

November 9, 2007

Robbie Cox, President
Sierra Club
85 Second Street, 2nd Floor
San Francisco, CA 94105

Via facsimile and email

Dear Mr. Cox:

On behalf of PETA's 1.8 million member and supporters who care about the suffering of animals used in laboratory experiments, I am writing to express our concern that the Sierra Club has joined with the National Resources Defense Council (NRDC) in petitioning the EPA to require animal toxicity testing for air fresheners as part of a risk assessment strategy (Federal Register 72(204):60016.)

The Sierra Club is on record as having no position on animal testing and currently has one of the highest grades on our environmental organization report card (www.meangreenies.com). In 1999, the Sierra Club privately supported PETA's position on the EPA's High Production Volume Chemical-Testing Program even though it was unwilling to publicly enter the fray against Environmental Defense, the main advocate of that massive animal testing program. However, the Sierra Club's current open advocacy for animal testing is a significant step in the wrong direction.

While we have no objection to your petition's call to require manufacturers of air fresheners to report allegations of significant adverse health reactions or to submit unpublished health and safety studies – and indeed have called for submitting similar data prior to the initiation of Section 4 rulemaking ourselves – we are completely taken aback by the call to require manufacturers to test air fresheners for respiratory exposures and sensitization on animals. The intended testing is described as “acute and chronic studies that use appropriate exposure routes and that capture a diversity of life stages and health conditions, such as asthma, *for large populations of mammals* [emphasis added].” In addition to being unnecessary, toxicity testing by the inhalation route of exposure is especially cruel with animals confined to a gas chamber, squeezed tightly into inhalation tubes, or restrained with a breathing apparatus over their mouths. It is also irrelevant, since extrapolation of toxicity data from rodents to humans is complicated by anatomical and physiological differences between species.

Of the major reports cited in the petition, only the NRDC “Report on Phthalates in Air Fresheners” reaches the conclusion – as the NRDC always does – that more animal testing is necessary. In contrast, the European Commission's Scientific Committee on Health and Environmental Risks (SCHER) “Report on Air Fresheners,” a comprehensive 2006 review, concludes that only in the specific case of incense burning, which produced abnormally high benzene concentrations in the indoor air, do emissions from air freshener products warrant attention to diminish exposure. This report recommends further quantification of emissions from and consumer use patterns of air fresheners – not animal toxicity testing. In addition, the SCHER



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report observes that the individual components identified in a Bureau Européen des Unions de Consommateurs (BEUC) study documenting tests of emissions from 74 consumer air freshener products are already well studied, having been evaluated by international bodies including the European Union, U.S. EPA, and World Health Organization (WHO). These individual components are also those identified in the petition.

By comparison, the NRDC report is limited in its analysis and flawed in its methodology, overstating the potential exposure to phthalates from air fresheners. Although similar to the BEUC study in testing emissions from air freshener products, the BEUC tested for total volatile organic compounds (VOCs) as well as individual components, while the NRDC tested only for phthalates. The NRDC claims that the results obtained were consistent with those reported by the BEUC, although a nearly 90-fold higher concentration of diethyl phthalate was found in one product in the NRDC study. The NRDC also fails to mention the strikingly different methodologies employed. The BEUC attempted to simulate the use of air fresheners by consumers and to test them under realistic conditions of use, while the NRDC measured phthalate concentration directly using one to two milliliters of liquid from liquid products or by spraying aerosol products into volatile organics analysis vials. Clearly, values obtained through these direct measurements would be expected to be higher than those obtained through air sampling simulating typical conditions of use.

The NRDC has been one of the most outspoken and unrelenting pushers of animal testing in the U.S. In May 1999, the NRDC called on the EPA to require every pesticide (of which there are thousands and which already required the deaths of upwards of 10,000 animals for each pesticide registered) to be tested further on animals using an unvalidated test for developmental neurotoxicity which kills more than 1,300 animals every time it is performed and which has not been used to actually reduce permissible exposures. The NRDC was also one of the main proponents of a 1996 law that resulted in an absolutely massive animal testing plan on endocrine disruptors and later supported expanding the program to effectively quadruple the program's size and impact on animals but not its effectiveness at actually protecting the environment and public health.

I hope to hear from you that the Sierra Club will reconsider its sponsorship of this petition as submitted and will refrain from further advocacy that translates directly into the suffering and death of animals used in laboratory experiments. Thank you for your attention and we look forward to your timely response on this important matter. I can be reached by email at JessicaS@peta.org or by telephone at (757) 622-7382, ext. 8001.

Sincerely,

Jessica Sandler, Director
Regulatory Testing Division

cc: Mr. Carl Pope, Executive Director