ALBUQUERQUE-BERNALILLO COUNTY

AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND TITLE 20, CHAPTER 11 OF THE NEW MEXICO ADMINISTRATIVE CODE TO REQUIRE REVIEW AND CONSIDERATION OF CUMULATIVE AIR IMPACTS	**AQCB Petition No. 2014-1**

RESPONSE IN OPPOSITION TO PETITION TO AMEND NEW MEXICO ADMINISTRATIVE CODE

The Association of Commerce and Industry of New Mexico ("ACI") submits this Response ("Response") to the Petition filed by Petitioner Southwest Organizing Project requesting that the Albuquerque-Bernalillo County Air Quality Control Board ("Board") adopt a new air quality regulation ("Regulation") requiring, as a condition to issuing an air permit, that any person who is planning to construct, modify, or operate a source within Bernalillo County first conduct a "cumulative impacts analysis." This Response is filed pursuant to 20.11.82.18(C) NMAC. ACI respectfully requests that the Board deny the Petitioner's request for the reasons set forth below.

This Response also constitutes an entry of appearance in this proceeding pursuant to 20.11.82.21 NMAC and ACI requests written notice of all further filings and notices in this proceeding.

I. SUMMARY OF REASONS TO DENY PETITION

If adopted by the Board, the proposed Regulation would impose an unprecedented and costly burden on "all persons who intend to construct or modify a source or apply for an

operating permit" within Bernalillo County. (Proposed Reg. 20.11.72.2) Any person seeking an application for an air permit under the AQCA would be required to pay for a "cumulative impact analysis" consisting of, among other things, twelve months of air quality monitoring for specified air emissions within a five mile radius of the proposed project. (Proposed Reg. 20.11.72.8(B)(1) and (C)) A detailed health effects study and cumulative effects analysis also would have to be conducted as part of the cumulative impact analysis and related application process. (Reg. 20.11.72.8(B)(3) and (4)) The cumulative impact analysis can form the basis for the denial of an air permit. (Proposed Reg. 20.11.72.8(B)(6)) The proposed Regulation would also confer a private right of action upon "any person having an interest that is or may be adversely affected by a project or proposed project." (Proposed Reg. 20.11.72.12(A)) In any private action, attorneys' fees could be awarded by a court. (Proposed Reg. 20.11.72.12(D))

As discussed in detail below, the Board is without lawful authority to adopt the proposed Regulation. The proposed Regulation as a whole, as well as several of its individual provisions, would violate the New Mexico Air Quality Control Act, NMSA 1978, §§74-2-1 through -17 (1967, as amended through 2013) (the "AQCA"). Therefore, the Board should deny the Petition.

In addition, the Petition completely ignores the significant burdens that the proposed Regulation would impose on the regulated community as well on the Air Quality Division ("AQD") of the City of Albuquerque Environmental Health Department as the regulator. Furthermore, the foundational premise of the proposed Regulation – that low income and minority communities are disproportionately impacted by air pollution in Bernalillo County – is not supported in the Petition. Thus, apart from the illegality of the proposed Regulation, there is no factual support for its adoption by the Board.

II. STATEMENT OF INTEREST

ACI is the statewide, legislative advocate for business interests in New Mexico and serves as the state chamber of commerce and the state representative for the National Association of Manufacturers. Its mission is to enrich the lives and prosperity of New Mexicans through a vibrant business climate built by effective advocacy and education. ACI has an interest in this proceeding on behalf of its members because the proposed Regulation would impose an unnecessary and expensive regulatory burden on those doing business, and contemplating doing business, in the City of Albuquerque and the unincorporated areas of Bernalillo County. As a result, the proposed Regulation will have a deleterious impact on business and the local economy.

III. STATEMENT OF REASONS TO DENY THE PETITION

A. The Regulation is Not Authorized Under the AQCA.

The AQCA does not provide authority for the Board to adopt the proposed Regulation. As a statutorily created entity, the Board has no common law or inherent authority but can only act within the scope of the authority delegated to it. *Maxwell Land Grant Co. v. Jones*, 1923-NMSC-008, ¶ 4, 28 N.M. 427; *Kilmer v. Goodwin,* 2004-NMCA-122, ¶ 24, 136 N.M. 440. Petitioner asserts that NMSA 1978 §§74-2-2(B) and 74-2-5(B)(1) of the AQCA authorize the Board to promulgate the proposed Regulation. (Petition, ¶¶2-4) However, as addressed below, no such authority is found in the AQCA.

1. The background of the AQCA

The stationary source provisions of the federal Clean Air Act, 42 U.S.C. §§ 7401 *et seq.* ("CAA") require the federal Environmental Protection Agency ("EPA") to adopt primary and secondary national ambient air quality standards for any pollutant which has an adverse impact

on the public health or welfare. 42 U.S.C. §7409.[1] After the standards are adopted, the CAA requires states to develop, and submit to EPA for approval, plans for the implementation, attainment, maintenance and enforcement of the standard. 42 U.S.C. §7410. The CAA also authorizes EPA to adopt standards of performance (technology-based requirements) for new sources, 42 U.S.C. §7411, and sources of hazardous air pollutants, 42 U.S.C. §7412. Enforcement of those requirements may be delegated to the states. The CAA also provides for the adoption of regulations for pre-construction permits for "major sources" in areas that meet the national ambient air quality standards, *i.e.*, "attainment areas" (prevention of significant deterioration program), 42 U.S.C. §7470-79, 7491 & 92, and in areas that do not meet those standards, *i.e.*, "nonattainment areas" (nonattainment program), 42. U.S.C. §7501-7515.

The structure of the AQCA parallels the CAA. Like the CAA, the AQCA addresses stationary and mobile sources of air pollution. For stationary sources, the AQCA requires the Board to adopt regulations to "attain and maintain national ambient air quality standards" and to prevent or abate air pollution, NMSA 1978, §74-2-5(B)(1) (2007), and authorizes regulations prescribing standards of performance for sources (technology-based requirements) and emission standards for hazardous air pollutants, *see id.* §74-2-5(C)(2). Additionally, the AQCA authorizes the Board to adopt regulations requiring pre-construction permits for major sources in attainment and nonattainment areas. *See id.* §§74-2-5(C)(1). The standards of performance and emissions standards for hazardous air pollutants must be as stringent as, but no more stringent than, federal standards of performance adopted by EPA and may be applicable to sources subject to the federal requirements. *See id.* §74-2-5(C)(2). Similarly, the AQCA limits Board's authority to

[1] The 'primary standards" provide "public health protection, including protecting the health of 'sensitive' populations, such as asthmatics, children and the elderly." National Ambient Air Quality Standards, www.epa.gov/air/criteria.html.

adopt requirements for pre-construction permits in attainment and nonattainment areas to being as stringent as, but no more stringent than, federal requirements and be applicable only to sources subject to the federal requirements. *See id.* §74-2-5(C)(1). Finally, the Air AQCA authorizes the Board to require permits for the construction of non-major sources and the operation of sources required by the federal Clean Air Act to have operating permits. NMSA 1978, §74-2-7(A)(1) & (2) (2003).

2. The Proposed Regulation violates the Stringency Limitation of the AQCA

As noted in the Petition, the AQCA limits the Board's authority to adopt regulations that are "no more stringent than" federal regulations or standards. (Petition ¶5) Petitioner concludes, without any analysis, that the limitations under the AQCA are not applicable with respect to the proposed Regulation. (Petition ¶6) This is incorrect.

Section 74-2-5(C), relating to the stringency limitations under the AQCA, provides in pertinent part:

> C. Regulations adopted by . . . the local board may:
>
> (1) include regulations to protect visibility in mandatory class I areas to prevent significant deterioration of air quality and to achieve national ambient air quality standards in nonattainment areas; provided that such regulations:
> (a) shall be no more stringent than but at least as stringent as required by the federal act and federal regulations pertaining to visibility protection in mandatory class I areas, pertaining to prevention of significant deterioration and pertaining to nonattainment areas; and
> (b) shall be applicable only to sources subject to such regulation pursuant to the federal act;
> (2) prescribe standards of performance for sources and emission standards for hazardous air pollutants that, except as provided in this subsection:
> (a) shall be no more stringent than but at least as stringent as required by federal standards of performance; and
> (b) shall be applicable only to sources subject to such federal standards of performance;

§74-2-5(C)(1) and (2)

As a threshold point, it is important to note that the primary standards under the National Ambient Air Quality Regulations ("NAAQS") issued by the EPA pursuant to the CAA already take into account "public health protection, including protecting the health of 'sensitive' populations, such as asthmatics, children and the elderly." *See* NAAQS, www.epa.gov/air/criteria.html. As set forth in §74-2-5(C)(1) the AQCA authorizes the Board to adopt regulations to limit emissions of the criteria pollutants, but these limits may only be as stringent as necessary to achieve the NAAQS. The proposed Regulation would allow the AQD or the Board to deny a permit, or require alternatives, on the sole basis that the concentration of criteria pollutants in certain specified areas within Albuquerque and Bernalillo County is greater than in other areas, irrespective of compliance with the NAAQS. (Proposed Regulation, 20.11.72.8(B)(6)) This is clearly violates the stringy limitations under the AQCA.

Similarly, the proposed Regulation would require twelve months of air monitoring data for specified categories of air emissions, including "Criteria Air Pollutants" and "Hazardous Air Pollutants." This requirement directly implicates the limitations under §74-2-5(C)(1) and (2). The determination of nonattainment areas is based on ambient air concentrations of criteria pollutants. The requirement of twelve months of air quality monitoring of criteria pollutants alone renders the proposed Regulation more stringent than the CAA and the related federal regulations which include no similar requirement. Similarly, to the extent that the AQD or the Board is empowered under the Ordinance to require alternatives to or impose conditions on any construction or operating permit in excess of the federal requirements, it violates the stringency limitations under the AQCA. These same features of the proposed Regulation similarly violate the stringency requirements relating to hazardous air pollutants under the AQCA.

3. The twelve-month air monitoring requirement for a cumulative impact analysis violates §74-2-7 of the AQCA

Under 20.11.72.8(A) of the proposed Regulation, the filing of an application for an air permit would trigger a requirement that the Board or AQD prepare a cumulative impact analysis. This requirement would apply to applications for all air permits, including source construction permits. As noted above, the proposed Regulation would require no less than twelve continuous months of ambient air monitoring before a permit could be issued. This requirement, as applied to construction permits, violates the statutory deadlines under §74-2-7(B)(2)(a) and (b) which require a final decision by the AQD within not more than ninety days, or 180 days for construction permits that are subject to the prevention of significant deterioration requirements. Even with the ninety-day extensions allowed under §74-2-7(B)(2) for good cause, the required cumulative impacts analysis could not be completed within the statutory deadline. Therefore, the proposed Regulation, as applied to construction permits, violates the AQCA.

4. The Proposed Regulation Violates the AQCA because it does not set any quantifiable standards for air pollution.

Even assuming the proposed Regulation did not violate the stringency limitations under §74-2-5(C)(1) and (2), it would still violate the AQCA requiring that regulations to control air pollution be based on specific standards. Petitioner claims that the Board can adopt the proposed Regulation pursuant to §74-2-5(B)(1) which authorizes the adoption of regulations to "prevent or abate air pollution." However, the parameters of the Board's authority to prevent or abate air pollution are delineated by the definition of "air pollution" in the AQCA. Section 74-2-2(B) defines "air pollution" as "the emission, except emission that occurs in nature, into the outdoor atmosphere of one or more air contaminants ***in quantities and of a duration*** that may with reasonable probability injure human health or animal or plant life or as may unreasonably

interfere with the public welfare, visibility or the reasonable use of property." (emphasis added). Construing the plain language of Section 74-2-5(B) together with Section 74-2-2(B), the intent of the Legislature is clear: the Board must identify a quantity and a duration at which an air contaminant becomes "air pollution" before it can exercise its authority to promulgate regulations to prevent or abate air pollution. In other words, Board's authority to prevent or abate air pollution must be premised on a previously established criterion, *i.e.*, a standard, "for determining what concentration of [a] particular air contaminant, in a specific time frame, constitute[s] air pollution." *See*, *Pub. Serv. Co. of N.M. v. N.M. Envtl. Improvement Bd.*, 89 N.M. 223, 227, 549 P.2d 638, 642 (Ct. App. 1976).

The proposed Regulation does not establish any standards - based on quantity and duration of air contaminants - by which it can be determined if the so-called "cumulative effects" related to a source might impact public health or the environment in a given area. Because the proposed Regulation utterly fails to set any air quality standards consistent with the AQCA, the Petition must be denied.

5. The Regulation is void for vagueness.

Not only does the proposed Regulation lack any quantifiable standard as required under the AQCA, it lacks any clear or objective standards which raises serious Constitutional concerns. The stated objective of the proposed Regulation is to "ensure that any proposal to construct, modify or operate a source disclose, analyze and evaluate the cumulative effects of air pollution to ensure that air pollution does not disproportionately affect the environment or public health in any neighborhood, census tract, or region of Albuquerque or Bernalillo County." (Proposed Regulation, 20.11.72.6) The phrase "disproportionate impact" is defined as "environmental or public health impacts on low-income or minority communities from air contaminants that are

unreasonably or unfairly high when compared to more affluent non-minority communities." (Proposed Regulation, 20.11.72.7(D) (emphasis added)) There are no defined standards under the proposed Regulation beyond the foregoing.

The AQCA includes criminal penalties for violation of air quality regulations and air permits. *See* §74-2-14. Therefore, Constitutional due process considerations attach with respect to potential enforcement actions under the proposed Regulation. The standards used to determine a disproportionate impact under the Regulation are based entirely on subjective notions of "unreasonably or unfairly high" environmental or public health impacts on particular communities or populations. How is the regulated community to determine or measure whether a particular source is deemed to have a "disproportionate impact" under the Regulation? A statute or regulation is void for vagueness if (1) it fails to provide persons of ordinary intelligence using ordinary common sense a fair opportunity to determine whether their conduct is prohibited; or (2) it fails to create minimum guidelines for the reasonable police officer, prosecutor, judge, or jury charged with enforcement of the statute, and thereby encourages subjective and ad hoc application. *State v. Garcia*, 2013-NMCA-005, ¶ 25, 294 P.3d 1256 (quoting *State v. Jacquez*, 2009-NMCA-124, ¶6, 147 N.M. 313, 222 P.3d 685). The standards under the proposed Regulation for determining whether a source has a disproportionate impact fails both prongs of the foregoing test and the Petition must be denied.

6. The Regulation seeks to impose zoning requirements on development in Albuquerque and Bernalillo County.

The proposed Regulation purports to give the AQD and the Board the authority to deny an air permit for a source based on its proposed location with Albuquerque or Bernalillo County. The effect of the proposed Regulation is to regulate the location and development of industrial sources within the city and the county. However, zoning and site development planning issues in

Albuquerque are delegated to the Environmental Planning Commission pursuant to Albuquerque, N.M. Rev. Ordinance §14-13-3-2. The Bernalillo County Planning Commission has been delegated similar authority for zoning and site development planning in the county pursuant to Bernalillo County N.M. Code, §62-31. In addition, Albuquerque and Bernalillo County have jointly adopted the Albuquerque/Bernalillo County Comprehensive Plan which maps the areas suitable for development at various levels of rural and urban services. There is no statutory basis under the AQCA, or otherwise, for the Board or the AQD to regulate land use or to impose what are in effect zoning restrictions and development planning in the city or the county. See *Pub. Serv. Co. of N.M. v. N.M. Envtl. Improvement Bd.*, 89 N.M. 223, ¶10 (Holding that the New Mexico Environmental Improvement Board had no authority under the AQCA over industrial development in the state).

7. The AQCA provides no basis for a private cause of action.

Under 20.11.72.12 of the proposed Regulation, "any person having an interest that is or may be adversely affected by a project or proposed project" could file a lawsuit to compel compliance with the proposed Regulation. In such a lawsuit, a court could award attorneys' fees. *Id.*

The proposed Regulation purports to confer a private right of action to a broad category of individuals. However, there is nothing in the AQCA that confers power on the Board to adopt a regulation that would create a private claim to enforce compliance with an air quality regulation. The AQCA is very specific with respect to the remedies available for violation of the act. *See*, §§74-2-12, 74-2-12.1 and 74-2-14. In the absence of express language in statute creating a private cause of action, the presumption is that no private cause of action conferred. *See, Eisert v. Archdiocese of Santa Fe*, 2009-NMCA-042, ¶29, 146 N.M. 179, 207 P.3d 1156

("Because there is no express language in the statute creating a private right of action, we conclude that the Legislature did not intend to create such a right of action."). Moreover, administrative bodies are creature of statute and have no common law or inherent powers and can only act within the scope of the authority delegated to them. *Pub. Serv. Co. of N.M. v. N.M. Envtl. Improvement Bd.*, 89 N.M. 223, ¶7. Therefore, the proposed provision in the Regulation relating to a private right of action must be rejected.

B. The Petition Does Not Support the Adoption of the Proposed Regulation

When the contents of the Petition are scrutinized, it is clear that there are glaring omissions of relevant considerations and a total lack of factual support for the adoption of the proposed Regulation.

1. The Petition Ignores the impacts of the Regulation on the regulated community and the regulators

The Petition wholly fails to address both the anticipated impacts on the regulated community from the proposed Regulation and the resource demands that the proposed Regulation would place on the AQD as the regulator. As support for the proposed Regulation, Petitioner references the Minnesota Environmental Policy Act of 1973 ("MEPA")[2] which Petitioner states allows the Minnesota Pollution Control Agency ("MPSC") to evaluate and address the cumulative air impacts in specific areas of Minneapolis. (Petition ¶35) The experience in Minnesota reveals that the MEPA is extremely resource intensive for the MPSC. In their FY2011 Legislative Report on Environmental Assessment Worksheets dated October

[2] Significantly, there is no similar or equivalent statute in New Mexico. MEPA was adopted by the Minnesota Legislature in 1973 and establishes a formal environmental review process to provide information about the environmental impacts of projects before necessary permits or approvals are issued.

2011 ("2011 MPSC Report"), the MPSC reported that in fiscal year 2011, it spent 3,255.5 staff hours on 13 projects involved in the environmental assessment process for an average of 250.4 staff hours per environmental assessment. (2011 MPSC Report p. 3 attached as Ex. "A") In the FY2010 Legislative Report on Environmental Assessment Worksheets dated October 2011 ("2010 MPSC Report"), the MPSC reported that it spent a total of 7,617 staff hours on 14 environmental review projects for an average of 544 hours on each environmental review process. (2010 MSPC Report, p. 3 attached as Ex. "B") It is clear from the Minnesota experience that environmental reviews of the type that would be required under the Regulation are extremely resource intensive.

The Petition does not address how the AQD is supposed to conduct the necessary cumulative impact analyses and the associated reviews of permit applications that would be required under the proposed Regulation. The Board does not have authority to impose taxes or to fund the AQD as would be necessary to perform the regulatory functions required under the proposed Regulation. Adoption of the proposed Regulation would be a stark example of an unfunded mandate imposed on the AQD.

Similarly, the Petition does not address the anticipated costs to the regulated community to comply with the proposed Regulation. The year-long air monitoring, coupled with the health effects and environmental impact studies, would be extremely expensive for the regulated community. The proposed Regulation would require air monitoring of "existing Criteria Air Pollutants, Hazardous Air Pollutants, and air pollution emissions for chemicals on the California Cancer or Reproductive Toxicity Chemicals list." (Proposed Reg. 20.11.72.8(B)(1)) A copy of the California Cancer or Reproductive Toxicity Chemicals list is attached as Exhibit "C" and includes more than 900 listed constituents including such things as areca nut, cocaine, salted fish

(Chinese-style) and wood dust. Due to the number and varied nature of all of the constituents that are required to be monitored under the proposed Regulation, it is doubtful that an air monitoring plan could even designed and implemented to capture the entire range of required constituents under the proposed Regulation.

The Minnesota experience under the MEPA is again informative on the issue of the scale of costs to the regulated community that would be imposed under the proposed Regulation. In its May 2010 Guide to Minnesota Environmental Review Rules ("Minnesota Guide"), the staff of the Minnesota Environmental Quality Board states that the cost to an applicant for most required reviews is "at least $100,000." (Minnesota Guide, p. 23 attached as Exhibit "D") With the anticipated exorbitant costs of compliance for the mere submission of an application for an air permit, new sources will not locate in Albuquerque and Bernalillo County. Moreover, existing sources will be discouraged from making any modification to their facilities, even when the modifications would result in lower emissions, because of compliance costs associated with the proposed Regulation.

It's clear from the very nature and the express requirements of the proposed Regulation, as well as the illustrative cost data out of Minnesota, that the Regulation will impose significant burdens and costs. The AQCA requires that the Board consider both the "technical practicability and the economic reasonableness" of a proposed regulation. §74-2-5(E)(3). The lack of any discussion or analyses of these factors are fatal omissions in the Petition.

2. The Petition fails to establish any nexus between air sources and impacts to specific communities in Albuquerque and Bernalillo County

Petitioner cites to a report entitled "Place Matters for Health in Bernalillo County: Ensuring Opportunities for Good Health for All" dated September 2012 ("Place Matters Report") as support for the proposition that "poor and minority neighborhoods in Albuquerque and

Bernalillo County are disproportionately impacted by air pollution and suffer disproportional health problems because of those impacts." (Petition ¶19) However, the Place Matters Report addresses environmental issues only in the aggregate. In its maps depicting so-called density of environmental hazards, all types of environmental issues are included, such as hospitals, Tier II reporting facilities, discharge permit points, dumping locations, hazmat locations, railroad depots, NMED discharge permit locations, NPDES permit locations, NMED petroleum storage tank locations, stationary air sources, Superfund sites and industrial/manufacturing land use locations. (Place Matters Report, p. 15) The report does not even attempt to demonstrate any disproportionate concentration of air pollution or air pollution sources in minority and low income areas.

In addition, even a cursory reading of the Place Matters Report reveals that it does not address air pollution as a separate risk factor for minority and low income communities in Albuquerque and Bernalillo County. Indeed, there is scant discussion of air quality issues except to note that the "2003 Albuquerque/Bernalillo County Comprehensive Plan identified primary sources of air pollutants as vehicular emissions, residential wood burning, dust from unpaved roads and construction sites, *and, to a lesser degree, industrial operations*." (Place Matters Report, p. 23 (emphasis added)) Thus, the predominant sources of air pollution identified in the Place Matters Report are not even addressed by the proposed Regulation.

Significantly, the Place Matters Report is not limited to air quality or even more general environmental factors. The report notes that in addition to environmental factors, community level health risks are influenced by such measures as educational attainment, violent crime rates, foreclosure rates, unemployment rates and the percentage of overcrowded households. (Place Matters Report, p. 1) The Place Matters Report notes that "researchers cannot say with certainty

that these neighborhood conditions *cause* poor health." (*Id.*) Indeed, the report notes that the "best predictor of a person's health is his or her educational level." (*Id.*, p. 2)

In sum, the contention in the Petition that air pollution has a disproportionate impact on low income and minority areas in Albuquerque and Bernalillo County is unsupported. Thus, the entire premise underlying the stated reason for the proposed Regulation fails and the Petition should be denied.

IV. CONCLUSION

As detailed above, the Petition fails to establish a sufficient factual or legal predicate for the Board to adopt the proposed Regulation. For these reasons ACI respectfully requests that the Petition be denied.

V. ESTIMATED TIME REQUIRED FOR HEARING

In the event the Board decides to proceed with the Petition, ACI disagrees that the hearing on the proposed Regulation can be completed in the short timeframe (8 hours) as represented by Petitioner. This proposed Regulation is of significant concern to the regulated community and has garnered much interest. It is reasonable to assume that many interested parties will want to present technical testimony and comments on the proposed Regulation. For this reason ACI submits that the hearing in this matter could take as many as five days.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing Response was served on the following counsel by U.S. Postal Service this 25th day of February 2014:

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FY2011 Legislative Report on Environmental Assessment Worksheets

A summary of Environmental Assessment Worksheets completed by the Minnesota Pollution Control Agency in FY2011

Minnesota Pollution Control Agency

October 2011

EXHIBIT A

Staff Hours Spent on EAWs

For the 13 projects completing the EAW process during FY2011, a total of 3,255.5 staff hours were spent on work directly related to environmental review. This included preparation and review of EAWs, Responses to Comments on EAWs and Findings of Fact, technical analysis of impact assessment information prepared for the EAW process, and a variety of project management tasks including coordination of the activities of the project team established at the beginning of the EAW process. On average, 250.4 staff hours were spent per project to complete the EAW process, while the per-project median was 218.8 hours. In FY2011, no EAWs went to the MPCA Citizens Board for a decision so there were no staff hours devoted to the preparation of documents and presentations to the Board.

For purposes of this report, the EAW process has been broken down into two phases. Phase 1 is the preparation of the EAW, beginning with the submittal of a draft EAW, permit application(s) and other required documentation by the project proposer and ending with the publication of an EAW Notice of Availability in the Environmental Quality Board (EQB) Monitor. During Phase 1, an MPCA project team is formed to review the project submittals and work with the project proposer to prepare a final EAW and develop proposed permit(s). Phase 2 begins with the publication of the EAW Notice of Availability to start the public comment period and ends with the EIS need decision, completing the EAW process. During Phase 2, staff prepares responses to comments received during the comment period and Findings of Fact summarizing the record upon which the EIS need decision is based. During Phase 2, additional mitigation measures that have been identified may also be incorporated into the project design or permit conditions.

The MPCA conducts the EAW and permit processes concurrently to avoid duplication. This concurrent practice also more expedient and maximizes the amount of information available to other governmental units and citizens with interest in the project. Based on the information in its record, the MPCA makes a conclusion regarding the potential for significant environmental effects from the project and the need for further study in an EIS. If it is decided that no further study is required, the MPCA will order a Negative Declaration (no EIS) and proceed to permit issuance. If it is determined that a project has the potential for significant environmental effects, the MPCA will order a Positive Declaration and begin the EIS preparation process. If the decision is a Negative Declaration, permit issuance usually takes place shortly after the Agency's EIS-need decision. For the FY2011 reporting period, each of the 13 projects reviewed by the MPCA received a Negative Declaration on the need for an EIS. One-page summaries describing each project are provided in Appendix 2.

FY2010 Legislative Report on Environmental Assessment Worksheets

A summary of Environmental Assessment Worksheets completed by the Minnesota Pollution Control Agency in FY2010

Minnesota Pollution Control Agency

October 2010

EXHIBIT B

Staff hours spent on EAWs

For the 14 projects completing the EAW process during FY2010, a total of 7,617 staff hours were spent on work directly related to environmental review. This included preparation and review of EAWs, Responses to Comments on EAWs and Findings of Fact, technical analysis of impact assessment information prepared for the EAW process, the preparation of documents and presentations for those EAW projects brought to the MPCA Citizens' Board, and a variety of project management tasks including coordination of the activities of the project team established at the beginning of the EAW process. On average, 544 staff hours were spent per project to complete the EAW process, while the per-project median was 333 hours.

For purposes of this report, the EAW process has been broken down into two phases. Phase 1 is the preparation of the EAW, beginning with the submittal of a draft EAW, permit application(s) and other required documentation by the project proposer and ending with the publication of an EAW Notice of Availability in the Environmental Quality Board (EQB) *Monitor*. During Phase 1, an MPCA project team is formed to review the project submittals and work with the project proposer to prepare a final EAW and develop proposed permit(s). Phase 2 begins with the publication of the EAW Notice of Availability to start the public comment period and ends with the (EIS)-need decision, completing the EAW process. During Phase 2, staff prepares Responses to Comments received during the comment period and Findings of Fact summarizing the record upon which the need for an EIS is based. During Phase 2, additional mitigation measures that have been identified may also be incorporated into the project design or permit conditions.

The MPCA conducts the EAW and permit processes concurrently to avoid duplication. This practice also maximizes the amount of information available to other governmental units and citizens with interest in the project. Based on the information in its record, the MPCA makes a conclusion regarding the potential for significant environmental effects from the project and the need for further study in an EIS[1]. If it is decided that no further study is required, the MPCA will order a Negative Declaration (no EIS) and proceed to permit issuance. If it is determined that a project has the potential for significant environmental effects, the MPCA will order a Positive Declaration and begin the EIS preparation process. If the decision is a Negative Declaration, permit issuance usually takes place shortly after the Agency's EIS-need decision. For the FY2010 reporting period, each of the 14 projects reviewed by the MPCA received a Negative Declaration on the need for an EIS. One-page summaries describing each project are provided in Appendix 2.

Environmental Quality Board

[1]Minn. R. 4410.1700 Decision on need for EIS

Subp. 6. **Standard.**

In deciding whether a project has the potential for significant environmental effects the RGU shall compare the impacts that may be reasonably expected to occur from the project with the criteria in this part.

Subp. 7. **Criteria.**

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

A. type, extent, and reversibility of environmental effects;

B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;

C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY
JANUARY 31, 2014

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals or endpoints shown in strikeout were placed on the Proposition 65 list on the date noted, and have subsequently been removed.

Chemical	Type of Toxicity	CAS No.	Date Listed
A-alpha-C (2-Amino-9H-pyrido [2,3-b]indole)	cancer	26148-68-5	January 1, 1990
Acetaldehyde	cancer	75-07-0	April 1, 1988
Acetamide	cancer	60-35-5	January 1, 1990
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetochlor	cancer	34256-82-1	January 1, 1989
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
2-Acetylaminofluorene	cancer	53-96-3	July 1, 1987
Acifluorfen sodium	cancer	62476-59-9	January 1, 1990
Acrylamide	cancer	79-06-1	January 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Acrylonitrile	cancer	107-13-1	July 1, 1987
Actinomycin D	cancer developmental	50-76-0	October 1, 1989 October 1, 1992
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)] acrylamide	cancer	3688-53-7	July 1, 1987
Aflatoxins	cancer	---	January 1, 1988
Alachlor	cancer	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	cancer	---	July 1, 1988
Aldrin	cancer	309-00-2	July 1, 1988
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
~~Allyl chloride~~ Delisted October 29, 1999	~~cancer~~	~~107-05-1~~	~~January 1, 1990~~
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
2-Aminoanthraquinone	cancer	117-79-3	October 1, 1989
p-Aminoazobenzene	cancer	60-09-3	January 1, 1990
o-Aminoazotoluene	cancer	97-56-3	July 1, 1987

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4-Aminobiphenyl (4-amino-diphenyl)	cancer	92-67-1	February 27, 1987
1-Amino-2,4-dibromo-anthraquinone	cancer	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	cancer	6109-97-3	July 1, 1989
2-Aminofluorene	cancer	153-78-6	January 29, 1999
Aminoglutethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	---	October 1, 1992
1-Amino-2-methylanthraquinone	cancer	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	cancer	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	cancer	119-34-6	January 29, 1999
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amitrole	cancer	61-82-5	July 1, 1987
Amoxapine	developmental	14028-44-5	May 15, 1998
Amsacrine	cancer	51264-14-3	August 7, 2009
~~tert-Amyl methyl ether~~ Delisted December 13, 2013	~~developmental~~	~~994-05-8~~	~~December 18, 2009~~
Anabolic steroids	female, male	---	April 1, 1990
Analgesic mixtures containing phenacetin	cancer	---	February 27, 1987
Androstenedione	cancer	27208-37-3	May 3, 2011
Angiotensin converting enzyme (ACE) inhibitors	developmental	---	October 1, 1992
Aniline	cancer	62-53-3	January 1, 1990
Aniline hydrochloride	cancer	142-04-1	May 15, 1998
o-Anisidine	cancer	90-04-0	July 1, 1987
o-Anisidine hydrochloride	cancer	134-29-2	July 1, 1987
Anisindione	developmental	117-37-3	October 1, 1992
Anthraquinone	cancer	84-65-1	September 28, 2007
Antimony oxide (Antimony trioxide)	cancer	1309-64-4	October 1, 1990
Aramite	cancer	140-57-8	July 1, 1987
Areca nut	cancer	---	February 3, 2006
Aristolochic acids	cancer	---	July 9, 2004
Arsenic (inorganic arsenic compounds)	cancer	--	February 27, 1987
Arsenic (inorganic oxides)	developmental	---	May 1, 1997
Asbestos	cancer	1332-21-4	February 27, 1987
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auramine	cancer	492-80-8	July 1, 1987

Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azacitidine	cancer	320-67-2	January 1, 1992
Azaserine	cancer	115-02-6	July 1, 1987
Azathioprine	cancer	446-86-6	February 27, 1987
Azathioprine	developmental	446-86-6	September 1, 1996
Azobenzene	cancer	103-33-3	January 1, 1990
Barbiturates	developmental	---	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benthiavalicarb-isopropyl	cancer	177406-68-7	July 1, 2008
Benz[a]anthracene	cancer	56-55-3	July 1, 1987
Benzene	cancer	71-43-2	February 27, 1987
Benzene	developmental, male	71-43-2	December 26, 1997
Benzidine [and its salts]	cancer	92-87-5	February 27, 1987
Benzidine-based dyes	cancer	---	October 1, 1992
Benzodiazepines	developmental	---	October 1, 1992
Benzo[b]fluoranthene	cancer	205-99-2	July 1, 1987
Benzo[j]fluoranthene	cancer	205-82-3	July 1, 1987
Benzo[k]fluoranthene	cancer	207-08-9	July 1, 1987
Benzofuran	cancer	271-89-6	October 1, 1990
Benzophenone	cancer	119-61-9	June 22, 2012
Benzo[a]pyrene	cancer	50-32-8	July 1, 1987
Benzotrichloride	cancer	98-07-7	July 1, 1987
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Benzyl chloride	cancer	100-44-7	January 1, 1990
Benzyl violet 4B	cancer	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	cancer	---	October 1, 1987
Betel quid with tobacco	cancer	---	January 1, 1990
Betel quid without tobacco	cancer	---	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	cancer	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	cancer	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	cancer	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	cancer	154-93-8	July 1, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bis(chloromethyl)ether	cancer	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	cancer	---	October 29, 1999
~~Bisphenol A (BPA)~~ Delisted April 19, 2013	~~developmental~~	~~80-05-7~~	~~April 11, 2013~~
Bitumens, extracts of steam-refined and air refined	cancer	---	January 1, 1990
Bracken fern	cancer	---	January 1, 1990
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
Bromacil lithium salt	male	53404-19-6	January 17, 2003
Bromate	cancer	15541-45-4	May 31, 2002
Bromochloroacetic acid	cancer	5589-96-8	April 6, 2010

Bromodichloromethane	cancer	75-27-4	January 1, 1990
Bromoethane	cancer	74-96-4	December 22, 2000
Bromoform	cancer	75-25-2	April 1, 1991
1-Bromopropane (1-BP)	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane (2-BP)	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	cancer	106-99-0	April 1, 1988
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethanesulfonate (Busulfan)	cancer	55-98-1	February 27, 1987
1,4-Butanediol dimethanesulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butylated hydroxyanisole	cancer	25013-16-5	January 1, 1990
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
beta-Butyrolactone	cancer	3068-88-0	July 1, 1987
Cacodylic acid	cancer	75-60-5	May 1, 1996
Cadmium	developmental, male	---	May 1, 1997
Cadmium and cadmium compounds	cancer	---	October 1, 1987
Caffeic acid	cancer	331-39-5	October 1, 1994
Captafol	cancer	2425-06-1	October 1, 1988
Captan	cancer	133-06-2	January 1, 1990
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	cancer	63-25-2	February 5, 2010
Carbaryl	developmental, female, male	63-25-2	August 7, 2009
Carbazole	cancer	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	cancer	1333-86-4	February 21, 2003
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carbon tetrachloride	cancer	56-23-5	October 1, 1987
Carbon-black extracts	cancer	---	January 1, 1990
Carboplatin	developmental	41575-94-4	July 1, 1990
N-Carboxymethyl-N-nitrosourea	cancer	60391-92-6	January 25, 2002
Catechol	cancer	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	cancer	---	July 1, 1990
Certain combined chemotherapy for lymphomas	cancer	---	February 27, 1987
Chenodiol	developmental	474-25-9	April 1, 1990
Chloral	cancer	75-87-6	September 13, 2013
Chloral hydrate	cancer	302-17-0	September 13, 2013
Chlorambucil	cancer	305-03-3	February 27, 1987
Chlorambucil	developmental	305-03-3	January 1, 1989

~~Chloramphenicol~~ Delisted January 4, 2013	~~cancer~~	~~56-75-7~~	~~October 1, 1989~~
Chloramphenicol sodium succinate	cancer	982-57-0	September 27, 2013
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordane	cancer	57-74-9	July 1, 1988
Chlordecone (Kepone)	cancer	143-50-0	January 1, 1988
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
Chlordimeform	cancer	6164-98-3	January 1, 1989
Chlorendic acid	cancer	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	cancer	108171-26-2	July 1, 1989
p-Chloroaniline	cancer	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	cancer	20265-96-7	May 15, 1998
~~Chlorodibromomethane~~ Delisted October 29, 1999	~~cancer~~	~~124-48-1~~	~~January 1, 1990~~
Chloroethane (Ethyl chloride)	cancer	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	cancer	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) Lomustine)	developmental	13010-47-4	July 1, 1990
1-(2-Chloroethyl)-3-(4-methyl-cyclohexyl) -1-nitrosourea (Methyl-CCNU)	cancer	13909-09-6	October 1, 1988
Chloroform	cancer	67-66-3	October 1, 1987
Chloroform	developmental	67-66-3	August 7, 2009
Chloromethyl methyl ether (technical grade)	cancer	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	cancer	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	cancer	100-00-5	October 29, 1999
4-Chloro-*o*-phenylenediamine	cancer	95-83-0	January 1, 1988
Chloroprene	cancer	126-99-8	June 2, 2000
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorothalonil	cancer	1897-45-6	January 1, 1989
p-Chloro-*o*-toluidine	cancer	95-69-2	January 1, 1990
p-Chloro-*o*-toluidine, strong acid salts of	cancer	---	May 15, 1998
5-Chloro-*o*-toluidine and its strong acid salts	cancer	---	October 24, 1997
Chlorotrianisene	cancer	569-57-3	September 1, 1996
Chlorozotocin	cancer	54749-90-5	January 1, 1992
Chlorsulfuron	developmental, female, ~~male~~	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	cancer	---	February 27, 1987
Chromium (hexavalent compounds)	developmental, female, male	---	December 19, 2008
Chrysene	cancer	218-01-9	January 1, 1990
C.I. Acid Red 114	cancer	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	cancer	569-61-9	July 1, 1989

C.I. Direct Blue 15	cancer	2429-74-5	August 26, 1997
C.I. Direct Blue 218	cancer	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	cancer	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	cancer	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	cancer	59865-13-3 79217-60-0	January 1, 1992
Cidofovir	cancer, developmental, female, male	113852-37-2	January 29, 1999
Cinnamyl anthranilate	cancer	87-29-6	July 1, 1989
Cisplatin	cancer	15663-27-1	October 1, 1988
Citrus Red No. 2	cancer	6358-53-8	October 1, 1989
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clofibrate	cancer	637-07-0	September 1, 1996
Clomiphene citrate	cancer	50-41-9	May 24, 2013
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cobalt metal powder	cancer	7440-48-4	July 1, 1992
Cobalt [II] oxide	cancer	1307-96-6	July 1, 1992
Cobalt sulfate	cancer	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	cancer	10026-24-1	June 2, 2000
Cocaine	developmental, female	50-36-2	July 1, 1989
Coconut oil diethanolamine condensate (cocamide diethanolamine)	cancer	---	June 22, 2012
Codeine phosphate	developmental	52-28-8	May 15, 1998
Coke oven emissions	cancer	---	February 27, 1987
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	cancer	---	February 27, 1987
Conjugated estrogens	developmental	---	April 1, 1990
Creosotes	cancer	---	October 1, 1988
p-Cresidine	cancer	120-71-8	January 1, 1988
Cumene	cancer	98-82-8	April 6, 2010
Cupferron	cancer	135-20-6	January 1, 1988
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycasin	cancer	14901-08-7	January 1, 1988
Cycloate	developmental	1134-23-2	March 19, 1999
~~Cyclohexanol~~ Delisted January 25, 2002	~~male~~	~~108-93-0~~	~~November 6, 1998~~
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclopenta[cd]pyrene	cancer	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	cancer	50-18-0	February 27, 1987
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	cancer	6055-19-2	February 27, 1987
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Cytembena	cancer	21739-91-3	May 15, 1998

D&C Orange No. 17	cancer	3468-63-1	July 1, 1990
D&C Red No. 8	cancer	2092-56-0	October 1, 1990
D&C Red No. 9	cancer	5160-02-1	July 1, 1990
D&C Red No. 19	cancer	81-88-9	July 1, 1990
Dacarbazine	cancer	4342-03-4	January 1, 1988
Dacarbazine	developmental	4342-03-4	January 29, 1999
Daminozide	cancer	1596-84-5	January 1, 1990
Danazol	developmental	17230-88-5	April 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	cancer	117-10-2	January 1, 1992
Daunomycin	cancer	20830-81-3	January 1, 1988
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	~~developmental~~, male	94-82-6	June 18, 1999
DDD (Dichlorodiphenyl-dichloroethane)	cancer	72-54-8	January 1, 1989
DDE (Dichlorodi-phenyldichloroethylene)	cancer	72-55-9	January 1, 1989
DDT (Dichlorodi-phenyltrichloroethane)	cancer	50-29-3	October 1 , 1987
o,p'-DDT	developmental, female, male	789-02-6	May 15, 1998
p,p'-DDT	developmental, female, male	50-29-3	May 15, 1998
DDVP (Dichlorvos)	cancer	62-73-7	January 1, 1989
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
~~2,4-DP (dichloroprop)~~ Delisted January 25, 2002	~~developmental~~	~~120-36-5~~	~~April 27, 1999~~
N,N'-Diacetylbenzidine	cancer	613-35-4	October 1, 1989
2,4-Diaminoanisole	cancer	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	cancer	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	cancer	101-80-4	January 1, 1988
2,4-Diaminotoluene	cancer	95-80-7	January 1, 1988
Diaminotoluene (mixed)	cancer	---	January 1, 1990
Diazepam	developmental	439-14-5	January 1, 1992
Diazoaminobenzene	cancer	136-35-6	May 20, 2005
Diazoxide	developmental	364-98-7	February 27, 2001
Dibenz[a,h]acridine	cancer	226-36-8	January 1, 1988
Dibenz[a,j]acridine	cancer	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	cancer	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	cancer	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	cancer	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	cancer	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	cancer	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	cancer	191-30-0	January 1, 1988
Dibromoacetic acid	cancer	631-64-1	June 17, 2008
Dibromoacetonitrile	cancer	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	cancer	96-12-8	July 1, 1987
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
2,3-Dibromo-1-propanol	cancer	96-13-9	October 1, 1994

Dichloroacetic acid	cancer	79-43-6	May 1, 1996
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
p-Dichlorobenzene	cancer	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	cancer	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	cancer	612-83-9	May 15, 1998
1,1-Dichloro-2,2-bis(*p*-chlorophenyl)ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
1,4-Dichloro-2-butene	cancer	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	cancer	28434-86-8	January 1, 1988
1,1-Dichloroethane	cancer	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	cancer	75-09-2	April 1, 1988
Dichlorophene	developmental	97-23-4	April 27, 1999
1,2-Dichloropropane	cancer	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	cancer	96-23-1	October 8, 2010
1,3-Dichloropropene	cancer	542-75-6	January 1, 1989
Dichlorphenamide	developmental	120-97-8	February 27, 2001
Diclofop-methyl	cancer	51338-27-3	April 6, 2010
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Dieldrin	cancer	60-57-1	July 1, 1988
~~Dienestrol~~ Delisted January 4, 2013	~~cancer~~	~~84-17-3~~	~~January 1, 1990~~
Diepoxybutane	cancer	1464-53-5	January 1, 1988
Diesel engine exhaust	cancer	---	October 1, 1990
Diethanolamine	cancer	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate (DEHP)	cancer	117-81-7	January 1, 1988
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
1,2-Diethylhydrazine	cancer	1615-80-1	January 1, 1988
Diethylstilbestrol (DES)	cancer	56-53-1	February 27, 1987
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diethyl sulfate	cancer	64-67-5	January 1, 1988
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Diglycidyl resorcinol ether (DGRE)	cancer	101-90-6	July 1, 1989
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Dihydrosafrole	cancer	94-58-6	January 1, 1988
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diisononyl phthalate (DINP)	cancer	---	December 20, 2013
Diisopropyl sulfate	cancer	2973-10-6	April 1, 1993
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
3,3'-Dimethoxybenzidine (*o*-Dianisidine)	cancer	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (*o*-Dianisidine dihydrochloride)	cancer	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	cancer	---	June 11, 2004
N, N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
4-Dimethylaminoazobenzene	cancer	60-11-7	January 1, 1988

trans-2-[(Dimethylamino)methyl-imino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	cancer	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	cancer	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	cancer	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	cancer	---	June 11, 2004
3,3'-Dimethylbenzidine dihydrochloride	cancer	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	cancer	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	cancer	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	cancer	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine	cancer	1456-28-6	February 8, 2013
Dimethyl sulfate	cancer	77-78-1	January 1, 1988
Dimethylvinylchloride	cancer	513-37-1	July 1, 1989
Di-*n*-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Di-*n*-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
3,7-Dinitrofluoranthene	cancer	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	cancer	22506-53-2	August 26, 1997
1,3-Dinitropyrene	cancer	75321-20-9	November 2, 2012
1,6-Dinitropyrene	cancer	42397-64-8	October 1, 1990
1,8-Dinitropyrene	cancer	42397-65-9	October 1, 1990
Dinitrotoluene (technical grade)	female, male	---	August 20, 1999
Dinitrotoluene mixture, 2,4-/2,6-	cancer	---	May 1, 1996
2,4-Dinitrotoluene	cancer	121-14-2	July 1, 1988
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	cancer	606-20-2	July 1, 1995
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Di-*n*-propyl isocinchomeronate (MGK Repellent 326)	cancer	136-45-8	May 1, 1996
1,4-Dioxane	cancer	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	cancer	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Diphenylhydantoin (Phenytoin), sodium salt	cancer	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	cancer	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	cancer	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	cancer	16071-86-6	October 1, 1988
Disodium cyanodithioimido-carbonate	developmental	138-93-2	March 30, 1999
Disperse Blue 1	cancer	2475-45-8	October 1, 1990
Diuron	cancer	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	cancer	25316-40-9	July 1, 1987

Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Emissions from combustion of coal	cancer	---	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	cancer	---	January 3, 2014
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	---	June 9, 2006
Epichlorohydrin	cancer	106-89-8	October 1, 1987
Epichlorohydrin	male	106-89-8	September 1, 1996
Epoxiconazole	cancer	135319-73-2	April 15, 2011
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Erionite	cancer	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	cancer	50-28-2	January 1, 1988
Estragole	cancer	140-67-0	October 29, 1999
Estrogens, steroidal	cancer	---	August 19, 2005
Estrogen-progestogen (combined) as menopausal therapy	cancer	---	November 4, 2011
Estrone	cancer	53-16-7	January 1, 1988
Estropipate	cancer, developmental	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	cancer	---	April 29, 2011
Ethinylestradiol	cancer	57-63-6	January 1, 1988
Ethionamide	developmental	536-33-4	August 26, 1997
Ethoprop	cancer	13194-48-4	February 27, 2001
Ethyl acrylate	cancer	140-88-5	July 1, 1989
Ethyl alcohol in alcoholic beverages	developmental	---	October 1, 1987
Ethylbenzene	cancer	100-41-4	June 11, 2004
~~Ethyl tert-butyl ether~~ Delisted December 13, 2013	~~male~~	~~637-92-3~~	~~December 18, 2009~~
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethyl-4,4'-dichlorobenzilate	cancer	510-15-6	January 1, 1990
Ethylene dibromide	cancer	106-93-4	July 1, 1987
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene dichloride (1,2-Dichloroethane)	cancer	107-06-2	October 1, 1987
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethyleneimine (Aziridine)	cancer	151-56-4	January 1, 1988
Ethylene oxide	cancer	75-21-8	July 1, 1987
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene oxide	developmental, male	75-21-8	August 7, 2009

Ethylene thiourea	cancer	96-45-7	January 1, 1988
Ethylene thiourea	developmental	96-45-7	January 1, 1993
~~2-Ethylhexanoic acid~~	~~developmental~~	~~149-57-5~~	~~August 7, 2009~~
Delisted December 13, 2013			
Ethyl methanesulfonate	cancer	62-50-0	January 1, 1988
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	cancer	33419-42-0	November 4, 2011
Etoposide	developmental	33419-42-0	July 1, 1990
Etoposide in combination with cisplatin and bleomycin	cancer	---	November 4, 2011
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Fenoxycarb	cancer	72490-01-8	June 2, 2000
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Folpet	cancer	133-07-3	January 1, 1989
Formaldehyde (gas)	cancer	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	cancer	3570-75-0	January 1, 1988
Fumonisin B_1	cancer	116355-83-0	November 14, 2003
Furan	cancer	110-00-9	October 1, 1993
Furazolidone	cancer	67-45-8	January 1, 1990
Furmecyclox	cancer	60568-05-0	January 1, 1990
Fusarin C	cancer	79748-81-5	July 1, 1995
Gallium arsenide	cancer	1303-00-0	August 1, 2008
Ganciclovir	cancer, developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	cancer	---	October 1, 1990
Gemfibrozil	cancer	25812-30-0	December 22, 2000
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Glass wool fibers (inhalable and biopersistent)	cancer	---	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido [1,2- a:3',2'-d]imidazole)	cancer	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido [1,2-a:3',2'-d]imidazole)	cancer	67730-10-3	January 1, 1990
Glycidaldehyde	cancer	765-34-4	January 1, 1988
Glycidol	cancer	556-52-5	July 1, 1990

Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Griseofulvin	cancer	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	cancer	16568-02-8	January 1, 1988
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
HC Blue 1	cancer	2784-94-3	July 1, 1989
Heptachlor	cancer	76-44-8	July 1, 1988
Heptachlor	developmental	76-44-8	August 20, 1999
Heptachlor epoxide	cancer	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	cancer	---	July 9, 2004
Hexachlorobenzene	cancer	118-74-1	October 1, 1987
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexachlorobutadiene	cancer	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	cancer	---	October 1, 1987
Hexachlorodibenzodioxin	cancer	34465-46-8	April 1, 1988
Hexachloroethane	cancer	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	cancer	---	March 4, 2005
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	cancer	680-31-9	January 1, 1988
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	---	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrazine	cancer	302-01-2	January 1, 1988
Hydrazine sulfate	cancer	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	cancer	122-66-7	January 1, 1988
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male	---	July 5, 2013
1-Hydroxyanthraquinone	cancer	129-43-1	May 27, 2005
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Imazalil	cancer	35554-44-0	May 20, 2011
Indeno[1,2,3-cd]pyrene	cancer	193-39-5	January 1, 1988
Indium phosphide	cancer	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo [4,5-f] quinoline)	cancer	76180-96-6	April 1, 1990
Iprodione	cancer	36734-19-7	May 1, 1996
Iprovalicarb	cancer	140923-17-7	June 1, 2007

		140923-25-7	
Iron dextran complex	cancer	9004-66-4	January 1, 1988
Isobutyl nitrite	cancer	542-56-3	May 1, 1996
Isoprene	cancer	78-79-5	May 1, 1996
Isopyrazam	cancer	881685-58-1	July 24, 2012
~~Isosafrole~~ Delisted December 8, 2006	~~cancer~~	~~120-58-1~~	~~October 1, 1989~~
Isotretinoin	developmental	4759-48-2	July 1, 1987
Isoxaflutole	cancer	141112-29-0	December 22, 2000
Kresoxim-methyl	cancer	143390-89-0	February 3, 2012
Lactofen	cancer	77501-63-4	January 1, 1989
Lasiocarpine	cancer	303-34-4	April 1, 1988
Lead	developmental, female, male	---	February 27, 1987
Lead and lead compounds	cancer	---	October 1, 1992
Lead acetate	cancer	301-04-2	January 1, 1988
Lead phosphate	cancer	7446-27-7	April 1, 1988
Lead subacetate	cancer	1335-32-6	October 1, 1989
Leather dust	cancer	---	April 29, 2011
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Lindane and other hexachloro-cyclohexane isomers	cancer	---	October 1, 1989
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Lynestrenol	cancer	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	cancer	24382-04-5	May 3, 2011
Mancozeb	cancer	8018-01-7	January 1, 1990
Maneb	cancer	12427-38-2	January 1, 1990
Marijuana smoke	cancer	---	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	cancer	68006-83-7	January 1, 1990
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	cancer	71-58-9	January 1, 1990
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
MeIQ (2-Amino-3,4-dimethyl-imidazo[4,5-f]quinoline)	cancer	77094-11-2	October 1, 1994
MeIQx (2-Amino-3,8-dimethyl-imidazo[4,5-f]quinoxaline)	cancer	77500-04-0	October 1, 1994
Melphalan	cancer	148-82-3	February 27, 1987
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Mepanipyrim	cancer	110235-47-7	July 1, 2008

Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	---	July 1, 1990
Merphalan	cancer	531-76-0	April 1, 1988
Mestranol	cancer	72-33-3	April 1, 1988
Metam potassium	cancer	137-41-7	December 31, 2010
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	cancer	137-42-8	November 6, 1998
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
5-Methoxypsoralen with ultraviolet A therapy	cancer	484-20-8	October 1, 1988
8-Methoxypsoralen with ultraviolet A therapy	cancer	298-81-7	February 27, 1987
2-Methylaziridine (Propyleneimine)	cancer	75-55-8	January 1, 1988
Methylazoxymethanol	cancer	590-96-5	April 1, 1988
Methylazoxymethanol acetate	cancer	592-62-1	April 1, 1988
Methyl bromide, as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl carbamate	cancer	598-55-0	May 15, 1998
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl chloride	male	74-87-3	August 7, 2009
3-Methylcholanthrene	cancer	56-49-5	January 1, 1990
5-Methylchrysene	cancer	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	cancer	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl) benzenamine	cancer	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	cancer	838-88-0	April 1, 1988
4,4'-Methylenedianiline	cancer	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	cancer	13552-44-8	January 1, 1988
Methyleugenol	cancer	93-15-2	November 16, 2001
Methylhydrazine and its salts	cancer	---	July 1, 1992
2-Methylimidazole	cancer	693-98-1	June 22, 2012
4-Methylimidazole	cancer	822-36-6	January 7, 2011
Methyl iodide	cancer	74-88-4	April 1, 1988
Methyl isobutyl ketone	cancer	108-10-1	November 4, 2011
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	---	July 1, 1987
Methylmercury compounds	cancer	---	May 1, 1996
Methyl methanesulfonate	cancer	66-27-3	April 1, 1988
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
2-Methyl-1-nitroanthraquinone (of uncertain purity)	cancer	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	cancer	70-25-7	April 1, 1988
N-Methylolacrylamide	cancer	924-42-5	July 1, 1990

N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α-Methyl styrene (alpha-Methylstyrene)	cancer	98-83-9	November 2, 2012
α-Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Methylthiouracil	cancer	56-04-2	October 1, 1989
Metiram	cancer	9006-42-2	January 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Metronidazole	cancer	443-48-1	January 1, 1988
Michler's ketone	cancer	90-94-8	January 1, 1988
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Mirex	cancer	2385-85-5	January 1, 1988
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitomycin C	cancer	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	cancer	71526-07-3	March 22, 2011
MON 13900 (furilazole)	cancer	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	cancer	96-24-2	October 8, 2010
Monocrotaline	cancer	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitrofurfuryl-idene)-amino]-2-oxazolidinone	cancer	139-91-3	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	cancer	113803-47-7	November 4, 2011
Mustard Gas	cancer	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl) 5-hydroxy-2(5H)-furanone)	cancer	77439-76-0	December 22, 2000
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Nafenopin	cancer	3771-19-5	April 1, 1988
Nalidixic acid	cancer	389-08-2	May 15, 1998
Naphthalene	cancer	91-20-3	April 19, 2002
1-Naphthylamine	cancer	134-32-7	October 1, 1989
2-Naphthylamine	cancer	91-59-8	February 27, 1987
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel (Metallic)	cancer	7440-02-0	October 1, 1989
Nickel acetate	cancer	373-02-4	October 1, 1989
Nickel carbonate	cancer	3333-67-3	October 1, 1989
Nickel carbonyl	cancer	13463-39-3	October 1, 1987

Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nickel compounds	cancer	---	May 7, 2004
Nickel hydroxide	cancer	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	cancer	1271-28-9	October 1, 1989
Nickel oxide	cancer	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	cancer	---	October 1, 1987
Nickel subsulfide	cancer	12035-72-2	October 1, 1987
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Niridazole	cancer	61-57-4	April 1, 1988
Nitrapyrin	cancer	1929-82-4	October 5, 2005
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrilotriacetic acid	cancer	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	cancer	18662-53-8	April 1, 1989
5-Nitroacenaphthene	cancer	602-87-9	April 1, 1988
~~5-Nitro-o-anisidine~~ Delisted December 8, 2006	~~cancer~~	~~99-59-2~~	~~October 1, 1989~~
o-Nitroanisole	cancer	91-23-6	October 1, 1992
Nitrobenzene	cancer	98-95-3	August 26, 1997
Nitrobenzene	male	98-95-3	March 30, 2010
4-Nitrobiphenyl	cancer	92-93-3	April 1, 1988
6-Nitrochrysene	cancer	7496-02-8	October 1, 1990
Nitrofen (technical grade)	cancer	1836-75-5	January 1, 1988
2-Nitrofluorene	cancer	607-57-8	October 1, 1990
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrofurazone	cancer	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	cancer	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl] acetamide	cancer	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	cancer	51-75-2	January 1, 1988
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	cancer	55-86-7	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrogen mustard N-oxide	cancer	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	cancer	302-70-5	April 1, 1988
Nitromethane	cancer	75-52-5	May 1, 1997
2-Nitropropane	cancer	79-46-9	January 1, 1988
1-Nitropyrene	cancer	5522-43-0	October 1, 1990
4-Nitropyrene	cancer	57835-92-4	October 1, 1990
N-Nitrosodi-*n*-butylamine	cancer	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	cancer	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	cancer	55-18-5	October 1, 1987

N-Nitrosodimethylamine	cancer	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	cancer	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	cancer	86-30-6	April 1, 1988
N-Nitrosodi-*n*-propylamine	cancer	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	cancer	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)-propionitrile	cancer	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	cancer	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	cancer	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	cancer	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	cancer	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	cancer	4549-40-0	January 1, 1988
N-Nitrosomorpholine	cancer	59-89-2	January 1, 1988
N-Nitrosonornicotine	cancer	16543-55-8	January 1, 1988
N-Nitrosopiperidine	cancer	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	cancer	930-55-2	October 1, 1987
N-Nitrososarcosine	cancer	13256-22-9	January 1, 1988
o-Nitrotoluene	cancer	88-72-2	May 15, 1998
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	cancer	68-22-4	October 1, 1989
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norethynodrel	cancer	68-23-5	February 27, 2001
Norgestrel	developmental	6533-00-2	April 1, 1990
Ochratoxin A	cancer	303-47-9	July 1, 1990
Oil Orange SS	cancer	2646-17-5	April 1, 1988
Oral contraceptives, combined	cancer	---	October 1, 1989
Oral contraceptives, sequential	cancer	---	October 1, 1989
Oryzalin	cancer	19044-88-3	September 12, 2008
Oxadiazon	cancer	19666-30-9	July 1, 1991
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	cancer	604-75-1	October 1, 1994
Oxazepam	developmental	604-75-1	October 1, 1992
~~p,p'-Oxybis(benzenesulfonyl hydrazide)~~ Delisted December 13, 2013	~~developmental~~	~~80-51-3~~	~~August 7, 2009~~
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	cancer	434-07-1	January 1, 1988
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	cancer	2439-01-2	August 20, 1999
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998

Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Palygorskite fibers (> 5μm in length)	cancer	12174-11-7	December 28, 1999
Panfuran S	cancer	794-93-4	January 1, 1988
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentachlorophenol	cancer	87-86-5	January 1, 1990
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenacetin	cancer	62-44-2	October 1, 1989
Phenazopyridine	cancer	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	cancer	136-40-3	January 1, 1988
Phenesterin	cancer	3546-10-9	July 1, 1989
Phenobarbital	cancer	50-06-6	January 1, 1990
Phenolphthalein	cancer	77-09-8	May 15, 1998
Phenoxybenzamine	cancer	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	cancer	63-92-3	April 1, 1988
Phenprocoumon	developmental	435-97-2	October 1, 1992
o-Phenylenediamine and its salts	cancer	95-54-5	May 15, 1998
Phenyl glycidyl ether	cancer	122-60-1	October 1, 1990
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylhydrazine and its salts	cancer	---	July 1, 1992
o-Phenylphenate, sodium	cancer	132-27-4	January 1, 1990
o-Phenylphenol	cancer	90-43-7	August 4, 2000
Phenylphosphine	developmental	638-21-1	August 7, 2009
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	cancer	105650-23-5	October 1, 1994
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Pirimicarb	cancer	23103-98-2	July 1, 2008
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	cancer	---	January 1, 1988
Polybrominated biphenyls	developmental	---	October 1, 1994
Polychlorinated biphenyls	cancer	---	October 1, 1989
Polychlorinated biphenyls	developmental	---	January 1, 1991
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	cancer	---	January 1, 1988
Polychlorinated dibenzo-*p*-dioxins	cancer	---	October 1, 1992
Polychlorinated dibenzofurans	cancer	---	October 1, 1992
Polygeenan	cancer	53973-98-1	January 1, 1988
Ponceau MX	cancer	3761-53-3	April 1, 1988
Ponceau 3R	cancer	3564-09-8	April 1, 1988
Potassium bromate	cancer	7758-01-2	January 1, 1990
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Primidone	cancer	125-33-7	August 20, 1999
Procarbazine	cancer	671-16-9	January 1, 1988
Procarbazine hydrochloride	cancer	366-70-1	January 1, 1988

	developmental		July 1, 1990
Procymidone	cancer	32809-16-8	October 1, 1994
Progesterone	cancer	57-83-0	January 1, 1988
Pronamide	cancer	23950-58-5	May 1, 1996
Propachlor	cancer	1918-16-7	February 27, 2001
1,3-Propane sultone	cancer	1120-71-4	January 1, 1988
Propargite	cancer	2312-35-8	October 1, 1994
Propargite	developmental	2312-35-8	June 15, 1999
beta-Propiolactone	cancer	57-57-8	January 1, 1988
Propoxur	cancer	114-26-1	August 11, 2006
Propylene glycol mono-*t*-butyl ether	cancer	57018-52-7	June 11, 2004
Propylene oxide	cancer	75-56-9	October 1, 1988
Propylthiouracil	cancer	51-52-5	January 1, 1988
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pymetrozine	cancer	1233112-89-0	March 22, 2011
Pyridine	cancer	110-86-1	May 17, 2002
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quinoline and its strong acid salts	cancer	---	October 24, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Radionuclides	cancer	---	July 1, 1989
Reserpine	cancer	50-55-5	October 1, 1989
Residual (heavy) fuel oils	cancer	---	October 1, 1990
Resmethrin	cancer	10453-86-8	July 1, 2008
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	---	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
Ribavirin	male	36791-04-5	February 27, 2001
Riddelliine	cancer	23246-96-0	December 3, 2004
Rifampin	developmental, female	13292-46-1	February 27, 2001
~~Saccharin~~ Delisted April 6, 2001	~~cancer~~	~~81-07-2~~	~~October 1, 1989~~
~~Saccharin, sodium~~ Delisted January 17, 2003	~~cancer~~	~~128-44-9~~	~~January 1, 1988~~
Safrole	cancer	94-59-7	January 1, 1988
Salted fish, Chinese-style	cancer	---	April 29, 2011
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Selenium sulfide	cancer	7446-34-6	October 1, 1989
Sermorelin acetate	developmental	---	August 20, 1999
Shale-oils	cancer	68308-34-9	April 1, 1990

Silica, crystalline (airborne particles of respirable size)	cancer	---	October 1, 1988
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	cancer	---	February 27, 1987
Spirodiclofen	cancer	148477-71-8	October 8, 2010
Spironolactone	cancer	52-01-7	May 1, 1997
Stanozolol	cancer	10418-03-8	May 1, 1997
Sterigmatocystin	cancer	10048-13-2	April 1, 1988
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Streptozotocin (streptozocin)	cancer	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	cancer	---	March 14, 2003
Styrene oxide	cancer	96-09-3	October 1, 1988
Sulfallate	cancer	95-06-7	January 1, 1988
Sulfasalazine (salicylazosulfapyridine)	cancer	599-79-1	May 15, 1998
Sulfasalazine (salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Talc containing asbestiform fibers	cancer	---	April 1, 1990
Tamoxifen and its salts	cancer	10540-29-1	September 1, 1996
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Terrazole	cancer	2593-15-9	October 1, 1994
Testosterone and its esters	cancer	58-22-0	April 1, 1988
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
3,3′,4,4′-Tetrachloroazobenzene	cancer	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-*p*-dioxin (TCDD)	cancer	1746-01-6	January 1, 1988
2,3,7,8-Tetrachlorodibenzo-*p*-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
1,1,1,2-Tetrachloroethane	cancer	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	cancer	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	cancer	127-18-4	April 1, 1988
p-*a,a,a*-Tetrachlorotoluene	cancer	5216-25-1	January 1, 1990
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	---	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Tetrafluoroethylene	cancer	116-14-3	May 1, 1997
Tetranitromethane	cancer	509-14-8	July 1, 1990

Thalidomide	developmental	50-35-1	July 1, 1987
Thioacetamide	cancer	62-55-5	January 1, 1988
4,4'-Thiodianiline	cancer	139-65-1	April 1, 1988
Thiodicarb	cancer	59669-26-0	August 20, 1999
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Thiouracil	cancer	141-90-2	June 11, 2004
Thiourea	cancer	62-56-6	January 1, 1988
Thorium dioxide	cancer	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	cancer	---	September 2, 2011
Tobacco, oral use of smokeless products	cancer	---	April 1, 1988
Tobacco smoke	cancer	---	April 1, 1988
Tobacco smoke (primary)	developmental, female, male	---	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
Toluene	female	108-88-3	August 7, 2009
Toluene diisocyanate	cancer	26471-62-5	October 1, 1989
o-Toluidine	cancer	95-53-4	January 1, 1988
o-Toluidine hydrochloride	cancer	636-21-5	January 1, 1988
~~para-Toluidine~~ Delisted October 29, 1999	~~cancer~~	~~106-49-0~~	~~January 1, 1990~~
Toxaphene (Polychlorinated camphenes)	cancer	8001-35-2	January 1, 1988
Toxins derived from *Fusarium Moniliforme (Fusarium verticillioides)*	cancer	---	August 7, 2009
Treosulfan	cancer	299-75-2	February 27, 1987
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	cancer	78-48-8	February 25, 2011
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichlormethine (Trimustine hydrochloride)	cancer	817-09-4	January 1, 1992
Trichloroacetic acid	cancer	76-03-9	September 13, 2013
Trichloroethylene	cancer	79-01-6	April 1, 1988
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
2,4,6-Trichlorophenol	cancer	88-06-2	January 1, 1988
1,2,3-Trichloropropane	cancer	96-18-4	October 1,1992
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
~~1,3,5-Triglycidyl-s-triazinetrione~~ Delisted December 13, 2013	~~male~~	~~2451-62-9~~	~~August 7, 2009~~
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
2,4,5-Trimethylaniline and its strong acid salts	cancer	---	October 24, 1997
Trimethyl phosphate	cancer	512-56-1	May 1, 1996

Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
2,4,6-Trinitrotoluene	cancer	118-96-7	December 19, 2008
Triphenyltin hydroxide	cancer	76-87-9	July 1, 1992
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
~~Tris(aziridinyl)-*p*-benzoquinone (Triaziquone)~~ Delisted December 8, 2006	~~cancer~~	~~68-76-8~~	~~October 1, 1989~~
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	cancer	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	cancer	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	cancer	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	cancer	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	cancer	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	cancer	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	cancer	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	cancer	---	April 1, 1988
Uracil mustard	cancer developmental, female, male	66-75-1	April 1, 1988 January 1, 1992
Urethane (Ethyl carbamate)	cancer developmental	51-79-6	January 1, 1988 October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vanadium pentoxide (orthorhombic crystalline form)	cancer	1314-62-1	February 11, 2005
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	cancer developmental	50471-44-8	August 20, 1999 May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
Vinyl bromide	cancer	593-60-2	October 1, 1988
Vinyl chloride	cancer	75-01-4	February 27, 1987
4-Vinylcyclohexene	cancer	100-40-3	May 1, 1996
4-Vinyl-cyclohexene	female, ~~male~~	100-40-3	August 7, 2009
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	cancer	106-87-6	July 1, 1990
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, ~~male~~	106-87-6	August 1, 2008
Vinyl fluoride	cancer	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	cancer	79-00-5	October 1, 1990
Warfarin	developmental	81-81-2	July 1, 1987
Wood dust	cancer	---	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	cancer	87-62-7	January 1, 1991

Zalcitabine	cancer	7481-89-2	August 7, 2009
Zidovudine (AZT)	cancer	30516-87-1	December 18, 2009
Zileuton	cancer, developmental, female	111406-87-2	December 22, 2000
~~Zineb~~ Delisted October 29, 1999	~~cancer~~	~~12122-67-7~~	~~January 1, 1990~~

Date: January 31, 2014

May 2010
Guide to Minnesota
Environmental Review Rules

Produced by the staff of the Environmental Quality Board at the Department of Administration,
Office of Geographic and Demographic Analysis, May 2010

EXHIBIT D

Who pays for an EIS? Minnesota Statutes, section 116D.045 directs that the project proposer shall pay for the RGU's full "reasonable costs" for scoping, preparing and distributing an EIS; most cost at least $100,000. Parts 4410.6000 to 4410.6500 cover how to determine allowable costs, how to make payments and other cost-related details

The four basic steps to prepare an EIS are:

Step 1. Scoping, or deciding what impacts and alternatives will be covered by the EIS and the extent of effort and depth of analysis to be devoted to each topic.

Step 2. Preparing the draft EIS based on the work outlined in scoping.

Step 3. Public review of the draft and preparing a final EIS that responds to comments and makes any necessary revisions.

Step 4. Determining "adequacy" of the EIS.

The RGU is responsible for all steps; however, the Environmental Quality Board will occasionally take over step four, determining adequacy. Compiling information and analysis of impacts and mitigation measures are frequently handled by consultants under the supervision of the RGU.

At the end of this chapter is a detailed list of the steps of the EIS process and their time limits.

EIS Content and Scoping

General guidance for EIS content is given at part 4410.2300. Other provisions that clarify requirements – primarily alternatives, impacts and mitigation – are found at:

- 4410.2000, subpart 4, connected and phased actions (defining the project).
- 4410.2100, subpart 1, purpose of scoping.
- 4410.2400, incorporation by reference.
- 4410.2500, incomplete or unavailable information.
- 4410.2700, subparts 1 and 2, responding to draft comments and preparing the final document.
- 4410.2800, subpart 4, criteria for EIS adequacy.

Unlike the EAW (or AUAR), the EIS does not have a questionnaire-type form or a standardized list of topics. Instead, the rules give general guidance about the content, which ultimately is determined by the RGU through scoping.