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CALIFORNIA RICE COMMISSION

June 20, 2005

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Received

JUN 2 2 2005

SACRAMENTO

Ms. Susan Luong
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P. O. Box 4010
Sacramento, CA 95812-4010

RE: COMMENTS TO THE PROPOSED CHANGES TO THE ACRYLAMIDE REGULATIONS FOR THE PUBLIC COMMENT PERIOD ENDING JUNE 24, 2005

Dear Ms. Luong:

The California Rice Commission (CRC) is a statutory organization representing 2,500 rice farmers who farm approximately 500,000 acres of California farmland. A Food and Drug Administration (FDA) data table, Appendix. FDA data on acrylamide concentration in foods (U.S. FDA 2004a, 2004b), indicates a non-detect for acrylamide in rice (white, enriched and cooked), but levels range from 37 to 57 ppb in crisped rice cereal and 81 ppb in crisped rice cereal.

Approximately 27 percent of California rice is destined to Japan and 22 percent to other high value export markets in the Pacific Rim and the Middle East. Consumers in these markets share a high level of concern over food safety. For example, rice exported to Japan is tested twice for 119 chemical residues and the presence of molds. This rigorous testing is done even though Japan recognizes the very strict federal and state standards for crop protection registration, which leave approximately 12 pesticides registered for use on rice in California. Another example is the use of the presence of a common nematode in California rice, which has periodically hindered exports to Turkey, our third largest export market. Clearly, foreign markets would be severely impacted with a Prop 65 warning as part of a rice-labeling requirement.

Domestic customers, as well, are highly selective when it comes to the raw materials for use in their products. Cereal, baby food, nutrition bars and scores of other products are made with California rice because of the quality of our grain and the health benefits it provides consumers. Again, labeling healthy food with a Prop 65 warning would be disastrous for California rice growers and millers.

Combined exports and processed food use accounts for over 60 percent of the rice produced in California. Warning labels on rice would be devastating to our industry and to the environment of the state. The production of rice provides 500,000 acres of

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wetland-like habitat, supporting 235 species of wildlife. In addition, researchers have cited the critical value of ricelands in their support of the Pacific Flyway.

The CRC thanks you for this opportunity to comment on the following, three proposed regulatory amendments:

(1) Title 22, California Code of Regulations, Section 12705 to add a new subsection providing an alternative risk level for the chemical acrylamide in breads and cereals;
(2) Title 22, California Code of Regulations, Section 12705(b) to propose a level which would supersede the current regulatory level for acrylamide in Section 12705(c); and
(3) Title 22, California Code of Regulations, Section 12601 to add new "Safe Harbor" provisions specific to warnings for acrylamide exposures from food.

Title 22, California Code of Regulations, Section 12705 to add a new subsection providing an alternative risk level for the chemical acrylamide in breads and cereals
We have a concern if the alternative risk level targets rice products (cereals) as a "bad food" vs. "good food" determination. While the CRC would appreciate leniency for rice cereals, we are cautious about the public perception of being considered a "bad food", especially in light of the new food pyramid that promotes consumption of whole grains, the source for the rice cereals.

Title 22, California Code of Regulations, Section 12705(b) to propose a level which would supersede the current regulatory level for acrylamide in Section 12705(c)
The CRC does not object to the proposal to establish a no significant risk level (NRSL) of 1.0 micrograms per gram for the chemical acrylamide. Therefore, the CRC poses no comment.

Title 22, California Code of Regulations, Section 12601 to add new "Safe Harbor" provisions specific to warnings for acrylamide exposures from food
The proposed amendment to Section 12601 would add provisions to the regulation specifically for the purpose of giving warnings for exposures to the chemical acrylamide in foods. Acrylamide is pervasive in many common foods, and the public health necessity of encouraging people to consume a balanced diet. From the OEHHA public notice, "OEHHA determined that the development of a specific "safe harbor" warning for acrylamide in foods would provide assistance to the regulated community to help them comply with the Act and would provide the public with a more balanced and appropriate warning message for exposures to this chemical in foods. The proposed regulation also expressly provides that a warning for acrylamide in foods may be provided at the point of sale of the food product and need not be included on package labels for each individual product."

We strongly support a safe harbor provision for acrylamide. This material is naturally occurring or results from the normal cooking of food products rich in starch.

A safe harbor is an appropriate regulatory response to the need to provide relevant information to consumers, while also encouraging people to consume a balanced diet.

The CRC has concerns, however, about the point of sale warning requirements. This could cause severe implications if rice is required to provide the warning at the point of sale, creating the same good food/bad food problems related with other options under consideration.

The CRC appreciates OEHHA'a consideration of our comments. We request on behalf of the California rice industry that you consider our comments and the potential impact to the California economy and environment. If you have any questions, please contact me, or Roberta Firoved at 916/929-2264.

Sincerely,

CALIFORNIA RICE COMMISSION

Tim Johnson
President-CEO

cc: George Soares
Roberta Firoved