

August 30, 2018

Via Electronic Mail Only to: Monet.Vela@OEHHA.ca.gov

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

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

Ms. Vela:

On behalf of the organizations and entities listed below, we urge the Office of Environmental Health Hazard Assessment (“OEHHA”) to immediately finalize and adopt as drafted the proposed new *Section 25704 Exposures to Listed Chemicals in Coffee Posing No Significant Risk* (“Coffee Regulation”) into Title 27, of the California Code of Regulations, Article 7, No Significant Risk Levels.

The materials provided with the proposed Coffee Regulation accurately and sufficiently identifies why a regulation is needed because those Proposition 65 listed chemicals in coffee that are produced as part of and inherent in the processes of roasting coffee beans and brewing coffee, pose no significant risk of cancer. In multiple places, the Initial Statement of Reasons (“ISOR”) details the abundance of science supporting this clarification, which can be summarized as *Coffee is unique in that it shows reductions in certain human cancers, has not been shown to increase any cancers, and is particularly rich in cancer chemopreventive compounds*. See also, *Statement from FDA Commissioner Scott Gottlieb, M.D., on FDA’s support for exempting coffee from California’s cancer warning law*.¹ Volume 116 of the International Agency for Research on Cancer (IARC) Monograph on the Evaluation of Carcinogenic Risks to Humans: Drinking Coffee, Mate, and Very Hot Beverages, released on June

1

https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm618883.htm?utm_campaign=08292018_Statement_FDA%E2%80%99s%20support%20for%20exempting%20coffee%20from%20California%E2%80%99s%20cancer%20warning%20law&utm_medium=email&utm_source=Eloqua

13, 2018, also details and supports why the Coffee Regulation / clarification is necessary.. However, we believe an IARC monograph, while sufficient in this instance, is not, and should not be a condition precedent with respect to OEHHA making similar clarifications regarding food or beverage items in the future. Instead, similar clarifications should continue to be considered based on the weight of evidence approach.

Immediate adoption of the Coffee Regulation is necessary to preclude further confusion on behalf of manufacturers, retailers, and consumers of coffee as to if or when a warning may be required. Warnings related to acrylamide in coffee have been the subject of private-party Proposition 65 enforcement actions since 2010. As a result, there has been increasing confusion during this same time. For instance, warnings appear at some coffee houses but not all, and the same products sold at a coffee house with a warning may not have a warning at a retail location. We recognize the reasons for this are complicated, but the practical result is simple: consumers get mixed messages and inadequate information daily about the benefits of coffee.

In conclusion, the undersigned urge OEHHA to adopt the Coffee Regulation, as is, and expeditiously because the science supports the proposed clarification and consumers deserve clarity. If you have any questions, please contact John Hewitt (916) 508-6278.

Emily Rooney
Agricultural Council of California

Michael Shaw
California Manufacturers & Technology Association

Fredericka McGee
American Beverage Association

Matthew Sutton
California Restaurant Association

Tim Shestek
American Chemistry Council

Pamela Williams
California Retailers Association

Adam Regele
California Chamber of Commerce

John Doherty
Civil Justice Association of California

Aaron Moreno
California Grocers Association

John Hewitt
Grocery Manufacturers Association

Trudi Hughes
California League of Food Producers