



## AMERICAN COUNCIL ON SCIENCE AND HEALTH

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TO: Ms. Susan Luong  
OEHHA  
Proposition 65 Implementation Program  
FROM: Dr. Ruth Kava, Director of Nutrition, ACSH  
RE: Proposed Rulemaking re: title 22, California Code of Regulations  
DATE: July 8, 2005

BY EMAIL: SULUONG@oehha.ca.gov

Dear Ms. Luong:

*The American Council on Science and Health (ACSH)* is a consumer education consortium concerned with issues related to food, nutrition, chemicals, pharmaceuticals, lifestyle, the environment and health. ACSH is an independent, nonprofit, tax-exempt organization.

As part of its mandate to educate consumers about both real and supposed health threats, ACSH has evaluated and published a report on the issue of whether acrylamide is a real threat to public health. That report, which is appended to this email message, concluded that there are no valid data to support the contention that, at low levels of exposure (e.g., those found in foods), acrylamide is a threat to public health.

Recent evaluation (see: <http://www.cfsan.fda.gov/~dms/acrydat2.html>) of the levels of acrylamide in a wide variety of foods by the Food and Drug Administration (FDA) indicates that such levels vary widely even among items of the same descriptor, e.g., canned ripe olives. Some levels may be well below and others well above whatever "safe" level might be established. Thus a general warning about acrylamide levels in particular types of foods will be misleading in at least some cases and will serve no useful purpose in protecting the public health. For this reason, we see no rationale for amending title 22 Section 12705 or Section 12705(b) to alter risk levels, or to provide alternative risk levels for particular foods such as breads and cereals as was proposed.

Given that it has not been scientifically demonstrated that acrylamide, as formed naturally in foods, threatens public health, the only one of the proposed amendments to title 22, Section 12601, of the California Code of Regulations which is scientifically justified and valid is number 3. This proposed amendment would add new "Safe Harbor" provisions specific to warnings for acrylamide exposures from food.

It has long been the contention of ACSH that fears of harm from trace levels of chemicals in foods, whether their presence is due to purposeful additions or to natural reactions as in the case of acrylamide, is often greatly exaggerated. Adding warning labels to foods that naturally contain acrylamide as a result of cooking or baking will serve no useful function in protecting public health.

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