

# Office of Environmental Health Hazard Assessment

Proposition 65  
Regulatory Update Project  
**Exposures to Human and Plant Nutrients in  
Human Food**  
December 12, 2008

# Agenda

---

- 1 – Welcome and Introduction** - Allan Hirsch, Chief Deputy Director
- 2 – Background** - Carol Monahan-Cummings, Chief Counsel
- 3 – Regulatory Language Discussion** – Martha Sandy, Ph.D. – Chief, Cancer Toxicology and Epidemiology

# Background

---

- Regulatory update project launched November 2007
- Six active projects
- Last Food Nutrients Workshop held on March 14, 2008

# Purpose of Proposal

---

- Excessive exposures to some human or plant nutrients may cause cancer or adverse reproductive effects, and such nutrients may be listed under Proposition 65.
- For a listed *human nutrient*, the recommended doses for optimum human nutrition may be high enough to require a Proposition 65 warning.
- For a listed *plant nutrient*, the level present in a plant-based food may trigger a Proposition 65 warning, when the level of the chemical is needed for optimal plant growth and the expectation of harm is non-existent.
- More specificity is needed to the definition of 'exposure' to avoid warnings that discourage the consumption of healthy foods containing certain human or plant nutrients listed under the Proposition at levels that may be considered safe.

# Scope of Proposal

---

- Exposures through foods to certain human nutrients listed under Proposition 65
- Exposures through plant-based foods to certain plant nutrients listed under Proposition 65
- Does not regulate the amount of the chemical that can be in the product
- Establishes when a warning is required for exposures to certain chemicals in food.

# Current Proposed Regulatory Language

## § 25506. Exposure to a Human Nutrient in Food

(a) Human exposure to a nutrient listed in subsection (b) in a food shall not constitute an exposure for the purpose of Section 25249.6 of the Act, to the extent that the person responsible for the exposure can show that the nutrient is naturally occurring in the food pursuant to Section 25501 of these regulations, or that the reasonably anticipated level of exposure to the nutrient from consumption of a food does not exceed the level set forth below.

(b) Nutrient

Maximum Daily Exposure  
from a Food (micrograms per day)

Chemical A

x

# Proposed Regulatory Language (cont.)

---

## § 25507. Exposure to Plant Nutrient in a Food

(a) Human exposure to a plant nutrient listed in subsection (b) in a plant-based food shall not constitute an exposure for purposes of Section 25249.6 of the Act to the extent that the person causing the exposure can show that the chemical was added to the soil or other growing medium in an amount necessary for healthy plant development; and that the reasonably anticipated level of exposure to the chemical from consumption of a food does not exceed the level set forth below.

(b) Nutrient

Maximum Daily Exposure  
from a Food (micrograms per day)

# Next Steps

---

- Comments due by January 5, 2008
- Provide comments to:
  - Fran Kammerer
  - 1001 "I" Street
  - Sacramento, CA 95814
  - [fkammerer@oehha.ca.gov](mailto:fkammerer@oehha.ca.gov)
  - (916) 445-4693
- More public comment opportunities to follow.

---

# Questions?

