October 21, 2026

Kris Thayer, Ph.D.
Director
Office of Environmental Health Hazard Assessment (OEHHA)
California Environmental Protection Agency
1001 I Street,
Sacramento, CA 95814

Submitted Electronically to: https://oehha.ca.gov/proposition-65/comments/comment-submissions-proposition-65-vinyl-acetate-pre-regulatory-workshop

RE: Comments on OEHHA Pre-Regulatory Draft—Proposed No Significant Risk Level (NSRL) for Vinyl Acetate

Dear Kris Thayer:

The Adhesive and Sealant Council (ASC) appreciates the opportunity to provide comments on OEHHA's pre-regulatory proposal to amend the Proposition 65 regulations to add an NSRL for vinyl acetate. ASC appreciates OEHHA's ongoing communication and collaboration with our members and looks forward to participating in the regulatory process as OEHHA works to finalize an NSRL for vinyl acetate. Our goal is to ensure the final NSRL is based on sound science and is workable for companies who conduct exposure assessments on products to determine if a vinyl acetate Proposition 65 warning is required.

The ASC is comprised of 117 adhesive and sealant manufacturers, raw material and equipment suppliers and distributors, and industry consultants, representing more than 75 percent of the U.S. industry. Offering education, legislative advocacy, professional networking, and business growth solutions to its members, the ASC is the center of knowledge and a catalyst for industry growth on a global basis for manufacturers, suppliers, and end-users. Vinyl acetate is an important chemistry to the adhesives industry because it a basic building block used in the manufacture of many types of polymers and copolymers used in adhesives such as ethylene-vinyl acetate (EVA) and poly-vinyl acetate (PVA).

ASC members offer the following comments on OEHHA's pre-regulatory proposal:

1. **ASC Members Support the Creation of an NSRL for Vinyl Acetate**

Vinyl acetate was formally listed as a carcinogen by OEHHA on January 2, 2025. This listing did not include an NSRL, or what is referred to as a "safe harbor level." ASC members expressed concern to OEHHA that absent an NSRL, there is an additional burden on businesses to develop their own safe harbor level using scientifically valid methods, which creates additional costs, compliance efforts, and regulatory uncertainty. Without an established NSRL from OEHHA, there is potential for inconsistency

in the industry because privately-developed NSRLs can differ from one another. In order to achieve certainty for the safe harbor level that triggers the Proposition 65 warning requirement, ASC supports OEHHA's establishment of an NSRL for vinyl acetate. Our members also appreciate that the agency is proposing the NSRL as a "pre-regulatory" proposal. This provides stakeholders with multiple opportunities to share data and research with OEHHA to ensure the final NSRL is appropriate and backed by sound science.

2. **ASC Members Support OEHHA Clarifying the Standard of Evidence Required to Demonstrate Vinyl Acetate Exposure**

Along with the NSRL, OEHHA has proposed language which clarifies what evidence plaintiffs must have in order to have a "meritorious case" to bring a 60-day notice of violation for alleged failure to warn for vinyl acetate exposure from a product. This language closely tracks OEHHA's guidance published on December 23, 2025 (found here: https://oehha.ca.gov/sites/default/files/media/2025-12/vinylacetateletter122325.pdf). ASC strongly supports maintaining this standard-of-evidence language in the final rule. However, we recommend including additional language from the December 2025 letter to further clarify that test reports demonstrating exposure to vinyl acetate polymers are not sufficient evidence to bring a Proposition 65 notice against a business (shown in bold and underline):

> To provide the Attorney General with factual information sufficient to establish the basis of a certificate of merit, as required by Health and Safety Code section 25249.7(d), a private party alleging exposure to vinyl acetate must provide facts showing exposure to the listed vinyl acetate monomer, CAS no. 108-05-4. **The fact that a consumer product contains a vinyl acetate-based polymer or copolymer is not, by itself, factual information sufficient to establish a potential exposure to vinyl acetate.** If such factual information includes the concentration of vinyl acetate monomer in a product, that concentration must not include the amount of vinyl acetate monomer resulting from the breakdown of vinyl acetate containing polymers in a manner which would not otherwise occur during a consumer product exposure, as defined in Cal. Code Regs., tit. 27, section 25600.1.

This language is critical to maintain in the final regulation because it explains that plaintiffs bringing Proposition 65 claims against businesses for alleged exposures to vinyl acetate that polymers and copolymers containing vinyl acetate are not listed under Proposition 65. Therefore, test reports showing the presence of the copolymer or polymer in a product sold in California are not sufficient evidence to bring a Proposition 65 claim.

Also, ASC appreciates that OEHHA has proposed language to clarify that it is not sufficient evidence to have a test report showing vinyl acetate in the product if the vinyl acetate resulted from the breakdown of vinyl acetate-containing polymers in a manner that would not normally occur during a consumer product exposure. ASC agrees with OEHHA's reasoning that "a test which [breaks] down the bonds of a vinyl acetate-containing polymer or copolymer could therefore give misleading results, if those bonds would otherwise remain intact during a consumer product exposure. By making that fact explicit, this proposed regulation ensures accuracy when conducting product testing." This standard ensures that the alleged exposure is to vinyl acetate must be due to normal use of the product and not contrived, unrealistic exposure scenarios.

3. **ASC Urges OEHHA to Revise the Proposed NSRL of 11 Micrograms Per Day (µg/day) to Reflect Sound Science**

OEHHA has proposed an 11 µg/day NSRL for vinyl acetate. ASC members are concerned this exposure level is not based on the best available science and urges OEHHA to consider the detailed scientific assessment and data provided by the Vinyl Acetate Council.

A. ASC Is Concerned that OEHHA Did Not Appropriately Consider The Breakdown of Vinyl Acetate into Acetaldehyde in Its Derivation of the NSRL

OEHHA has acknowledged that vinyl acetate rapidly metabolizes into acetaldehyde. OEHHA established an NSRL of 90 µg/day for acetaldehyde; yet, the proposed NSRL for vinyl acetate is about one tenth the NSRL for acetaldehyde. It is not clear why OEHHA derived an NSRL for vinyl acetate that is significantly lower than the NSRL for its own breakdown product.

OEHHA indicated that vinyl acetate and acetaldehyde were evaluated independently and that a direct correlation between the two chemicals was not incorporated into the derivation of the NSRL. However, available toxicokinetic data indicates that vinyl acetate is rapidly hydrolyzed and metabolized to acetaldehyde following exposure, with little, if any, parent compound remaining in the body and any residual vinyl acetate being eliminated within approximately 24 hours.

OEHHA has also stated that both vinyl acetate and acetaldehyde are genotoxic. However, the available weight of evidence appears less definitive for vinyl acetate itself. The Agency for Toxic Substances and Disease Registry (ATSDR) has reported that vinyl acetate was generally negative in bacterial mutagenicity assays, while positive findings were observed in select mammalian test systems. Furthermore, several reviews have suggested that the observed in vivo genotoxic effects may be attributable to acetaldehyde generated through the hydrolysis of vinyl acetate, rather than to the parent compound itself.

ASC is concerned that OEHHA did not appropriately derive a cancer slope for vinyl acetate because it did not factor in the fast metabolism of vinyl acetate to acetaldehyde and its carcinogenicity. ASC asks that OEHHA explain why it evaluated the carcinogenic risks of vinyl acetate and acetaldehyde independently, given that acetaldehyde is a primary metabolite of vinyl acetate and is believed to account for much of the downstream biological activity. Also, we ask that OEHHA explain how the metabolic conversion of vinyl acetate to acetaldehyde was considered in the derivation of the vinyl acetate NSRL, and why was the 90 µg/day acetaldehyde NSRL not considered relevant in this context. ASC also asks that OEHHA explain how it distinguished effects attributable to vinyl acetate from those attributable to acetaldehyde. It is unclear whether OEHHA evaluated whether acetaldehyde is the primary driver of the observed genotoxic and carcinogenic effects rather than vinyl acetate.

B. ASC Is Concerned with the Methodologies and Choice of Studies OEHHA Selected As the Basis for the NSRL

ASC members are concerned that the studies OEHHA selected to derive the NSRL have significant shortcomings in study design and reporting and only focus on the most severe outcomes when other studies support less severe outcomes. OEHHA evaluated multiple animal studies and derived human cancer slope factors ranging from approximately 0.0098 to 0.065 (mg/kg-day)-1. ASC would like OEHHA to clarify why the female F344 rat study was selected as the basis for the NSRL rather than considering the overall weight of evidence across all available studies. ASC asks that OEHHA provide additional details regarding the rationale for identifying the EPL (1982) and Lijinsky and Reuber (1983) studies as the basis for the most sensitive neoplastic endpoint. OEHHA should explain how it weighed the available evidence and whether both the inhalation and oral carcinogenicity datasets were evaluated side-by-side when determining the critical study and point of departure. The critical studies represent continuous lifetime oral administration in drinking water and may not reflect realistic exposure conditions associated with finished adhesive and sealant products.

ASC also asks that OEHHA also explain its choice of methodologies used to evaluate carcinogenic potential of vinyl acetate. For example, the use of the linear, no-dose threshold (LNT) for dose response modeling is obsolete. And the use of the Key Characteristics of Carcinogens (KCC) approach is not predictive of cancer classifications, has been shown to mischaracterize chemicals, and ignores the last 10 years or more of understanding of multifaceted molecular and cellular processes. Overall, it is necessary for OEHHA to use validated, more updated and nuanced approaches to produce accurate results.

C. ASC Urges OEHHA to Consider the Comments of the Vinyl Acetate Council on OEHHA's Derivation of the NSRL

ASC recommends that OEHHA consider the comments of the Vinyl Acetate Council (VAC) regarding the scientific concerns with OEHHA's approach for deriving the 11 ug/day NSRL for vinyl acetate. The VAC represents the manufacturers of vinyl acetate and has developed over time a robust set of data regarding vinyl acetate exposures from consumer products. This includes sponsoring an independent expert panel to develop an NSRL for vinyl acetate which was peer reviewed (Kirman et al. 2026). The VAC provides a detailed analysis of the serious concerns and questions with the data quality and study selection OEHHA used to derive the NSRL. ASC believes the data presented by the VAC and its scientific assessment of OEHHA's data should be considered in developing a final NSRL.

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Thank you for the opportunity to provide these comments. We welcome the opportunity to speak further with OEHHA about the proposed vinyl acetate listing as it continues its regulatory process to establish an appropriate NSRL. Please contact me at bill.allmond@ascouncil.org if you have any questions.

Sincerely,

William E. Allmond, IV
President