



North American Metals Council

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August 6, 2021

Via Electronic Submission

Meredith Williams, Ph.D.
Director, California Department of Toxic Substances Control
1001 I Street
Sacramento, CA 95814

Re: Comments on the Proposal to Regulate Motor Vehicle Tires
Containing Zinc as a Priority Product under the Safer Consumer
Products Regulations

Dear Dr. Williams:

The North American Metals Council (NAMC)¹ is pleased to submit these comments in support of the comments submitted by the International Zinc Association (IZA) regarding the California Department of Toxic Substances Control (DTSC) proposal to regulate motor vehicle tires containing zinc as a Priority Product under the Safer Consumer Products regulations.² NAMC opposes DTSC's proposed listing of zinc in motor vehicle tires as a Priority Product. In particular, NAMC agrees with IZA's view that the Rationale Document for Motor Vehicle Tires Containing Zinc prepared by DTSC is not supported by the latest available science.

There Is No Well-Defined Link between Zinc from Tires and Exposure to Environmental Receptors

Real-world observations contradict DTSC's conclusion that zinc in tires adversely affects sensitive marine organisms. The lack of a well-defined link between zinc from tires and exposure to environmental receptors prompts questions about the reasonableness, utility, and effectiveness of a Priority Product listing. In practice, such a listing may trigger source control

¹ NAMC is an unincorporated not-for-profit organization serving as a collective voice for North American metals producers and users. NAMC is a leader for the metals industry on science- and policy-based issues affecting metals.

² See <https://dtsc.ca.gov/scp/>.



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measures (*e.g.*, limiting or eliminating zinc oxide (ZnO) in tires) that would have minimal effects on zinc concentrations in stormwater. Such a listing may result in an inefficient use of taxpayer resources to solve a non-existent problem. IZA's analysis indicates that, regardless of source, zinc does not represent a widespread issue in California surface waters.

The Rationale Used to Justify DTSC's Decision Is Deficient

NAMC, in agreement with IZA, does not concur with DTSC's rationale for granting the California Stormwater Quality Association's (CASQA) petition to list motor vehicle tires containing zinc as a Priority Product. The rationale used to justify DTSC's decision is deficient for the following reasons:

1. DTSC relied on outdated zinc water quality objectives (WQOs) as a line of evidence for potential effects on aquatic receptors;
2. DTSC's conclusion that zinc from motor vehicle tires may adversely affect marine life does not reflect realistic exposure scenarios or observed ecological conditions of sensitive animals along California's coast; and
3. DTSC relied on a poorly defined link between zinc from tires and exposure to environmental receptors.

To address these deficiencies, NAMC recommends that DTSC pause the zinc in motor vehicle tires Priority Product evaluation until zinc WQOs are updated to incorporate the latest available science.

Thank you for the opportunity to submit these comments. Please contact Ligia Duarte Botelho, NAMC Manager, at lbotelho@bc-cm.com with any questions.

Sincerely,

William J. Adams, Ph.D.
NAMC Chair