

April 16, 2019

**Via Electronic Submission**

Office of Environmental Health Hazard Assessment  
Proposition 65 Implementation  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010

<https://oehha.ca.gov/comments>

**RE: Request for Relevant Information on the Reproductive Toxicity (Developmental Toxicity Endpoint) of Cannabis and Cannabis-Related Chemicals**

To Whom It May Concern:

The Personal Care Products Council (PCPC) thanks the Office of Environmental Health Hazard Assessment's (OEHHA) for the opportunity to provide feedback on its selection of cannabis (marijuana), marijuana smoke, cannabis extracts and  $\Delta$ -9-tetrahydrocannabinol (THC) for review by the Developmental and Reproductive Toxicant Identification Committee (DARTIC) for possible listing under Proposition 65.

Although it appears that OEHHA intends to limit DARTIC's consideration to the high THC containing marijuana strains of the *Cannabis Sativa L.* plants, and their derivatives and extracts, rather than the low THC containing hemp strains and their extracts, the identification by OEHHA of "cannabis extracts" in its data call-in does not make this clear. Therefore, we respectfully request that OEHHA clarify that "cannabis extracts" does not include hemp, hemp oil, hemp-derived Cannabidiol (CBD) or its extracts or derivatives.

Plants of the species *Cannabis Sativa L* come in different strains that are cultivated for different purposes based upon their varied uses and include both THC-rich marijuana and THC-deficient, fiber-rich hemp. Hemp and marijuana are derived from different strains of the cannabis plant, with one grown for industrial purposes and the other for its psychoactive effects. This difference has led to growing awareness and acceptance of the many potential benefits of industrial hemp and its derivatives, such as hempseed oil, extracts, and other hemp-derived ingredients. This acceptance was most recently evidenced in the passage of the Agricultural Improvement Act of 2018 (the 2018 Farm Bill) by Congress last December. Specifically, the 2018 Farm Bill created

a definition of industrial hemp that removes hemp and its derivatives and extracts from regulation under the federal Controlled Substances Act, provided that the hemp contains 0.3 percent or less of THC on a dry weight basis.

With this growing acceptance has come opportunity. The personal care industry, which thrives on innovation, has begun to utilize industrial hemp derived ingredients in cosmetic products. Increasing numbers of FDA-regulated products containing hemp-derived ingredients are being marketed, and we anticipate this trend to continue. To protect this growing market and ensure OEHHHA's regulatory focus is on THC-rich marijuana and not low-THC containing hemp ingredients, we urge the agency to clarify its definition of "cannabis extracts" to be consistent with the definitions in the Agricultural Improvement Act of 2018.

Thank you for the opportunity to provide our comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Myers". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas F. Myers  
EVP-Legal & General Counsel