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*Via Electronic Mail and U.S. Mail*

Ms. Valerie Namba, Senior Environmental Planner  
California Department of General Services  
Professional Services Branch, Environmental Services Section  
707 Third Street, Third Floor, MS 509  
West Sacramento, CA 95605-9052

Re: Draft EIR on the Adoption of Statewide Regulations Allowing the Use of PEX  
Tubing

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Dear Ms. Namba:

On behalf of the Plastic Pipe and Fittings Association, I am submitting additional comments on the Draft EIR for PEX Tubing, for the consideration of the Building Standards Commission. These comments address the EIR's evaluation of the potential for PEX to release chemicals listed under Proposition 65.

Based on information received in response to the Draft EIR, the Final EIR should be revised to reflect the fact that there is no potential for PEX to release constituents listed under Proposition 65 at concentrations that exceed any California regulatory level. The June 23, 2008 comment letter on the Draft EIR from NSF confirms that toluene diamine and butyl benzyl phthalate have not been detected and, thus, the Final EIR should be revised to reflect that those constituents are not a concern for PEX.

With regard to carbon black, we presume the EIR's inclusion of carbon black referred to the Proposition 65 1990 listing for carbon-black extracts, and not carbon black itself, as the 2003 carbon black listing applies only to unbound, respirable particles of a particular size, from exposure to a particular form of carbon black via inhalation, which is not a concern for PEX or other plastics.

According to the California Office of Environmental Health and Hazard Assessment:

[f]or the purposes of Proposition 65, carbon black particles 10  $\mu$ m or less shall be considered respirable. Exposure to carbon black, per se, does not occur when it remains bound within a product matrix, such as rubber, ink or paint. (See [http://www.oehha.org/prop65/prop65\\_list/022103not.html](http://www.oehha.org/prop65/prop65_list/022103not.html).)

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Carbon black incorporated into plastics would be similarly bound.

To the extent carbon black is used for pigmentation of PEX, there is no evidence that carbon-black extracts would be released from PEX. To the contrary, available information about carbon-black extracts confirms there is no realistic possibility of extraction, much less at levels that exceed any drinking water standards.

The chemical profile for carbon black states:

Carbon black extracts are solvent extractions from the carbon blacks. The effectiveness of the extraction depends on the extraction time, solvent, type of carbon black, relationship between sample weight and solvent volume, and amount of extractable material. Polycyclic aromatic hydrocarbons (PAHs) have been detected in benzene and toluene extracts of furnace blacks (IARC, 1984).” (Exhibit A, viewed at <http://www.scorecard.org/chemical-profiles/html/carbonblack.html>.)

According to the Draft EIR, neither benzene nor toluene is of concern for PEX because NSF tests showed PEX did not exceed CA MCLs for those constituents. (Draft EIR at pp. 4.4-4.4-13; Table 4.4-1.)

It is understandable that no carbon black extracts would be found in PEX tested for drinking water health effects because the conditions required for extraction to occur would never occur in a potable water system. According to the International Carbon Black Association:

In the case of commercial carbon blacks, organic contaminants such as polycyclic aromatic hydrocarbons (PAHs) can only be extracted under very rigorous laboratory analytical procedures (soxhlet extraction using organic solvents and high temperatures). (Exhibit B, viewed at [http://carbon-black.org/what\\_is.html](http://carbon-black.org/what_is.html).)

Moreover, “[w]ater and bodily fluids are ineffective in removing PAHs from the surface of carbon black, and therefore they are not considered to be biologically available.” (*Id.*)

Because the conditions required to produce carbon black extracts would not be found in any home or business utilizing PEX piping for potable water purposes, and because no carbon black extracts exceeding California regulatory levels have been identified in any PEX test results, the Final EIR should conclude that carbon black, along with all other Proposition 65 constituents considered, do not present a potential for a significant impact for PEX.

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The information provided by NSF in its comments on the Draft EIR and this information about carbon black constitutes substantial evidence that supports a finding that the project would not have any impact from the three Proposition 65 constituents that were identified in the Draft EIR, toluene diamine, benzyl butyl phthalate and carbon black. We hope this information will be useful in preparation of the Final EIR. Please feel free to contact me if you have any questions about these comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelley M. Taber", with a long horizontal flourish extending to the right.

Kelley M. Taber

KMT:sb

Enclosure

cc: David Walls, California Building Standards Commission