

July 8, 2010

John Williams
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(sent via e mail)

RE: Inclusion of Beryllium and Beryllium Compounds on the Chemicals of High Concern for Children List in the Children's Safe Product Act Pilot Rule

Dear Mr. Williams:

Brush Wellman Inc. appreciates the opportunity to provide comments on the Children's Safe Product Act (CSPA) Pilot Rule and the development and issuance of a list of chemicals of high concern for children (CHCC) by the Department of Ecology for possible restriction in children's products. We note that the current CHCC specifically lists beryllium and beryllium compounds. Brush Wellman Inc. has identified errors in the assessment conducted by the Department of Ecology for beryllium and beryllium compounds during Phases 1 or 2 of the CSPA Pilot Rule that would likely alter the conclusions of the Department of Ecology regarding the inclusion of beryllium and beryllium compounds on the CHCC list. We therefore request that Department of Ecology correct the assessment for beryllium and beryllium compounds and that beryllium and beryllium compounds be removed from the CHCC list.

Brush Wellman is the leading international supplier of high performance engineered materials containing beryllium and is headquartered in Cleveland, Ohio. Brush Wellman Inc. is the only fully integrated supplier of beryllium, beryllium oxide (beryllia) and beryllium alloys in the world. Since its founding in 1931, Brush Wellman has concentrated its operations and skills on advancing the unique performance capabilities and applications of beryllium-based materials. As a world leader in beryllium production and technology, Brush Wellman strives to remain a leader in medical knowledge of beryllium and in the environmental, occupational health and safety aspects of the material.

Our review of the Phase 1 and 2 assessments of materials conducted by the Department of Ecology under the CSPA Pilot Rule revealed that beryllium and beryllium compounds were incorrectly identified as developmental or reproductive toxicants under California Prop 65. We also question the references made to possible children's exposure to beryllium and beryllium compounds in Phase 2 as there is no indication that beryllium or beryllium compounds are found in children's products defined in the CSPA (70.240.010). Erroneous information and questionable references should not be used to support the inclusion of beryllium and beryllium compounds on the CHCC list.

Beryllium and beryllium-containing materials are industrial materials with many critical and important applications. By listing beryllium and beryllium compounds on the CHCC, it erroneously implies that children are exposed to beryllium in children's products and it disparages a critical and strategic material needed for medical technology, telecommunications, electronics, energy efficiency, defense and other leading technology applications. We are deeply concerned that references to beryllium in the CSPA Pilot Rule will cause manufacturers to de-select this valuable material in other products not affected by this rule.

We very much appreciate the opportunity to provide comments to the Department of Ecology regarding the assessment of materials and the inclusion of beryllium and beryllium compounds on list of CHCC in the CSPA Pilot Rule. We encourage the Department of Ecology to consider the information contained herein and respectfully request that beryllium and beryllium compounds be removed from the CHCC list and further consideration in the CSPA Pilot Rule. We believe it would be beneficial and are available to meet with you and other appropriate individuals in the Department of Ecology to discuss the issues raised in our comments.

Please contact me at 216-383-4040 to schedule a meeting or if there are any questions regarding our comments.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Theodore L. Knudson".

Theodore L. Knudson, CIH
Director, Product Stewardship
Brush Wellman Inc.