



Ms. Esther Barajas-Ochoa
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010

October 8, 2015

RE: Notice of Intent to List Glyphosate and Malathion

Ms. Barajas-Ochoa,

The Agricultural Council of California and the California Farm Bureau Federation would like to submit these comments in opposition to the Office of Environmental Health Hazard Assessment's (OEHHA) intention to list glyphosate and malathion under the Labor Code provision of the Safe Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65). If OEHHA chooses to accept the International Agency for Research on Cancer's (IARC) classification as a singular basis for Prop 65 listing without further scrutiny or review, it will be a great disservice to the agricultural community and to the consumers of many of the 400 commodities grown in California.

In 1986, voters approved what they believed was a well-intentioned initiative that would warn them about potential exposures to hazardous chemicals that could cause cancer or reproductive harm. Both glyphosate and malathion are commonly used pesticides that provide important control of weeds and insects on a wide variety of crops and urban landscapes. Listing these two important chemicals as carcinogenic only serves to confuse consumers that they could get cancer when they use these products according to instructions. IARC's conclusion is not supported by the body of scientific data on these chemicals and is inconsistent with numerous multi-year, comprehensive assessments conducted by hundreds of scientists from countries worldwide who are responsible for ensuring public safety.

Glyphosate

Glyphosate-based herbicides have been valuable tools for weed control for California growers and other users (e.g., homeowners, landscaping and lawn care professionals, foresters, etc.) for more than 40 years. Globally, the overall safety profile has contributed to the adoption of glyphosate-based herbicides in more than 160 countries.

Agricultural systems have evolved over the last 20 years to become more productive and environmentally sustainable. The principle barrier to reducing or eliminating tillage is the challenge of controlling weeds with available soil-applied herbicides. Glyphosate has allowed farmers to increase the incorporation of more sustainable practices into production, including no-till and conservation tillage systems. Reducing tillage has enormous benefits, such as less soil erosion, improved soil organic matter, less soil compaction, increased soil moisture, cleaner water, reduced energy use, more wildlife habitat, and less greenhouse emissions.

U.S. EPA has placed glyphosate in its most favorable category for carcinogenicity and is currently conducting another registration review. Glyphosate's history of safe use is supported by decades of data from more than 800 scientific studies and no regulatory agency in the world considers glyphosate to be a carcinogen.

The IARC classification is based on a limited hazard identification approach and does not consider real-world use and exposure, which is a key element of the thorough risk assessments conducted by regulators. Based on the overwhelming weight of evidence and the consensus of regulatory agencies around the world, IARC's listing is scientifically unwarranted and unsound.

Malathion

Malathion has been used in the U.S. since 1956 as a broad-spectrum insecticide. It is used in agriculture for various food and feed crops, homeowner outdoor uses, ornamental nursery stock, building perimeters, pastures and rangeland, and regional pest eradication and suppression programs. It is also a critical component to public health programs designed to combat vector-transmitted diseases such as malaria, dengue fever, chikungunya, West Nile virus, and encephalitis. Malathion plays an important role in integrated pest management programs designed to offset the growing resistance of insects to the pyrethroid class of chemicals used in agriculture and in public health protection programs.

It is not possible to construct a realistic scenario under which humans would be exposed to levels of malathion that are high enough to produce the kind of results that are seen in the animal studies used for the IARC decision. These animal studies were conducted at very high dose levels that exceeded the maximum tolerated dose for test animals. Such exposures are not relevant to humans when malathion products are used in accordance with government approved labels.

The U.S. EPA, Canada Pest Management Regulatory Agency, European Union and the United Nation's Food and Agriculture Organization and World Health Organization "Joint Meeting on Pesticide Residues (an expert ad hoc body administered for the purpose of harmonizing requirements and risk assessment of pesticides) have all approved the continued use of malathion for use in agriculture and public health and concluded that humans are not at risk of getting cancer through exposure to malathion.

Conclusion

In May 2013 the Brown Administration announced proposed reforms to strengthen and restore the intent of Proposition 65 *"by ending frivolous shakedown lawsuits, improving how the public is warned about dangerous chemicals and strengthening the scientific basis for warning levels."* Unfortunately, these proposed reforms have not materialized, instead we have seen proposed reforms that will greatly increase litigation and numerous listings that lack thorough scientific review. Instead of "fixing" Prop 65, we have a state plastered with warning signs that no one pays attention to and bounty hunters and trial attorneys making millions off of small businesses who cannot afford to defend themselves. These listings only serve to continue this travesty.

We urge you to scrutinize IARC's report, weigh the opinions of regulatory bodies worldwide and not list glyphosate or malathion under Prop 65.

Sincerely,



Emily Rooney
President
Agricultural Council of California



Paul Wenger
President
California Farm Bureau Federation