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*VIA ELECTRONIC SUBMISSION ONLY*

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

***Re: Public Comment on Proposed Additions to Prop 65 List of Hazardous Materials***

Dear Mr. Leichty:

This information is submitted in response to the Request for Relevant Information issued by the Office of Environmental Health Hazard Assessment ("OEHHA") on March 15, 2019, whereby OEHHA formally gave notice to California residents that OEHHA is considering the addition of the following substances to the Proposition 65 List of chemicals known to cause cancer or birth defects or other reproductive harm (the "Prop 65 List"): Cannabis, Cannabis Extracts, Tetrahydrocannabinol ("THC"), and Marijuana Smoke.

The bulk of published research does not support the inclusion of Cannabis, Cannabis Extracts, or THC as candidates for the Prop 65 List within the context of birth defects or reproductive harm, and in the few studies which have been completed, there is considerable conflict in the results. We therefore respectfully request that OEHHA remove these three substances from consideration for inclusion on the Prop 65 List, at least until such time that further research may be performed.

Should the investigation concerning these three substances move forward, however, we ask that the state's qualified expert, the Developmental and Reproductive Toxicant Identification Committee ("DARTIC"), review Dr. Melanie Dreher's research in this field. Dr. Dreher is a Ph.D. graduate of Columbia University and, unlike other studies concerning the effects of Cannabis on reproductive health, Dr. Dreher's research isolated Cannabis in a tea form when she performed a multi-year study involving 44 Jamaican families. The results from Dr. Dreher's research not only showed no negative impact on the children of those mothers who had ingested the Cannabis tea during pregnancy, the newborns of heavy-cannabis-using mothers showed better scores regarding autonomic stability, quality of alertness, and self-regulation when

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compared to the control group (see "*Prenatal marijuana exposure and neonatal outcomes in Jamaica: An ethnographic study*" in *Pediatrics* 93(2):254-60, March 1994).

In addition, we ask that DARTIC take note of an article published in the January 2002 Volume of *BJOG: an International Journal of Obstetrics and Gynaecology* entitled "Maternal use of cannabis and pregnancy outcome" (see pp. 21-27). The conclusion reached by the research team headed by David M. Fergusson of New Zealand was that there was no increased risk of perinatal mortality in the sample of over 12,000 women surveyed. While there was some indication that, in cases where pregnant women frequently *smoked cannabis* during pregnancy, there might be an association with small but detectable decrements in birthweight, those same mothers were also more likely to use alcohol, cigarettes, coffee, tea and hard drugs. While the discrepancy in birthweight might be worthy of investigation, it should only be considered if the research completed involves less variables that could potentially skew the results. Smoke in itself is likely harmful, which is why DARTIC should take an independent look at each of the substances being considered. While Marijuana Smoke may be cancer-causing and *possibly* reproductively toxic, this does not mean that Cannabis or THC is similarly toxic.

We note that the North American research literature we have reviewed in this field also appears to suffer for not adequately controlling other variables' effects upon the study or for not isolating Cannabis without isolating Marijuana Smoke apart from the analysis.<sup>1</sup> With the majority of U.S. states offering medicinal Cannabis to its citizens, the opportunity to perform better research is much more available to us. We suggest that DARTIC halt its investigation of Cannabis and THC until there exists sufficient, reliable research within this area of study.

In sum, we see no justification in supporting the listing of Cannabis, Cannabis Extracts, or THC as reproductively toxic at this time. We therefore respectfully request that OEHHHA remove these substances from consideration for inclusion on the Prop 65 List.

Very Truly Yours,

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<sup>1</sup> e.g. Sheryl A. Ryan, Seth D. Ammerman, Mary E. O'Connor - *Marijuana Use During Pregnancy and Breastfeeding: Implications for Neonatal and Childhood Outcomes*, *Pediatrics*; 142( 2018); Anja Huizink and Eduard Mulder - *Maternal smoking, drinking or cannabis use during pregnancy and neurobehavioral and cognitive functioning in human offspring*; *Neuroscience and Biobehavioral Reviews* 30: 1-18 (2005).