma)

Dear Governor:

As the plant manager of The PolyOne Corporation in Carson, I am respectfully requesting that you veto AB 1108.

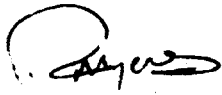
PolyOne is a leading global producer of specialized polymer materials, services and solutions. We are proud of our long history of product innovation and safety to our employees and customers.

We request your veto of AB 1108 because it ignores the evidence from decades of scientific inquiry regarding the use of phthalates and vinyl products. Plasticized vinyl has long been the material of choice not only for toys but also for countless medical applications involving millions of patients. The activists' campaign against phthalates resulted in a landmark panel of experts, led by President Ronald Reagan's Surgeon General, Dr C. Everett Koop, and comprised of distinguished scientists from a variety of fields relevant to the study of human health effects. The panel concluded that "DEHP in medical devices is not harmful to even highly exposed people." The Consumer Products Safety Commission, who studies phthalates in toys and juvenile products in great detail rejected calls for a ban. The European Union Institute for Health and Consumer Products came to a similar conclusion.

We ask that you follow the logic of your green chemistry initiative and veto AB 1108. Decisions regarding product bans that can adversely affect companies doing business in California need to be based on an informed review of the science. A positive impact on public health needs to be of greater concern than the emotion and confusion surrounding this legislation.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Myers". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke at the end.

Rod V. Myers
Facility Manager
The PolyOne Corporation



September 7, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: **AB 1108 (Ma) – REQUEST FOR VETO**

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys. While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
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Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety**

Commission (CPSC) found “no demonstrated health risk” from the primary phthalate in children’s toys (DINP) and “no justification” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they “have kept abreast of the new research” and have “not seen anything that would cause a change in the staff’s position on this issue.”

- ✓ DINP, the primary phthalate used in children’s toys is not on California’s Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.
- ✓ The European Union, following the release of a 10-year risk assessment of various phthalates concluded that DINP was “unlikely to pose a risk to consumers” which included assessing impact on adults, children and infants.
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AB 1108 Contradicts Science-Based “Green Chemistry” Initiative

One of the main reasons that the CalEPA “Green Chemistry” Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,


Douglas W. Wiegand
Managing Director
Resilient Floor Covering Institute*

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor

* The Resilient Floor Covering Institute is a trade association of resilient floor covering producers in North America who manufacture a variety of resilient flooring materials including vinyl flooring, linoleum, rubber flooring and other non-vinyl flooring products for residential and commercial installation. Members of the association include Armstrong World Industries (Southgate, California), Amtico International, Congoleum Corporation, Mannington Mills, Tarkett and Losetas Asfálticas.

SEP-21-2007 14:57

Received
FROM Ross Organic Specialty

Sep 21 2007 02:47am
TO 918.333.271009

P. 01/01



Ross Organic Specialty Sales, Inc.

September 21, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) - REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of Ross Organic Specialty Sales, Inc I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.

However, AB 1108 deserves to be vetoed for two reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys; and
- The public policy precedent that would be established is a radical departure from your Administration's stated chemicals policy, that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary.

Your Administration proposed a series of amendments to AB 1108 - that would have created a process for the state's scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public. These amendments were rejected by the author.

As a member of the Chemical Industry Council of California (CICC), Ross Organic Specialty Sales, Inc believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,

William Ross, Owner
Ross Organic Specialty Sales, Inc.

cc: John Moffat, Deputy Legislative Secretary, (918) 327-1009

Sales Office
2075 Junipero Ave., Suite 700
Signal Hill, CA 90755
PH: 562.276.2200
FAX: 562.276.2216

Distribution Center
12874-B San Fernando Road
Sylmar, CA 91542
PH: 818.833.8523
FAX: 818.833.0526

www.rossorg.com

Corporate Headquarters
44388 S. Grimmer Boulevard
Fremont, CA 94538
PH: 510.656.5620
FAX: 510.656.8266

TOTAL P. 01

F M



Searles Valley Minerals

13200 Main St., Trona, CA 93562
P.O. Box 367, Trona, Ca 93592-0367
(760) 372-4311

September 18, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of Searles Valley Minerals, I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called "phthalates" which have been used for over 50-years in a wide range of consumer products, including toys. Protecting public health is a fundamental responsibility of the chemical industry and we take that responsibility very seriously.

However, AB 1108 deserves to be vetoed for two reasons:

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As a member of the Chemical Industry Council of California (CICC), Searles Valley Minerals believes the proper forum for objectively and scientifically evaluating the complex toxicological impacts of individual chemicals or classes of chemicals, including phthalates, most effectively resides within California's regulatory framework. For this, and the aforementioned, we respectfully request you veto AB 1108.

Sincerely,

Arzell Hale
Executive Director

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax

**Searles Valley Minerals**

13200 Main St., Trona, CA 93562-1995
P.O. Box 367, Trona, CA 93592-0367
760.372.4311

September 13, 2007

The Honorable Arnold Schwarzenegger
Governor State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

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Sincerely,


J. Michael Worley

Environmental Engineer

cc: John Moffat, Deputy Legislative Secretary, (916) 327-1009 fax

FM

Sika Sarnafil Inc.

World Class Roofing and Waterproofing

September 7, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys.

As a major manufacturer of vinyl roofing membranes with many employees in the state of California, this legislation is very troubling to us. It is without scientific merit and ignores the many studies that have been conducted on these important additives to flexible vinyl products.

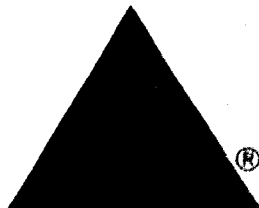
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- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission**



Sika Sarnafil Inc., 100 Dan Road, Canton, MA 02021
Tel: 1-800-451-2504, Fax: 781-828-5365, www.sikacorp.com

Sarnafil®

Sika Sarnafil Inc.

World Class Roofing and Waterproofing

(CPSC) found “**no demonstrated health risk**” from the primary phthalate in children’s toys (DINP) and “**no justification**” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they “have kept abreast of the new research” and have “not seen anything that would cause a change in the staff’s position on this issue.”

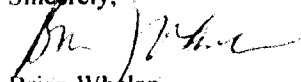
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AB 1108 Contradicts Science-Based “Green Chemistry” Initiative

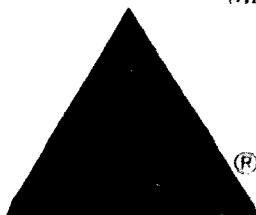
One of the main reasons that the CalEPA “Green Chemistry” Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.

The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,


Brian Whelan
President and CEO
Sika Sarnafil Inc.

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



Sika Sarnafil Inc., 100 Dan Road, Canton, MA 02021
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September 6, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

SEP 12 2007

RE: AB 1108 (Ma) – REQUEST FOR VETO

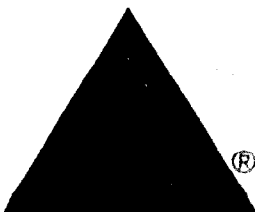
Dear Governor Schwarzenegger:

I am writing to respectfully ask that you veto AB 1108, legislation that would ban the use of a family of chemicals called “phthalates” that have been used for over 50-years in a wide range of consumer products, including toys.

As a major manufacturer of vinyl roofing membranes with many employees in the state of California, this legislation is very troubling to us. It is without scientific merit and ignores the many studies that have been conducted on these important additives to flexible vinyl products.

While everyone supports efforts to ensure that products are safe for consumers, AB 1108 deserves to be vetoed for two main reasons:

- The bill contradicts a wide range of independent third party scientific assessments that have found no basis to restrict phthalates in toys and other consumer products.
- The public policy precedent that would be established is a radical departure from your Administration’s stated chemicals policy, as expressed by CalEPA in its “Green Chemistry” initiative that a comprehensive, scientifically-based framework for assessing chemicals in products is necessary. In fact, your Administration proposed a series of amendments to AB 1108 – based on this philosophy - that would have created a framework for the state’s scientists to assess phthalates, including potential alternative chemicals in toys, and if need be, take action to protect public health. These amendments were rejected by the proponents of AB 1108.



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Government Reviews Affirm Phthalates are Safe as Used

By way of background, phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study – which included staff from California’s Office of Environmental Health Hazard Assessment - the **US Consumer Product Safety Commission (CPSC)** found **“no demonstrated health risk”** from the primary phthalate in children’s toys (DINP) and **“no justification”** for banning its use. In fact, the CPSC said **“If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard.”** The CPSC declined to even issue a health alert regarding phthalates in vinyl toys. In a July 27, 2007 letter to California State Senator George Runner, CPSC staff reaffirmed this decision by stating that they **“have kept abreast of the new research”** and have **“not seen anything that would cause a change in the staff’s position on this issue.”**
- ✓ DINP, the primary phthalate used in children’s toys **is not on California’s Proposition 65 list. Oddly, the bill requires manufacturers to use alternatives that are not on the Prop. 65 list – yet arbitrarily bans DINP even though it is not listed.**
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was **“unlikely to pose a risk to consumers”** which **included assessing impact on adults, children and infants.**
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

AB 1108 Contradicts Science-Based “Green Chemistry” Initiative

One of the main reasons that the CalEPA “Green Chemistry” Initiative was developed was to create a more systematic, science-based approach to answering questions about chemicals used in products. This process is currently underway, with recommendations for policy initiatives coming in 2008. Unlike AB 1108, this science-based process would include not only assessing the toxicity of chemicals in products, but also potential health and environmental risks, degree of exposure, economic and technical feasibility of the chemicals and potential alternatives, and any health and environmental risks posed by alternatives to those chemicals.



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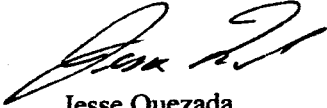
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The safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent. For these reasons, I urge you to veto AB 1108.

Sincerely,



Jesse Quezada
Sika Sarnafil, Inc
10701 Holder Street
Cypress, CA 90630

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



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MOREHOUSE SCHOOL OF MEDICINE

Louis W. Sullivan, M.D.
President Emeritus

September 13, 2007

Office of the Governor
State of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger,

As a physician and public servant who has worked in medicine and public health all of my life, I am writing to urge your veto of AB 1108, a bill that would ban the use of compounds used to make vinyl toys and childcare products soft and flexible.

AB 1108 widely misses the mark on the most fundamental underpinning of all good public health policy — sound science.

AB 1108 ignores a recent, comprehensive review of the safety of vinyl toys conducted by the U.S. Consumer Product Safety Commission. The CPSC took a long, hard look at the primary softener used in children's toys and concluded that *vinyl toys containing this compound are safe as used*. In fact, its experts warned that using substitutes could make toys more brittle and less safe.

The CPSC's conclusions are reinforced by the findings of many scientific bodies around the globe — including the European Union's European Chemicals Bureau, the U.S. National Toxicology Program, and the U.S. Centers for Disease Control and Prevention.

At a time when public officials are trying to deal with the serious issue of lead paint in toys imported from China, California lawmakers should not confuse the safety of these softening compounds in vinyl toys with that issue. Signing AB 1108 will do nothing to resolve the lead paint in toys issue.

California needs public health policies based on science. That's why I resoundingly support your Green Chemistry Initiative. This is a coordinated, comprehensive strategy for addressing possible risk from products — in a holistic, science-based fashion — that would serve the interests of California families and their children.

I urge you to reject AB 1108 and allow your health and safety experts, not legislators, to make judgments about the chemicals in our environment — based on facts, not fear.

Sincerely,



Louis W. Sullivan, M.D.
U.S. Secretary of Health & Human Services 1989-1993
President Emeritus, Morehouse School of Medicine



Toy Industry Association, Inc.

September 7, 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: AB 1108 (Ma) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

On behalf of the Toy Industry Association (TIA) and its 142 California-based members, I am writing to respectfully ask that you veto AB 1108 (Ma), legislation that would ban the use of a family of chemicals called “phthalates.” Phthalates have been safely used for over 50 years in a wide range of consumer products, including toys. TIA has been a leader in the area of toy safety and standards for over seven decades and we pride ourselves on having established the benchmark toy safety standards for the world. We believe that while well intentioned, AB 1108 ignores over 50 years of international scientific study that has repeatedly demonstrated that diisononyl phthalate (DINP)—the principal ingredient used to make vinyl toys soft, thereby helping reduce or eliminate potential choking hazards—does not pose a risk to children’s health. In fact, AB 1108 may have the unintended consequence of actually jeopardizing the ability to make toys safe for California children and families.

To make certain that TIA’s understanding of the science on DINP was correct, we recently commissioned an independent report reviewing more than 140 separate scientific papers, studies and research documents investigating “phthalates.” (attached) The analysis looked at a wide body of scientific evidence, including studies promoted by AB 1108 supporters, as well as research conducted in Japan, the Netherlands, Canada, the European Union and by a wide range of U.S. environmental and consumer agencies and found that:

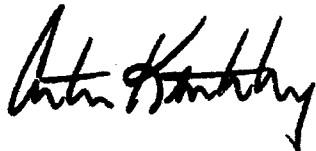
“The risk of exposure of children to DINP from toys has been thoroughly evaluated by the U.S. Consumer Product Safety Commission (Babich et al. 2004; U.S. CPSC 2003, 2002, 2001, 1998), the Center for Evaluation of Risks to Human Reproduction at the National Toxicology Program (CERHR 2003; Kavlock et al. 2002), an expert panel convened by the American Council on Science and Health (ACSH 1999, 2000) and the European Union risk assessment process (ECB 2003; INRS 2001). All of these assessments conclude that the current exposure of children to DINP-containing toys would pose a minimal to nonexistent risk of health effects.”

In addition to ignoring the weight of scientific evidence, AB 1108 is internally inconsistent in that it establishes as a benchmark for the safety of alternative ingredients that they not be on California's Proposition 65 list of dangerous chemicals. Since DINP is not included on the Proposition 65 list, so if not for the explicit ban, DINP would qualify to replace itself.

TIA supports California's development and refinement of a comprehensive chemical regulatory policy that ensures the safety of all its citizens. But sound public policy must be based on scientific evidence and not political positioning. Instead of arbitrarily banning chemicals through the legislative process, your Administration's "Green Chemistry Initiative" should be allowed to move forward and, if necessary, further evaluate the use of phthalates and their potential alternatives in toys to ensure the protection of public health.

Thank you for your consideration of TIA's views on this legislation. If you have any questions or TIA can provide any additional information, please don't hesitate to contact me directly or call our California advocate, Cassie Gilson at 916-444-7464.

Sincerely,

A handwritten signature in black ink, appearing to read "Carter Keithley". The signature is written in a cursive, somewhat stylized font.

Carter Keithley
President

cc: Mr. Chris Kahn, Office of the Governor
Mr. John Moffatt, Office of the Governor
Mr. Dan Dunmoyer, Office of the Governor



A Member of the American Plastics Council

September 18, 2007

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

On behalf of the Vinyl Institute, the national trade association representing polyvinyl chloride (PVC or "vinyl") resin manufacturers, we respectfully request that you veto California Assembly Bill 1108 (Ma) when it reaches your desk.

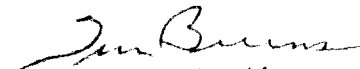
The bill would prohibit the use of phthalates in children's toys. Phthalates are used to make toys and many other vinyl products soft, flexible, durable and affordable. The principal phthalate used in vinyl toys, di-isononyl phthalate (DINP), underwent a rigorous four-year study by the Consumer Product Safety Commission (CPSC) and ultimately was found to be safe for use in children's products.

Unfortunately, AB 1108 is based on misinformation. No studies of which we are aware have demonstrated harm from use of phthalates in toys despite decades of use. Supporters of the bill have ignored phthalates' safe track record and are trying to ban products based on fear and emotion rather than sound science. Decisions on serious public health issues, especially those concerning children, should be based on the findings of qualified scientists.

A ban on phthalates will not improve children's health, and the practical effect of this ban could, in fact, be to increase children's health and safety risks. CPSC said, "If DINP is to be replaced in children's products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. Weaker or more brittle plastics might break and result in a choking hazard. Other plasticizers might not be as well studied as DINP."

State and federal regulatory agencies charged with ensuring public safety have found soft vinyl toys to be safe. If legitimate concerns about DINP and other phthalates still exist, we would support additional review of these substances under your proposed Green Chemistry Initiative.

Sincerely,


Tim Burns, President
The Vinyl Institute

cc: Mr. John Moffatt