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Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010
Sacramento, Ca 95812-4010

Dear Monet Vela:

This letter details comments regarding:

Proposed Adoption of New Section Under Article 7 No Significant Risk Levels
Section 25704 Exposures to Listed Chemicals in Coffee Posing No Significant Risk

Opinion

The global efforts by regulatory bodies and researchers to continue studying the presence of acrylamide in food and beverages such as coffee provide a robust data base to gain a better understanding of this important issue. It is likely that on-going discovery efforts will bring clarity to acrylamide's presence in food and beverages and any correlation to human health and wellness.

However, based on my observations and understanding of this issue, I believe that current science and recent statements from the Food and Drug Administration (FDA) supports the action of the Office of Environmental Health Hazard Assessment (OEHHA) for The State of California to not require the coffee industry to include cancer warning labels on coffee products at this time. It would be most beneficial for the State to harmonize its actions with Federal Agencies and not create confusion for consumers who need consistent and clear information on the healthfulness of the foods and beverages they enjoy.

Background

I attended the public hearing on August 16, 2018 in Sacramento to hear oral comments on the proposed changes to the Proposition 65 rules on acrylamide and coffee. I have a long-standing interest in this issue since 2010, when various regulatory bodies began to more thoroughly study acrylamide levels in food and beverage products and gain a greater understanding of any health issues related to these levels.

I have been an executive in the coffee industry for several years, including leading a coffee technology company with several patents to infuse roasted coffee with a variety of ingredients. During the development of the patented technology, the Company hypothesized that its process might be useful in

reducing the levels of acrylamide in coffee. The Company never confirmed this hypothesis with the necessary research and scientific analysis.

During the discovery process with the technology, I personally met with representatives of the National Coffee Association (NCA), its Scientific Advisory Board via teleconference, and attended several NCA Conventions where conversations on this topic took place. During the conference calls, I had an opportunity to engage representatives of the European Coffee Association and the Canadian Specialty Coffee Association. In addition to these contacts, I personally met with the Legal Representation for the NCA at that time and have had several conversations and one meeting with Mr. Raphael Metzgar, who represents the Council for Education and Research on Toxics (CERT).

Over the years, I have followed the review and reporting process on acrylamide in food and beverage of the Federal Drug Administration (FDA), the European Food Safety Authority (EFSA) and other regulatory bodies. In addition, I have reviewed in some detail the reporting of the International Agency for Research and Cancer (IRAC) on this topic and have had conversations with researchers in the US and Europe, who have/are studying the issue of acrylamide in food and beverages. I read the food and beverage publications and online blogs that have extensively covered the on-going research findings on coffee health issues and benefits, and the presence of acrylamide and furan in roasted coffees. I have followed the CERT versus Coffee Industry lawsuit in the Superior Court of California, Los Angeles as it has moved slowly through various stages.

I believe that I have a more detailed understanding of the issue of acrylamide in food and beverage than most consumers. My intentions have never been to “pick a side” on the lawsuit or find fault with the Proposition 65 requirements. Instead, I have become an interested observer who will follow this topic for years to come.

Conclusions

As the acrylamide issue in food and beverage became important around the world, California was at the forefront on action. The inclusion of acrylamide in Proposition 65 regulations likely served as one catalyst for attention and action by industry and regulators. The Potato Industry settlement in California led to concrete action including epidemiologic study, process improvements, genetic and breeding research and other activities that provided tools (including many that became noted in the EFSA Toolkit on Acrylamide Reduction which remains largely silent on mitigating actions to reduce acrylamide in coffee) to address the acrylamide levels in potato products. Certainly, OEHHA’s proposed action with coffee does not weaken the influence that Proposition 65 regulation and concern have had on the acrylamide issue in food and beverages.

Similarly, the CERT lawsuit and California’s inclusion of acrylamide in coffee has played an important role in the study and review of the chemical in coffee products. At the same time, the FDA (despite its recent support for exempting coffee from cancer warning law) and EFSA have continued to monitor and measure acrylamide, and study and propose actions, in effected food and beverage products. When completed, these regulators and researchers will provide a greater understanding of the presence of acrylamide in coffee and other food and beverages, and an informed decision as to whether regulation will be required.

Respectfully Submitted By,

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