



August 18, 2020

Monet Vela
Regulations Coordinator
Office of Environmental Health Hazard Assessment
1001 "I" Street, 23rd Floor
Sacramento, CA 95812

RE: Support for Proposed Adoption of New Chapter and Section (Title 27, California Code of Regulations) Chapter 3: Naturally Occurring Lead in Candy Section 28500: Naturally Occurring Levels of Lead in Candy

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

Dear Ms. Vela:

Environmental Health Coalition (EHC) is writing to support OEHHA's proposed Naturally Occurring Lead in Candy 0.02 ppm standard as it will be achievable by most candy manufacturers. Protecting public health, especially children is a priority. In recent years, the CDC has affirmed there is no safe blood lead level in children. We hope OEHHA will take immediate steps towards adopting and implementing this new naturally occurring lead in candy 0.02 ppm standard.

EHC is a community-based social and environmental justice organization dedicated to protecting human health and the environment from the impacts of toxic chemicals in low-income communities of color. Our *Healthy Kids Campaign* was established to protect children from the dangers of lead in their environment. Although the major source of childhood lead poisoning is lead-based paint and dust, numerous chili and tamarind candy imported and sold in California were contaminated with lead and presented a serious and substantial threat to children's health.

Community Efforts to Protect Children From Lead in Candy

As you know, EHC has investigated many potential and known sources of lead exposure. Concerned about the potential for lead contamination in candy, EHC successfully defended families and children from the health threats of lead poisoning including advocating for the passage of AB 121 in 2005, the *Children's Right to Lead-Safe Candy* bill. Today, we are pleased to see that 81% of the candy products sampled in your study are well below the 0.01 ppm. We applaud candy manufacturers for taking action to get the lead out and applaud OEHHA in taking

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a huge step towards complying with AB 121 mandate to establish the naturally occurring lead in candy standard.

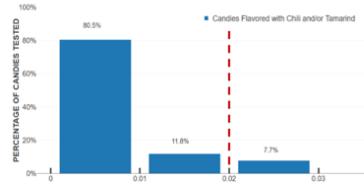
Naturally Occurring Lead in Candy Standard

Through years of successfully working with candy manufacturers, we now know that getting the lead out of candy products is achievable. As OEHHA gets ready to implement this naturally occurring standard, we offer the following recommendations:

- 1) **Analyze impact of setting the Lead in Candy Standard at 0.02 ppm.** Three years from the adoption of the lead in candy standard, OEHHA should analyze results from candy products to look for trends. It would be of interest to ensure that candy manufacturers currently meeting the 0.01 ppm standard continue to do their best in getting the lead out and maintaining themselves well below the 0.01 ppm level and not see an upwards trend of lead in candy due to the higher allowable standard of 0.02 ppm. We have learned that when candy manufacturers switch to non-lead-based inks in candy wrappers and do due diligence in washing their supplies such as the chili's, the levels of lead significantly reduce. We hope that the new naturally occurring standard will continue to promote these best practices and thus continue to motivate others in the food industry to do the same. Therefore, it is imperative that OEHHA conducts a follow-up analysis to see the impact of setting the standard at 0.02 ppm.
- 2) **Continue to translate all documents related to this standard into Spanish.** Given that OEHHA's proposed standard is for the State of California, with a clear impact on candy manufacturers mostly based in Mexico, we request that the documents related to the establishment of this standard be translated into Spanish and made available to EHC so that we can post on our Lead in Candy website.
- 3) **Host Bi-National Best Practices and Protocols Workshop.** In the spirit of transparency and collaboration, post COVID-19, EHC is happy to host a meeting at our offices between OEHHA and candy manufactures with simultaneous interpretation in Spanish to provide recommendations on best practices, share laboratory-analyzing protocols, and discuss next steps for those that are non-compliant.

Distribution of Lead Concentrations in Candies Flavored with Chili and/or Tamarind (2012-2017)

• 195 samples of candies produced in Mexico by nine manufacturers



Having one recall in recent years points to the hard work of the entire collaborative working to solve this issue which includes OEHHA, DHS, the Attorney General' Office, FDA, CEH, and most importantly the work of the auditors and candy manufacturers. Remember, this did not happen overnight. **This is a huge public health victory! Congratulations!**

Our hope is that OEHHA's proposed naturally occurring lead in candy standard will continue to motivate candy manufacturers to take action in getting the lead out of their products, reignite the commitment of candy manufacturers leading by example, promote best practices, and send out a loud and clear message that children's health is our priority and that lead in candy will not be tolerated.

Lead poisoning is the number one environmental health threat to children under 6 years-old. It can cause damage to the central nervous system, resulting in reduced IQ, learning disabilities, behavior problems, hyperactivity and increased aggression. Childhood lead poisoning is also the most preventable environmental disease among young children. We have taken the lead out of paint and gasoline. Together as a collaborative, we are on our way to getting it out of candy. ALL children deserve protection from this preventable and shameful source of lead. We are grateful to OEHHA for taking action today to protect our most vulnerable, our children.

Sincerely,

Leticia Ayala

Leticia Ayala
Healthy Kids Campaign Director