

PUBLIC HEARING  
STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

In the matter of: )  
)  
Notice of Proposed Rule-Making, )  
Title 27, California Code of )  
Regulations, Section 25705 for a No )  
Significant Risk Level for )  
Glyphosate )  
----- )

CALEPA HEADQUARTERS  
BYRON SHER AUDITORIUM  
1001 I STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, JUNE 7, 2017  
1:30 P.M.

JAMES F. PETERS, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

A P P E A R A N C E S

STAFF:

Mr. Allan Hirsch, Chief Deputy Director

Ms. Carol Monahan Cummings, Chief Counsel

Dr. Martha Sandy, Chief, Reproductive and Cancer Hazard  
Assessment Branch

ALSO PRESENT:

Mr. Bill Allayaud, Environmental Working Group

Ms. Joan Blaxter, Weston Price Foundation

Mr. William Brooks, California Guild

Dr. James Bus, Exponent

Ms. Lucia Calderon, Safe Ag Safe Schools

Mr. Joshua Coleman, Autism File Magazine

Ms. Cynthia Corey, California Farm Bureau

Ms. Caroline Cox, Center for Environmental Health

Mr. Nicholas Chavez, United Farm Workers

Ms. Christine Dames

Ms. Jessica Denning, California Guild

Mr. John Diaz, Labelgmos.org

Dr. Nathan Donley, Center for Biological Diversity

Ms. Jessica Elkow

Mr. Pedram Esfandiary, Baum, Hedlund, Aristei & Goldman

Dr. Donna Farmer, Monsanto

Ms. Leni Felton, The Way of Health

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Michelle Ford

Dr. Stephen C. Frantz, Global Environmental Options

Ms. Mary Fraser, Pesticide Free Zone

Ms. Kathleen Furey, California Guild

Mr. Robert Gipson

Ms. Laura Hayes

Ms. Zen Honeycutt, Moms Across America

Ms. Susan Hopp

Ms. Olivia Kannier

Ms. Kathleen Kilpatrick, Safe Ag Safe Schools, PVFTKFT  
Retirees Chapter

Ms. Heather Kovac

Ms. Sharon Larsen, Moms Across America

Ms. Susan Lee

Ms. Janelle Lewis

Mr. Timothy Litzenburg, The Miller Firm

Mr. Harvey Makishima, Public Awareness and Preventive  
Health Care, California Guild

Mr. Bob McFarland

Ms. Linda Mulligan

Mr. Trenton Norris, Arnold & Porter Kaye Scholer

Dr. Michelle Perro

Mr. Joe Robichaud

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Emily Rooney, Agricultural Council of California

Mr. P.T. Rothchild

Ms. Diana Rudé, California Guild

Dr. Anthony Samsel, Samsel Environmental and Public Health  
Services

Mr. Bob Saunders

Ms. Deborah Whitman, Environmental Voices

Mr. Leo Younger, California Guild

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## P R O C E E D I N G S

1  
2 CHIEF DEPUTY DIRECTOR HIRSCH: Good afternoon.  
3 My name is Allan Hirsch. I am Chief Deputy Director for  
4 the Office of Environmental Health Hazard Assessment, also  
5 known by the acronym OEHHA. And with me on my right is  
6 our Chief Counsel Carol Monahan Cummings, and on my left  
7 the Chief of our Proposition 65 program, Dr. Martha Sandy.

8 I just want to do some housekeeping items first  
9 that we're supposed to do at the beginning of public  
10 hearings. If you need to use the restroom during the  
11 public hearing, you would go out the back door, go to the  
12 left, and make another left turn at the end of the lobby,  
13 and they -- they're there on your right.

14 In the unlikely event that we have an emergency  
15 or a fire drill during this hearing, you would go out the  
16 back doors, turn right, go down the stairs at the end of  
17 the lobby and walk right out of the building.

18 And also, you're probably aware that today's  
19 hearing is being webcast. But if you would like to tell a  
20 colleague about the webcast, they can access it by going  
21 to <https://video.calepa.ca.gov>.

22 Under the provisions of the State Administrative  
23 Procedure Act, this is the time and place set for the  
24 presentation of comments orally or in writing regarding  
25 the proposed Proposition 65 no significant risk level for



1 glyphosate. The NSRL - that is the acronym for no  
2 significant risk level - is a regulation proposed for  
3 adoption by OEHHA.

4 OEHHA considers this proceeding to be  
5 quasi-legislative hearing, because it is carrying out a  
6 rulemaking function delegated to it by statute. OEHHA  
7 will take under submissions all written comments and oral  
8 statements submitted or made during this hearing.

9 The director of OEHHA has designated me to  
10 conduct this hearing on -- on her behalf. And I will be  
11 doing so in accordance with the provisions of the  
12 Administrative Procedure Act.

13 The entire proceeding is being recorded by a  
14 Certified Court Reporter, who is over on my right-hand  
15 side. And the transcript and all exhibits and evidence  
16 presented at this hearing will be included in the  
17 administrative record for this rulemaking.

18 Now, for organizational purposes, we request that  
19 those of you wishing to speak at this hearing complete a  
20 blue speaker's card. They should be on the table just  
21 outside of the meeting room here, and -- if you haven't  
22 already done so, of course. We already have a number  
23 here. And you can give it to Esther, who is sitting over  
24 there. Esther just waved.

25 However, you're not required to fill out a blue

1 card in order to speak. If you prefer not to fill one  
2 out, you will still have a chance to speak after those who  
3 have filled out blue cards.

4 So we know that many of you have come a long way  
5 to be here and we appreciate that. Welcome to Sacramento.  
6 Welcome to California for those who've traveled here from  
7 out of State. And we probably have a larger than usual  
8 audience for this hearing watching the webcast too. So  
9 welcome to the world of California's Proposition 65.

10 I just want to go over a few points today that  
11 hopefully will help the hearing be as meaningful and as  
12 productive as possible for you and for us.

13 So the first point is that this is a public  
14 hearing specifically on our proposed no significant risk  
15 level for glyphosate. And many of you understand this,  
16 but just in case some don't and for the purpose of people  
17 on the webcast who might not be familiar, it's not a  
18 hearing on whether glyphosate should be added to the  
19 Proposition 65 list. That's been addressed under a  
20 separate process. It's not a hearing on whether  
21 glyphosate should be regulated in a way that is different  
22 than it already is, as that's outside the scope of  
23 Proposition 65.

24 We are soliciting comments specifically on the  
25 proposed no significant risk level, and the scientific

1 assessment that we conducted in developing it. And so one  
2 kind of a simplified version perhaps of the questions that  
3 we're seeking your public comments on are things like did  
4 we get the science right or did we get the science wrong?  
5 And if you feel that we got it wrong, where did we go  
6 wrong and how do you think we should fix it?

7           And again, these are scientific questions. And  
8 Dr. Sandy and Ms. Monahan Cummings in a few minutes are  
9 going to give a short overview of Proposition 65 and our  
10 glyphosate assessment to help us all start out on the same  
11 page.

12           So having said that, I also want to be clear that  
13 you do not have to be a scientist to speak and we're happy  
14 to hear your thoughts, even if they don't address those  
15 specific questions that I just cited.

16           But we do want to make sure that everyone  
17 understands that this is a hearing on a proposed  
18 regulation that is based on scientific criteria. And the  
19 comments that we're seeking are primarily scientific in  
20 nature.

21           Though the second point is we do have a fair  
22 amount of people who want to speak. And because of that,  
23 we're going to ask you to limit your comments, let's say,  
24 to five minutes to make sure that everyone has a chance to  
25 speak. If you can't say everything you'd like to say in

1 five minutes, we understand that, and we strongly  
2 encourage you to submit comments to us in writing.  
3 There's no limit to the length of written comments that  
4 you can submit.

5           And our experience is that if you have lengthier  
6 complicated arguments, it's best to make them in writing.  
7 That way, we can carefully review them and be in a better  
8 position to respond to them as part of the rulemaking  
9 process.

10           Now the written comment period is open until June  
11 21st, so that's two more weeks. And information on how to  
12 submit written comments is on our website, and I'll go  
13 over that at the end of the public hearing.

14           Conversely, if you agree with what previous  
15 speakers have said, it's fine to come up to the microphone  
16 when you're called, and to simply say that you agree with  
17 those speakers without necessarily having to repeat what  
18 they said.

19           So third, we've received a number of questions  
20 about blue cards, and how we -- how we determine the order  
21 of the speakers. This being California, we're pretty laid  
22 back. And for the most part, we will call speakers' names  
23 in the order that we receive these cards. And we may make  
24 some exceptions and change the order a bit to prevent any  
25 one point of view from dominating a large portion of this

1 hearing.

2           And also, if there are multiple speakers from a  
3 single organization, we'll try to group speakers one after  
4 the other to help you coordinate your responses. We can't  
5 promise that, if you have a group of 10 or 20 speakers,  
6 but we'll certainly do what we can.

7           And in order to sort out the order of the  
8 speakers before the comments begin, we'll take a short  
9 break, and I really mean a short break, of less than five  
10 minutes. So if your group wants to coordinate speakers,  
11 please indicate so on the blue card.

12           Last, but not least, we plan to be primarily in  
13 listening mode. So if we don't interact or respond to  
14 what you're saying, it's not because we're not interested.  
15 It's because we're not able to have a lot of  
16 back-and-forth discussion in the context of this public  
17 hearing.

18           But we -- and we want to make sure that we're  
19 able to hear everyone who wishes to speak. So we will be  
20 responding in writing to all relevant comments that we get  
21 at this hearing, as well as during the written public  
22 comment period, when -- if and when we adopt this  
23 regulation. And again, our court reporter is transcribing  
24 all of your comments, so we're not going to miss anything.

25           And we will answer clarifying questions to the

1 extent feasible. But again, longer or more technical  
2 responses to relevant comments will be provided in  
3 writing.

4           So to enable the audience to hear you and to  
5 ensure that your comments are recorded for the record,  
6 we're going to ask speakers to come to either of the two  
7 microphones here. And then what I'm going to do is call  
8 the name of the current speaker, and then the two speakers  
9 in line after that. So when you're next after the person  
10 who is speaking, we would appreciate it if you could make  
11 your way to either of the two microphones. And that will  
12 help the hearing move faster.

13           When it's your turn to speak, it would be helpful  
14 to the court reporter if you state your name and the  
15 organization that you represent, if any. However you're  
16 not required to do so in order to speak.

17           So with that, I'm going to turn the microphone  
18 over first to Carol Monahan Cummings for an overview of  
19 Proposition 65, and after that to Dr. Sandy for the -- an  
20 overview of the proposed no significant risk level.

21           (Thereupon an overhead presentation was  
22 presented as follows.)

23           CHIEF COUNSEL MONAHAN CUMMINGS: Thank you, Mr.  
24 Hirsch. Thank you.

25           So in order to save the time required to read

1 into the record each provision of the proposed regulation  
2 and the related documents, I've already presented a copy  
3 of OEHHA's regulatory package to the court reporter that  
4 includes the public notice of these regulations, the  
5 Initial Statement of Reasons, and related documents.

6 As required by the Administrative Procedure Act,  
7 the public and interested parties were notified of these  
8 proposed regulations 45 -- at least 45 days prior to  
9 today's hearing. The notice of this proposed regulation  
10 was published in the California regulatory notice register  
11 on April the 7th, 2017. It was posted on OEHHA's website  
12 and sent by mail to interested parties who are on our  
13 listserve -- sorry -- on March 28th, 2017.

14 So if the court reporter could go ahead and mark  
15 the exhibits as OEHHA's Exhibit A.

16 (OEHHA's Exhibit A marked for identification.)

17 CHIEF COUNSEL MONAHAN CUMMINGS: Thank you.

18 Okay. As Allan mentioned, I'm going to go into a  
19 little bit of general background on Prop 65 and the  
20 context that we're here in today, because we are aware  
21 that there may be a number of you that aren't as familiar  
22 with the law as some others may be. So we want to just  
23 make sure everybody starts in the same place.

24 Next slide.

25 --o0o--

1 CHIEF COUNSEL MONAHAN CUMMINGS: Sorry, I guess I  
2 could do that.

3 (Laughter.)

4 CHIEF COUNSEL MONAHAN CUMMINGS: Okay. So we  
5 call it Prop 65. But the law that we're here under today  
6 is the Safe Drinking Water and Toxic Enforcement Act of  
7 1986. It was adopted as a ballot initiative. And OEHHA  
8 is the implementing agency for this law. And that means  
9 that we maintain the list of chemicals that are known to  
10 the State to cause cancer and reproductive toxicity, we  
11 have, over the last 30 years, identified about 850  
12 chemicals that meet that criteria.

13 Next slide.

14 --o0o--

15 CHIEF COUNSEL MONAHAN CUMMINGS: Sorry. I did it  
16 again. So the specific requirements of Prop 65 are  
17 actually fairly limited. The -- this law does not ban or  
18 restrict the use of any chemical. It applies only to  
19 businesses with 10 or more employees and does not apply to  
20 governmental entities federal, State, or local.

21 The law requires that businesses warn the public  
22 of significant exposures to the chemicals that are on the  
23 list prior to exposure. Businesses are also prohibited  
24 from discharging significant amounts of the listed  
25 chemicals to sources of drinking water, although there are



1 a number of exceptions to that particular rule.

2 The Attorney General, local prosecutors, and  
3 private citizens can sue to enforce the law civilly. And  
4 just as an aside, even though it's kind of unusual, as the  
5 implementing agency, we actually don't have enforcement  
6 authority under Prop 65. So if you are interested in the  
7 enforcement aspects of the law, that's not what we do  
8 here. We do the science.

9 --o0o--

10 CHIEF COUNSEL MONAHAN CUMMINGS: So just for  
11 context, we -- OEHHA has determined that glyphosate will  
12 be added to the Prop 65 list of chemicals known to the  
13 State to cause cancer. However, the chemical hasn't  
14 actually been physically added to the list yet due to some  
15 litigation that was filed. And we are currently waiting  
16 for a decision from the court of appeal on whether or not  
17 a stay will be entered. It was requested by Monsanto  
18 company. And we haven't heard from the court whether a  
19 stay will be entered.

20 If there is a stay, then we would withdraw this  
21 rulemaking until such time as the chemical or the case is  
22 resolved, because we can't adopt a level for a chemical  
23 that's not listed.

24 So we're proceeding on the assumption that we  
25 would be listing the chemical and we wanted to provide a

1 safe harbor level concurrent with that listing, so that  
2 businesses know when a warning is required or when a  
3 discharge is prohibited.

4           This chemical was listed pursuant to the listing  
5 mechanism we call the labor code listing mechanism. It's  
6 in section 6382(b)(1) of the Labor Code. And it's based  
7 on a finding by the International Agency for Research on  
8 Cancer - we call them IARC - which classified glyphosate  
9 as a Group 2A probably carcinogenic to humans with  
10 sufficient evidence of carcinogenic activity in animals.

11                               --o0o--

12           CHIEF COUNSEL MONAHAN CUMMINGS: So what's a safe  
13 harbor level under Prop 65?

14           That's why we're here today is we're considering  
15 the adoption of a regulation that would establish a safe  
16 harbor level. These are not limits on the use of a  
17 chemical. As I mentioned, Prop 65 does not ban or limit  
18 the use of any chemical, but safe harbor levels are  
19 established for listed chemicals to help businesses  
20 determine when they need to provide a warning, or are  
21 prohibited from discharging the chemical.

22           Businesses can use the safe harbor levels as  
23 guidance by comparing them to the exposure estimates for  
24 their particular product. Businesses are not required to  
25 use the safe harbor levels. They're compliance assistance

1 for businesses. And under our regulations, they are able  
2 to establish a different level, if they choose to do that,  
3 in litigation.

4           When we adopt a safe harbor level, we are  
5 required under our regulations to use evidence and  
6 standards of comparable scientific validity as the basis  
7 of the listing. And you can find more of that criteria in  
8 our regulations. So I've got the citation up here on the  
9 slides.

10           I should mention also that these slides are  
11 available on our website. And so if you're -- if you  
12 didn't get copies or you want to look at them later,  
13 they're available at the same place as the notice and  
14 other information on this rulemaking.

15   --o0o--

16           CHIEF COUNSEL MONAHAN CUMMINGS: So a safe harbor  
17 level for carcinogens is defined in our regulations as the  
18 daily intake level calculated to result in one excess case  
19 of cancer in a population of 100,000 exposed individuals.  
20 So that's the criteria we use, 1 in 100,000 risk level.  
21 And Martha will get into the details of that in a minute.

22   --o0o--

23           CHIEF COUNSEL MONAHAN CUMMINGS: So just -- I  
24 know this is a little bit busy of a slide, but this just  
25 gives you an idea of the process that we follow to adopt a

1 regulation such as this.

2           So we've already done our scientific analysis to  
3 determine what's the most sensitive study that we want to  
4 rely on for this particular rulemaking. We've proposed  
5 the NSRL and released the documents to the public. And  
6 we're at this middle place with the 45-day comment period  
7 actually has been extended to 60 days. And we're having  
8 the public hearing today.

9           The next steps will be that we consider the  
10 comments we receive today and the ones in writing, and  
11 decide whether or not we want to change the level that we  
12 have proposed. If we decide to change the level, we'll  
13 publish another public comment period notice, and the  
14 public can comment on it again.

15           And we keep going around that loop until we come  
16 up with a number that we want to stay with. And once  
17 we've decided to adopt a number, then we publish a  
18 document we call the Final Statement of Reasons, which is  
19 required under the Administrative Procedure Act. We  
20 provide that to the Office of Administrative Law, and they  
21 determine whether or not we've met all the criteria for  
22 adopting a regulation, and if so, then we'll announce on  
23 our website that the regulation has been adopted, and what  
24 the effective date is.

25           Under current law, regulations are effective

1 quarterly, and so it depends on -- when the regulation is  
2 submitted and approved, it depends when they would be  
3 adopted.

4           So I'm going to go ahead and turn it over now to  
5 Dr. Sandy, and she'll go into a little more detail on this  
6 particular NSRL.

7                               --o0o--

8           DR. SANDY: Thank you very much, Ms. Monahan  
9 Cummings.

10           So, let's see, how can I use the pointer? Is  
11 there a pointer function?

12           CHIEF COUNSEL MONAHAN CUMMINGS: I don't know.

13           DR. SANDY: Do you know? I don't want to turn it  
14 off.

15           The red button. Okay.

16           That doesn't seem to work.

17           Well, we won't use a pointer.

18           The -- so right now, we're at the public hearing  
19 stage, but I'm going to talk more about that first box,  
20 the scientific analysis.

21                               --o0o--

22           DR. SANDY: Okay. So the scientific analysis for  
23 NSRL development involves a dose response assessment. And  
24 a dose response assessment is performed to determine a  
25 chemical's likelihood of causing cancer depending on the

1 dose received. The figure on this slide, that graph,  
2 shows a dose response. The fraction of the animals with a  
3 particular biological response - in this case, we're  
4 talking about tumors - is plotted on the vertical axis,  
5 and that's plotted by dose.

6 So at the far left on the bottom zero dose and  
7 dose would increase. And you see that there are four  
8 points on this graph. So as the dose increased, the  
9 fraction of animals in each group with a tumor increased.

10 So we analyze dose response curves like this, and  
11 we estimate the slope of that dose response curve in the  
12 lower dose range, and we derive something we call the  
13 cancer potency estimate. It's an estimate of the slope at  
14 the low dose range. It's a measure of a chemical's  
15 potency as a carcinogen.

16 Now, below that figure, I have another bullet  
17 that talks about exposure assessment. And exposure  
18 assessment is a different type of analysis altogether.  
19 And we have not done one. Exposure assessment is used to  
20 determine the actual level of exposure from a product or  
21 an activity.

22 And exposure assessments for specific exposures  
23 are done by businesses causing the exposure and by others  
24 like us and other groups. And those estimated levels of  
25 exposure can then be compared to the no significant risk

1 level to determine if a warning is required.

2 --o0o--

3 DR. SANDY: So now I'll go through the scientific  
4 process for developing a no significant risk level.

5 First, we estimate the cancer potency by  
6 conducting a dose response assessment, as I discussed in  
7 the previous slide. And a cancer's -- sorry. A  
8 chemical's cancer potency estimate is an independent  
9 measure of that particular chemical's ability to cause  
10 cancer. So some carcinogens are more potent than others,  
11 and some carcinogens are less potent than others.

12 The next thing we do, after we have that cancer  
13 potency, is we calculate a risk specific intake level.  
14 And under Proposition 65, we calculate that level as the  
15 daily intake of a chemical to enter the body that poses a  
16 lifetime risk of cancer of 1 in 100,000. So 1 in 100,000  
17 is our risk-specific level under Proposition 65. And we  
18 define this intake level as the NSRL.

19 --o0o--

20 DR. SANDY: So as mentioned earlier, the  
21 estimation of cancer potency must be based on evidence and  
22 standards of comparable scientific validity to the  
23 evidence and standards which form the scientific basis for  
24 the listing. The listing of glyphosate was based on the  
25 IARC carcinogenicity evaluation. And IARC concluded that

1 there was limited evidence of carcinogenicity from studies  
2 in humans; that there was sufficient evidence from studies  
3 in experimental animals; and that there was strong  
4 evidence that glyphosate has two key characteristics of  
5 known human carcinogens: Genotoxicity and Oxidative  
6 stress.

7           And as shown on the slide, genotoxicity is the  
8 ability to cause mutations and other DNA damage that can  
9 lead to cancer. Oxidative stress is an imbalance in  
10 cellular oxidation status that can result in oxidative  
11 damage to DNA, and genomic instability, and that can also  
12 lead to cancer.

13                           --o0o--

14           DR. SANDY: So for glyphosate, IARC found the  
15 evidence of carcinogenicity from studies in humans to be  
16 limited, and the evidence in animals to be sufficient.

17           OEHHA, in selecting studies for cancer potency  
18 estimation, reviewed the animal studies that are discussed  
19 by IARC in the monograph published in 2015, and identified  
20 the most sensitive study of sufficient quality for a dose  
21 response assessment. And that was a two-year diet study  
22 conducted in male CD-1 mice.

23           This study was performed by Inveresk Research  
24 International. And the study design and findings were  
25 summarized by IARC in 2015, and by the joint FAO/WHO



1 meeting on pesticide residues in 2006. Those FAO and WHO  
2 are entities of the United Nations. The Food and  
3 Agricultural Organization and the World Health  
4 Organization.

5           So the tumor incidence data used in our dose  
6 response analysis are presented in the table on this  
7 slide. You can see that the tumor type that was observed  
8 was hemangiosarcoma. Those are malignant tumors of blood  
9 vessels. And you see that there were -- there was a  
10 control group that received zero dose of glyphosate.  
11 There's three other groups of animals that received either  
12 100, 300, or 1000 milligrams per kilogram per day of  
13 glyphosate.

14           And you can see that the response rate of tumors,  
15 animals with tumors is in that row in the table. And we  
16 did a trend test, so did IARC. And the exact trend test  
17 indicates that this is a -- that you can see the P value  
18 is very low. This indicates that the tumors that were  
19 observed were very likely related to the glyphosate  
20 exposure, and not due to some other random factor. So  
21 these are the data that we modeled.

22           --o0o--

23           DR. SANDY: Now, in selecting the model approach,  
24 we noted that IARC in its conclusion noted that overall  
25 the mechanistic data provides strong evidence for

1 genotoxicity and oxidative stress. There is evidence that  
2 these effects can operate in humans.

3           So OEHHA used the multi-stage polynomial model  
4 for cancer, which is in the U.S. EPA's Benchmark Dose  
5 Software. We applied this model to the data that I showed  
6 you in the previous slide, and we derived a cancer potency  
7 estimate. And this estimate is shown in the table on this  
8 slide as the animal cancer potency. That's the middle  
9 column there.

10           And then we have to take into -- so that's the  
11 animal cancer potency. We did an interspecies scaling  
12 approach to take into account differences in body size  
13 between humans and experimental animals to derive the  
14 human cancer potency. And that is shown in the last  
15 column there. It's very small. It's 0.00062 per  
16 milligram per kilogram per day. So that's the human  
17 cancer potency estimate.

18                           --o0o--

19           DR. SANDY: And then once we have the potency  
20 estimate, we can calculate our risk-specific intake level  
21 for glyphosate. And this slide shows how we do it. We  
22 have the formula. The NSRL is equal to 1 times 10 to the  
23 5th. That is our risk-specific level. That's 1 in  
24 100,000 cases of cancer. And we multiply by the assumed  
25 body weight of a human, 70 kilograms, and then we divide

1 by the cancer potency that I had showed you, and which is  
2 listed here on the slide right below. And then to convert  
3 the units to get micrograms per day, we have to multiply  
4 by that factor of 1000 micrograms per milligram.

5           And in doing -- plugging the number in to this  
6 formula for cancer potency, we get the NSRL as 100  
7 micrograms -- sorry 1100 micrograms per day. So that's  
8 the NSRL we've proposed. And this is the number that can  
9 be compared to estimated estimates of exposure to  
10 determine if warnings are required.

11           Thank you.

12           CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Well, thank  
13 you very much. You know, I had said earlier that we would  
14 take a break at this point, but it's 2:00 o'clock --  
15 actually after 2:00, and I've been looking through the  
16 blue cards, and there's only just a very, very small  
17 number, apparent from the blue cards, of multiple people  
18 from the same group. So I think we're in a good position  
19 to just go on with the public comments, and -- okay. I'm  
20 getting some nodding yes. So that's good.

21           So we're going to start with Laura Hayes and then  
22 to be followed by Joshua Coleman and Heather Kovac.

23           So if -- okay.

24           MR. HAYES: Is it on?

25           Yep. Okay.

1           My name is I'm Laura Hayes. I'm from Granite  
2 Bay, and I'm a parent of three now adult children, and  
3 looking forward to being a grandparent one day. And I'd  
4 like to be a grandparent of healthy children.

5           Members of OEHHA, you have before you a  
6 critically important decision to make. Do you permit the  
7 use of glyphosate, which is now pervasive in the soil in  
8 which our food is grown, the water which we drink, the  
9 meats and foods which we consume, and the air that we  
10 breathe?

11           Do you permit this toxic chemical's use at the  
12 random rate of 1100 micrograms per day per person with no  
13 accurate way to monitor or enforce such a rate, and with  
14 no accounting for a person's age, weight, health status,  
15 types of exposures, or present load of toxins, or do you  
16 permit the use of glyphosate at a lower, but still random  
17 rate, which also cannot be accurately monitored or  
18 enforced, and again without personal factors taken into  
19 account, or do you act on the growing body of evidence  
20 that shows that there is no safe level of glyphosate and  
21 declare that its use will no longer be permitted in the  
22 State of California?

23           At this point in time, and we'll hear from some  
24 of our esteemed scientists today, we know that glyphosate  
25 is both tumorigenic and carcinogenic, meaning that it

1 causes both tumors and cancer. We know that it causes  
2 cancer cells to proliferate, whether it was the original  
3 cause of those cells or not. We know that glyphosate is a  
4 neurotoxin, meaning that it damages the brain. We know  
5 that it is an endocrine system disruptor, meaning that it  
6 adversely affects hormones causing developmental,  
7 reproductive, neurological, and immunological problems.

8           We know that glyphosate can substitute for  
9 glycine during protein synthesis. I have attached a list  
10 from Dr. Stephanie Seneff of MIT, which explains the many  
11 negative health consequences that result when glyphosate  
12 substitutes for glycine during protein synthesis. She  
13 considers one of the most serious consequences to be the  
14 disruption of the digestive enzymes which can result in  
15 autoimmune disease.

16           To break things down to a very practical level,  
17 here are a few questions to consider:

18           Number one, if I asked you which apple you wanted  
19 to eat, or feed to your child, or grandchild, would you  
20 choose the one sprayed with poison, i.e. with glyphosate,  
21 or the one not sprayed with poison, the clean and  
22 untainted one?

23           Question 2, if I asked you which glass of water  
24 you wanted to drink, or give to your child, or grandchild,  
25 would you choose the one in which glyphosate runoff was

1 present, or the one without a known carcinogen and no  
2 neurotoxin included?

3           Question 3, if I asked you which plate of food  
4 you wanted to eat, or give to your daughter, or  
5 granddaughter, who was breast feeding her newborn, would  
6 you choose the plate of food on which the meat, potatoes,  
7 vegetables, and roll were all heavily laced with the skull  
8 and cross bones labeled glyphosate whose Monsanto testers  
9 wear Hazmat suits when field testing it, or would you  
10 choose the plate of food cleanly raised and which was  
11 grown with no known health hazards?

12           Final question. How will you answer your spouse,  
13 children, and grandchildren who receive a cancer  
14 diagnosis, who struggle with infertility, who suffer from  
15 thyroid problems, who are brain damaged in some way, or  
16 who succumb to any of the myriad health and development  
17 issues now plaguing our population in never seen before  
18 numbers, when they ask you if you personally ever  
19 permitted anything known to be carcinogenic, neurotoxic,  
20 or hormone and endocrine disrupting, during your tenure at  
21 OEHHA?

22           Each of you knows what the right thing to do is.  
23 The question is, will you choose to do it?

24           Thank you.

25           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

1           Okay. Next speaker Joshua Coleman from Autism  
2 File Magazine, followed by Heather Kovac and then Janelle  
3 Lewis.

4           MR. COLEMAN: Hi. My name is Joshua Coleman.  
5 And I'm a California resident. I was born and raised  
6 here. I'm just going to keep this short and sweet. I'm  
7 not comfortable with any level of poisons, glyphosate, in  
8 California. And I'm hoping that we will completely limit  
9 it to nothing.

10           Thank you.

11           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

12           Heather Kovac followed by Janelle Lewis and then  
13 Anthony Samsel.

14           MS. KOVAC: Good afternoon. Thank you for having  
15 this hearing. I'm Heather Kovac from South Lake Tahoe.

16           I would like to say I agree entirely with Laura  
17 Hayes and also Josh. I think it's alarming how we're  
18 finding glyphosate in just about everything we eat and  
19 drink and that it's even supposed to be organic. And as a  
20 mother of two boys, I hope that you could come to no safe  
21 level for this chemical.

22           Thank you.

23           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

24           The next speaker Janelle Lewis, followed by  
25 Anthony Samsel and Olivia Kannier.

1 MS. LEWIS: Good afternoon. My name is Janelle  
2 Lewis. I'm a mother, a grandmother, a long-time  
3 credentialed teacher, and an advocate, an activist for  
4 people with developmental disabilities, many of whom have  
5 been tragically impacted by environmental toxins,  
6 including pesticides.

7 I'm passionate about researching and  
8 understanding the impact that environmental toxins are  
9 having on the health and well-being of our children.

10 Many thanks to all who have been involved with  
11 adding glyphosate to the California State Proposition 65  
12 toxics list. When an NSRL, no significant risk level, for  
13 glyphosate is established, that level must be 0.

14 Exposure to glyphosate is not in isolation. It  
15 acts synergistically and cumulatively affecting different  
16 individuals very differently, and unpredictably based on  
17 age, weight, genetic pre-disposition, previous toxic  
18 exposures, existing health conditions, many, many factors.

19 It is preposterous to say that there is any level  
20 of glyphosate exposure without significant risk for a new  
21 born baby, for example. What is the risk level for  
22 someone who already suffers from myriad health problems  
23 from severe toxic exposures. We do not know the risk  
24 levels for any one person at any given time in their  
25 lives. I hope this is taken into consideration when



1 science is evaluated.

2           For many years, I was a classroom teacher for  
3 children of migrant farm workers in Central California.  
4 Those children, and their families, intimately knew about  
5 the risks of glyphosate exposure, even though they were  
6 told that their exposure to glyphosate was perfectly safe.

7           They knew enough not to eat, nor to let me eat,  
8 the crops that came from the fields in which they worked,  
9 fields that were heavily sprayed with Roundup. The  
10 parents told me stories about frequent miscarriages, about  
11 skin and eye lesions, about respiratory problems, and  
12 vomiting, and about cancers that resulted from working in  
13 the fields. They knew first-hand the cause of their  
14 health problems. They did not need a scientist to tell  
15 them.

16           A recent UCLA study, which I've attached in my --  
17 to my statement, found that the advanced thyroid cancer  
18 rate in some California counties is well above the  
19 national average. The research suggested that there was  
20 an environmental component in explaining why the incidence  
21 of advanced stage thyroid cancer is much higher in  
22 California than the national average.

23           Dr. Avital Harari, a member of the UCLA Jonsson  
24 Comprehensive Cancer Center, said, "California has the  
25 largest amount of farmland in the country, so this type of

1 exposure could very well contribute to our cancer rates".

2           The research continues in investigating the links  
3 between thyroid cancer and exposure to pesticides. People  
4 deserve to know the risks associated with glyphosate  
5 exposure, whether they are working in agriculture,  
6 shopping at the grocery store, feeding a pet, or playing  
7 on a sports field, they deserve to know that there is no  
8 guaranteed safe amount of exposure.

9           We all come with different accumulated toxic  
10 loads with differing synergies, with different health  
11 profiles, different genetic makeups, different ages.  
12 There is no safe allowable daily exposure to glyphosate  
13 for any of us.

14           Thank you.

15           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

16           Next speaker Anthony Samsel, Samsel --  
17 representing Samsel Environmental and Public Health  
18 Services, followed by Olivia Kannier, and then Zen  
19 Honeycutt.

20           DR. SAMSEL: First, I'd like to thank the panel  
21 for this opportunity to speak, and address this issue on  
22 the proposed no significant risk level for the chemical  
23 glyphosate to be adopted into regulation in Title 27.

24           I'd first say that there are no save levels of  
25 glyphosate. That statement originated with me in my

1 studies over the past several years. I've written six  
2 papers on the subject, and I have two more in process.  
3 I'm continuing the research on glyphosate.

4           Glyphosate is a synthetic amino acid and analog  
5 of our canonical amino acid glycine. It participates in  
6 both plant and animal biology. Contrary to what was  
7 originally thought by Monsanto that it only affected  
8 plants, archaea, and bacteria.

9           One microgram of glyphosate technical acid,  
10 phosphonyl -- n-phosphonylmethyl glycine contains 3.561  
11 trillion molecules. Each of those molecules are capable  
12 of integrating with protein altering shape, folding, and  
13 function.

14           I am a U.S. scientist and hazardous chemical  
15 material consultant, an expert on the subject of  
16 glyphosate. I'm one of the few people that received all  
17 of Monsanto's trade secret studies of glyphosate from the  
18 U.S. EPA, the federal agency supplied me these documents,  
19 in excess of 100,000 pages.

20           I now have six peer-reviewed papers. I call on  
21 the California Environmental Protection Agency to  
22 immediately ban this chemical and not to set a limit of  
23 1100 parts per billion for this chemical. There should be  
24 zero tolerance for this chemical, and I'll explain.

25           Monsanto claims glyphosate to be safe to animals

1 and humans, because they do not possess the Shikimate  
2 pathway, a pathway which is disrupted by glyphosate in  
3 plants, archaea, and bacteria. Glyphosate is known to  
4 disrupt the enzyme EPSP synthase  
5 5-enolpyruvylshikimate-3-phosphate synthase.

6           However, this statement is now inherently false.  
7 As glyphosate was found by Samsel in 2016 to inhibit  
8 digestive enzymes, and others found in animals and humans,  
9 glyphosate is a protease inhibitor, including digestive  
10 enzymes. Such disruption of human enzymes is well known  
11 to lead to a host of modern diseases including cancer.

12           Again, lysozyme is an antibacterial enzyme that  
13 is an integral part of the innate immune system of humans  
14 and other animals. Monsanto found significant tissue  
15 damage to all glands and organs in their two-year  
16 long-term studies of glyphosate in mice and rats. Tissue  
17 damage stimulates the production of fibrocytes.

18           Glyphosate reaches the end of the line in the  
19 capillaries in the extra cellular matrix, where it is  
20 escorted one molecule at a time into the cell where it  
21 participates in protein synthesis and is excreted by the  
22 cell. This I noted in my past two papers, Glyphosate 5  
23 and 6.

24           Fibroblasts also produce the structural proteins,  
25 which include the 27 stypes of collagen, elastin

1 glycosaminoglycans and the glycoproteins of the extra  
2 cellular matrix. So glyphosate is along for the ride,  
3 even bridging assembling strands of proteins affecting  
4 shape, folding, and function. Glyphosate should not be  
5 part of any biology.

6           Also, fibrocytes and fibroblasts are differing  
7 states of the same cell the fibroblasts of which are  
8 involved in immune regulation via TAF-derived elements of  
9 the ECM and modulators. These ECM components, like TSP-1  
10 are associated with sites of chronic inflammation and  
11 carcinomas. This is where glyphosate causes many funky  
12 cancers, as its association with fibroblasts.

13           I've published results of lab analysis and  
14 experiments of glyphosate integration with structural  
15 proteins. You'll note that Stephanie Seneff, my  
16 colleague, is also coauthor on all of these papers with  
17 me. The laboratory work and the enzyme research is my  
18 ongoing work. And I'd be happy to supply any additional  
19 information to you folks.

20           Protein function involves ligation of ions in  
21 both small and large molecules through random collisions.

22           Oops, sorry. Could I take one minute?

23           CHIEF DEPUTY DIRECTOR HIRSCH: If you could  
24 wrap-up, yeah.

25           DR. SAMSEL: Okay. Protein function involves

1 ligation of ions of both small, large molecules through  
2 random collisions. The ligation involves the wrapping of  
3 the substrate around protein, which changes its shape,  
4 blocks its ability to function.

5           In conclusion, glyphosate -- excuse me. In  
6 conclusion, the fact that glyphosate integrates with human  
7 enzymes, as published in our last paper, should be enough  
8 reason to ban the chemical completely and also to prevent  
9 any level of glyphosate being allowed into the food  
10 supply.

11           There should be no glyphosate in the food supply  
12 nor in drinking water, air, or soil. Glyphosate is a  
13 synthetic amino acid that should have no place in biology.

14           We are but one biosphere. What affects one,  
15 affects all.

16           CHIEF DEPUTY DIRECTOR HIRSCH: All right. Thank  
17 you.

18           Next speaker, Olivia Kannier followed by Zen  
19 Honeycutt and Nicholas Chavez.

20           MS. KANNIER: I'm Olivia Kannier, a concerned  
21 mother. And I'm in agreement with the commentary of all  
22 the previous speakers.

23           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

24           So then the next speaker Zen Honeycutt from Moms  
25 Across America, and then followed by Nicholas Chavez and

1 Stephen C. Frantz.

2 (Thereupon an overhead presentation was  
3 Presented as follows.)

4 MS. HONEYCUTT: My name is Zen Honeycutt, and I'm  
5 a mom of three boys who had severe health issues before we  
6 began avoiding glyphosate in our diet. I'm also the  
7 founder and director of Moms Across America. And I speak  
8 on behalf of thousands of mothers and families who are  
9 struggling with health issues in California.

10 We do not want any glyphosate exposure to our  
11 children through food, water, the environment, or any  
12 products. We want the current products, which do contain  
13 glyphosate, to be immediately labeled. The current  
14 scientific data and skyrocketing numbers of our children  
15 and family members with chronic illness and cancer show us  
16 that the only ethical action for the California EPA to --  
17 is to declare a no safe level of glyphosate, zero.

18 Before you dismiss this request as unreasonable,  
19 consider that the amount of glyphosate in our food and the  
20 OEHHA current proposal is actually what is unreasonable.

21 The levels of glyphosate in our food currently,  
22 and the risk we face due to the allowable levels of  
23 glyphosate residues are -- as set by the EPA are as  
24 follows:

25 This is for a 22 pound child throughout the day.

1                   --o0o--

2           MS. HONEYCUTT: On the left side, you can see --  
3 go ahead. On the left side, you can see the amount that  
4 has been detected by the FDA. On the right side, you can  
5 see the amount that is allowed by the EPA.

6                   --o0o--

7           MS. HONEYCUTT: Again, on the left side, 1640  
8 detected, for hummus and pita, on the right side allowed,  
9 5100. This is micrograms per kilograms. This math is all  
10 checked over by a scientist.

11                   --o0o--

12           MS. HONEYCUTT: Ug's detected for -- milk. There  
13 is no detected -- there is no allowable level by the EPA  
14 in milk.

15                   --o0o--

16           MS. HONEYCUTT: Corn chips up to 2547. Are you  
17 showing -- they can see?

18           Okay. Thank you.

19                   --o0o--

20           MS. HONEYCUTT: And then berries allowed 22  
21 milligram per kilogram.

22                   --o0o--

23           MS. HONEYCUTT: Pasta, 560.

24                   --o0o--

25           MS. HONEYCUTT: I'm sorry, this one shouldn't be



1 in here, because we couldn't determine eggs and all that.

2 Orange juice.

3 --o0o--

4 MS. HONEYCUTT: Water, this is per day.

5 --o0o--

6 MS. HONEYCUTT: Eggs. This actually exceeds the  
7 amount that has been detected -- exceeds what the EPA  
8 allows.

9 --o0o--

10 MS. HONEYCUTT: In one piece of toast and jam, we  
11 will -- a child is currently right now exceeding the  
12 level -- the proposed NSRL.

13 --o0o--

14 MS. HONEYCUTT: So the total intake of a child in  
15 America today is currently 2 -- at least 2.2 times higher  
16 than the proposed NSRL. And the allowed -- the risk that  
17 they are - you have to consider the risk of the EPA is -  
18 5.6 times higher.

19 So it's clear that the amount of glyphosate in  
20 our children are and could be exposed to, according to the  
21 EPA, is millions of times higher than has been shown to  
22 cause liver disease, destroy the gut bacteria or cause  
23 cancer.

24 According to the law, which is 25703, California  
25 Code of Regulations, this was not followed. The OEHHA is

1 supposed to consider all available studies showing harm,  
2 including epidemiological studies, for exposure, for  
3 example, in Mesnage and Michael Antoniou's study of four  
4 nanograms per kilogram caused liver disease, which  
5 predisposes cancer. This study is 4 -- this level is 4000  
6 times lower than the proposed NSRL.

7 Carrusco and Monika Kruger's study, glyphosate  
8 has shown to destroy beneficial gut bacteria at 0.1 parts  
9 per billion, which is in micrograms, and promote the  
10 proliferation of pathogenic gut bacteria.

11 The gut bacteria is where 70 percent of the  
12 immune system lies, making a child much more likely to get  
13 cancer. And cancer is now the number one or two killer of  
14 children in America today.

15 High levels of daily glyphosate exposure can  
16 create an environment for the gut for Candida and fungus,  
17 which cause inflammation and can contribute to autoimmune  
18 disease and cancer. Destroyed gut bacteria cannot expel  
19 heavy metals properly. The toxins build up in the liver  
20 and the body, which can lead to cancer.

21 When glyphosate destroys the gut bacteria, the  
22 gut biome can no longer make essential hormones, which can  
23 lead to multiple forms of cancers such as thyroid,  
24 non-Hodgkin's lymphoma, breast and reproductive cancers.

25 One out of two males and one out of three females

1 in America are expected to get cancer today. The lowest  
2 level of glyphosate showing harm is Thongprangisang's  
3 study of one part per trillion showing glyphosate  
4 stimulating the growth of breast cancer in vitro. This  
5 means, according to the EPA, that the lowest level should  
6 be 100-fold less -- the NSRL should be 100-fold less than  
7 this, which is actually ten parts per quadrillion, which  
8 is picograms.

9           This is millions of times lower than the proposed  
10 NSRL. However, because of Ridly and Mirely's and Monika  
11 Krueger's study showing that glyphosate bioaccumulates in  
12 the bone marrow, that ten parts per quadrillion should be  
13 a one-time lifetime exposure, not daily. Bioaccumulation  
14 is why there is no safe level of glyphosate.

15           I want you to know, I know I just have seconds  
16 left, I get contacted by moms every day that they have  
17 chronic illness or cancer. I am a avoid -- my son is  
18 avoiding cancer by avoiding glyphosate. He had gut  
19 inflammation. But we can afford organic. What about the  
20 families that cannot afford organic. You have an  
21 opportunity for all of Californians to help the people who  
22 cannot afford organic to reduce their exposure of  
23 glyphosate because we know that when they -- we have a no  
24 safe level of glyphosate, food companies will have to  
25 label their food. And instead of labeling their food,

1 they will take ingredients out that contain glyphosate.

2 We can shift the health of the entire State and  
3 country by you setting a no safe level of glyphosate.

4 Thank you so much.

5 (Applause.)

6 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you. And if  
7 there are other presentations, just so you know, the three  
8 of us up here have screens. So if we're not turning  
9 around and looking at it, it doesn't mean that we're not  
10 interested. We're following it on our screens here.

11 Okay. Nicholas Chavez United Farm Workers,  
12 followed by -- and I'm sorry. I'm not getting the name  
13 right -- Stephen C. Frantz, and Michelle Perro.

14 MR. CHAVEZ: Good afternoon. My name is Nicholas  
15 Chavez and I'm here on behalf of Arturo Rodriguez,  
16 President of United Form Workers, who has asked me to make  
17 a statement on behalf of the United Farm Workers.

18 Thank you for the opportunity to address the  
19 Office of Environmental Health Hazard Assessment regarding  
20 the proposed no significant risk level of Roundup.

21 For over 50 years the United Farm Workers has  
22 worked against farm worker exposure to harmful  
23 cancer-causing pesticides. And has worked to protect farm  
24 workers and consumers from systematic poisoning through  
25 the reckless use of agricultural toxins and chemicals.

1           There is nothing the UFW cares more about than  
2 the lives and safety of our farm worker families. There's  
3 nothing we share more deeply in common with the consumer  
4 of our food than the safety of all food of us -- the food  
5 that we are relying upon.

6           What good does it do to achieve economic progress  
7 for people when their health is destroyed in the process.  
8 What good does it do to buy California when the food we  
9 are buying is not safe?

10           Just last month, the pesticide spraying stopped  
11 farm workers from harvesting in Bakersfield. The workers  
12 were in the process of harvesting cabbage when they began  
13 to get sick. About 12 reported symptoms from vomiting,  
14 nausea, and one person fainted.

15           In the end, more than 50 farm workers were likely  
16 exposed to the chemical ingredients that damage parts of  
17 the brain that controlled language, memory, behavior, and  
18 emotion. Farm worker poisoning and illegal use of  
19 pesticides is commonplace in our State.

20           And because our people are so poor, because the  
21 color of our skin is dark, because we often don't speak  
22 the language, because we are not documented, because we  
23 face renewed threats of deportation, because farm workers  
24 are less likely to report these poisonings to local and  
25 State officials, the UFW must stand up today against the

1 further threats to health, safety, and lives.

2 Roundup has recently gained attention over the  
3 last several years for the increased association of the  
4 product and its ingredients known to cause cancer by the  
5 State.

6 Today, we are discussing labeling the same  
7 product as safe based on the level of just one of its  
8 ingredients. However, the report and studies done did not  
9 factor in our study the other ingredients in Roundup's  
10 recipe, which are known to the State to cause cancer.

11 Users spray Roundup. They don't just spray one  
12 ingredient of Roundup. Labeling a product as safe, when  
13 it is not known -- when it has not been properly studied  
14 will continue to expose Californians and farm workers to  
15 dangerous chemicals known, and possibly unknown to the  
16 State, to cause cancer.

17 This is reckless. The UFW requests you to use  
18 science responsibly by testing the product used by  
19 millions before determining what level of cancer-causing  
20 chemicals is safe. The UFW requests you don't turn a  
21 blind eye to the other ingredients. Recommending a label  
22 that is safe, when so much information about Roundup  
23 remains unknown, puts a significant risk to farm workers,  
24 who harvest our food, and to our communities and the  
25 families who use the product at home.

1 Thank you.

2 (Applause.)

3 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

4 Okay. The next speaker, and probably the third  
5 time I'm not getting this name right, Stephen C. Frantz?

6 DR. FRANTZ: Frantz.

7 CHIEF DEPUTY DIRECTOR HIRSCH: Frantz. Okay. My  
8 apologies. And followed by Michelle -- Dr. Michelle  
9 Perro, and then after that Pedram Esfandiary.

10 DR. FRANTZ: Hi. I want to thank the California  
11 EPA for this opportunity to provide information and/or a  
12 new perspective regarding the recently proposed NSR --  
13 NSLR[sic]. Unfortunately, coming this late, a lot of my  
14 stuff has already been said, so I'm going to have to edit  
15 as I go along.

16 But a concern I've had over the years is that as  
17 industrial agricultural applications of glyphosate has  
18 expanded, so has the contamination of food and water  
19 increased. And in response, the U.S. authorities have  
20 periodic -- periodically elevated the maximum allowable  
21 "safe" - put that in quotes - amount of glyphosate residue  
22 in what we eat and drink. In essence, these are pragmatic  
23 decisions to accommodate existing real-world residue  
24 levels of existing agricultural practices. This is not  
25 reliable science. It does not follow the precautionary

1 principle, and I just want to make sure that's observed.

2           Let's see, toxicity was one of my issues.  
3 Glyphosate doesn't follow the typical dose-response curve.  
4 It's not linear -- it's non-linear as are, you know,  
5 recognized for many endocrine disruptors.

6           And I think this was mentioned already, but  
7 Monsanto's own data they showed that about 30 percent of  
8 ingested glyphosate is retained in animals. The rest is  
9 excreted, but about one percent of it is retained. And I  
10 think Anthony mentioned this as it crosses the cell  
11 barrier and so on, that gets into our biology, which is a  
12 really tragic issue.

13           I mean, we're dealing with glycine. Glycine is  
14 very critical to our survival, and we don't mess with  
15 glycine. We just don't do that.

16           Let's see, I won't go through the -- how the  
17 toxicity occurs. Although, I should mention, to  
18 reemphasize this, that glyphosate does constantly  
19 circulate in the bloodstream. It's also in the lymphatic  
20 system, and the cerebral spinal fluid. And it circulates  
21 for about two weeks. I mean, it's a long time.

22           And so while you're -- while that's circulating,  
23 you're also gaining more doses as you eat more -- ingest  
24 more -- whether it's ingesting, drinking, inhaling, or  
25 vaccines. Vaccines have glyphosate too.



1           And I think it's really important again to  
2 under -- to emphasize that those malformed proteins that  
3 Anthony talked about, you know, that are excreted back out  
4 into the extracellular matrix, and -- but then they're  
5 participating in cell management communication, and in  
6 tissue structure.

7           This is crazy. I mean, this is -- I mean, for  
8 example, collagen will be utilized -- that collagen that  
9 comes out will be utilized in bone, skin, muscle, tendons,  
10 cartilage, teeth, whatever. But the integrity and  
11 functionality of it is now defective. And as Anthony  
12 mentioned also, I mean -- or consider other proteins that  
13 are coming out, such as digestive enzymes that can no  
14 longer function in breaking down food into nutrients that  
15 can be absorbed by our bodies. This negatively affects  
16 our biology at very funda -- at a very fundamental level.

17           Let's see. Well, this kind -- it just kind of  
18 reiterates what so many other people said. I mentioned  
19 about circulating for up to two weeks. And it's  
20 everywhere in our body, all tissues, organs, and bodily  
21 fluids. And how many different exposures are likely to  
22 occur in a day, a week, or a month? How large is this  
23 exposure? What is the frequency of such exposures? And  
24 how could one possibly regulate with any degree of  
25 accuracy their intake? It's virtually impossible to

1 protect oneself from this all-pervasive chemical.

2 I want to go to another issues, because it's kind  
3 of basic in how we review this. It's administrative and  
4 related to scientific problems. The cancer-related data  
5 that has been provided over the years by the EPA has  
6 recently been brought into question, because of parent  
7 collusion between Monsanto and certain individuals at the  
8 EPA all for the benefit of Monsanto.

9 Because of this apparent collusion, U.S.  
10 Congressman Ted Lieu recently issue a press release  
11 stating that consumers should -- quote, "Consumers should  
12 immediately stop using Roundup because the non-Hodgkin's  
13 lymphoma risk as determined by IARC".

14 And then his release also suggested that the  
15 Department of Justice investigation is warranted to look  
16 at any potential misconduct by employees at the EPA. A  
17 week ago, the EPA's Inspector General, part of the DOJ,  
18 requested the EPA OIG, Office of Investigations, quote,  
19 "Conduct an inquiry into several agency glyphosate review  
20 related matters". It's a big deal.

21 The entire relationship between Monsanto and the  
22 EPA appears to have been corrupt for many years.  
23 Therefore, the glyphosate regulatory decisions of the EPA  
24 over those years are certainly questionable, including the  
25 original registration of glyphosate and the ongoing

1 re-registration process.

2           Until the tainted administrative and scientific  
3 issues are properly sorted out, glyphosate should not be  
4 allowed on the market at any concentration, because the  
5 potential risks are and have been far too great.

6           Overall, glyphosate poses an unreasonable risk of  
7 adverse effects to humans, animals, and the environment.  
8 There is no quote, "safe level", end quote for glyphosate,  
9 and it should not be in our food supply, water, air, soil,  
10 or vaccines. It causes damage wherever it goes.

11           (Applause.)

12           DR. FRANTZ: Thank you.

13           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

14           Okay. Next speaker, I think, it's Michelle  
15 Perro?

16           DR. PERRO: Correct.

17           CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Followed  
18 by -- and another name I'm probably not getting right --  
19 Pedram Esfandiary, and followed by Bob McFarland.

20           DR. PERRO: Hi. Good afternoon. Thank you for  
21 having me. And I'm hoping I'm going to be able to pose  
22 some more concerns that I have than questions.

23           I'm an integrative pediatrician. I've been doing  
24 pediatrics for the past 36 years. I'm old and I'm  
25 actually a little tired. The reason why I'm tired is

1 because I take care of chronically ill kids. Kids are  
2 tough.

3           What I'm seeing now are sicker kids. One in two  
4 children have a chronic disease. The way -- the place  
5 where these diseases lurk are in immune dysfunction. Now,  
6 I know we're here to talk about carcinogenic aspects and  
7 the NSRL, but in children that's really hard to study,  
8 because cancer takes a long time to develop. You're not  
9 going to see any kids.

10           As a matter of fact, the rate of cancer in  
11 children has only slowly grown to -- and yes, it's the  
12 second leading cause of death. It's increased 50 percent  
13 in the past 40 years, but it's not very high right now.

14           But what is high are autoimmune diseases. And  
15 that is probably within the second -- within the 10 top  
16 leading cause of death in female children.

17           So what we're seeing now is Immune dysfunction in  
18 children based on gut dysfunction, which then leads to  
19 autoimmune disease, which is on the rise and I can give  
20 you those stats, which is the precursor to cancer. So to  
21 talk about cancer specifically is problematic for  
22 children. So that's my first point.

23           The reason -- the other problem is that  
24 glyphosate is -- it's a toxic substance. Some children  
25 will be able to clear it. Some can't. There are two

1 mechanisms for detoxification. One is your gut  
2 microbiome, and the second is your liver.

3 Now, we have two problems there. The gut  
4 microbiome is affected by glyphosate, because it's a mild  
5 antibiotic. We all know that Monsanto patented that in  
6 about 2002 as an antibiotic. We know that. That's basic  
7 knowledge.

8 And so what's problematic with the liver is that  
9 your liver is your second line of defense for  
10 detoxification. What Michael Antoniou and his group out  
11 of Kings College so eloquently showed, and you heard this  
12 study already mentioned, is that glyphosate in levels -  
13 and he used Roundup specifically - in levels of 0.1 parts  
14 per billion caused -- it wasn't correlated, it caused  
15 liver damage leading to nonalcoholic fatty liver disease,  
16 precursor to NASH non-alcoholic steatohepatitis, precursor  
17 to cirrhosis.

18 We know that in obese children, which affects  
19 right now 20 percent of American children, that group 30  
20 percent now have non-alcoholic fatty liver disease. So we  
21 now have kids who have an impaired gut function called  
22 dysbiosis. We have children of secondary liver toxicity,  
23 secondary to glyphosate and whatever other chemical soup  
24 they're being exposed to, because we don't actually look  
25 at it. Some can handle the toxins and toxicants, some

1 cannot.

2           Who can and who cannot? It's unknown. It's not  
3 been studied. What the gut microbiome looks like in  
4 children not been studied. The effect of pesticides on  
5 this not been studied. We know that pesticides are now  
6 looking at antibiotics as pesticides. That's where it's  
7 going.

8           So how to determine what a safe level is is  
9 nearly impossible, because we don't know. And because  
10 we're all individual, it will not affect all children  
11 equally.

12           This formula that you placed, thank you so much,  
13 the NSRL formula ten to the fifth times 70 kilos, well  
14 that's for a 70 kilo adult male or female, and not a three  
15 kilo baby. So the formula doesn't pertain to children.  
16 So we have all sorts of problems with these formulations  
17 and the pediatric population.

18           So because I'm hoping you can help me with my  
19 clinical practice, you're invited to come with me to my  
20 office any day and see what I deal with. I see what you  
21 deal with here. This is -- you can keep this. I'll keep  
22 my clinic.

23           (Laughter.)

24           DR. PERRO: I need some help, because I have  
25 found that there's no safe level of glyphosate. You

1 should also know that I have learned to treat glyphosate  
2 poisoning. And I've been successfully abled it -- to  
3 clear it from children. And I actually do glyphosate  
4 testing using a lab. So I can test for it, I can treat  
5 it, I can clear it, and kids get better.

6           What's problematic is that this is not general  
7 knowledge. Most pediatricians don't do this or know about  
8 it. I've been doing this about -- for about decade, and I  
9 have a book coming out about it in November, where I wrote  
10 about it, because I'm so concerned about the state of our  
11 children's health.

12           Thank you.

13           (Applause.)

14           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you very  
15 much.

16           Okay. Next speaker, and feel free to correct my  
17 pronunciation here, Pedram Esfandiary from Baum, Hedlund,  
18 and -- sorry. Baum, Hedland Associates, followed by Bob  
19 McFarland and then Donna Farmer.

20           MR. ESFANDIARY: Thank you, Mr. Hirsch. You  
21 pronounced my name beautifully by the way. And I'm from  
22 an associate attorney at Baum, Hedlund, Aristei & Goldman.  
23 It's a Los Angeles based law firm. Thank you for the  
24 opportunity to make a statement regarding the issues for  
25 the proposed NSRL.

1           Firstly, the California Code of Regulations  
2 section 25703, which the Initial Statement of Reasons  
3 purports to follow, specifically requires appraisal of  
4 epidemiologic data in a quantitative assessment for a no  
5 significant risk level.

6           Although OEHHA relies upon a single animal  
7 bioassay as required by the statute, it fails to consider  
8 any epidemiological studies. This falls short of the  
9 statute's requirement that equality and suitability of  
10 available epidemiologic data be appraised.

11           Epidemiologic analysis would provide robust and  
12 comprehensive evaluation of a chemical which most users  
13 absorb via cutaneous and respirational contact. Because  
14 OEHHA has not accounted for an epidemiologic data, the  
15 proposed safe harbor does not conform to the requirements  
16 of the Code of Regulations for quantitative risk  
17 assessment and should be reconsidered accordingly.

18           Furthermore, it is questionable whether the  
19 proposed safe harbor has considered a sufficient number of  
20 animal bioassays. OEHHA reviewed a two-year rodent  
21 carcinogenicity study where 50 male CD-1 mice were fed a  
22 diet containing glyphosate at concentrations intended to  
23 achieve dose rates of 100 -- sorry 0, 100, 300, and 1000  
24 milligrams of glyphosate per kilogram of body weight per  
25 day.



1 Tumor incidence was observed in the 1000  
2 milligrams per day dose group. However, other studies  
3 have found the development of tumors at significantly  
4 lower doses, including Lankas in a 1981 study, where  
5 lymphocytic hyperplasia was observed at 11 milligrams per  
6 kilograms per day in Sprague-Dawley rats.

7 Wood et al. found lymphoid hyperplasia at low-  
8 and mid-doses in males at 71.4 and 234.2 milligrams per  
9 body weight per day, in a study where malignant lymphomas  
10 were also observed significantly induced at 110 milligrams  
11 per kilograms per day.

12 And Lankas again observed testicular interstitial  
13 tumors in male Sprague-Dawley rats, which demonstrated a  
14 significant trend and a significant pairwise comparison  
15 between control and the high dose of 31.49 mg per  
16 kilograms per day.

17 And Stout and Ruecker noted pancreatic islet cell  
18 adenoma in male Sprague-Dawley rats demonstrating a  
19 significant pairwise comparison relative to controls at  
20 the low dose 89 mg per kg per day in 1990.

21 Indeed, all of these studies were considered by  
22 the EPA's Scientific Advisory Panel, the SAP, charged with  
23 evaluating the 2016 EPA glyphosate issue paper.

24 Specifically, the 2009 study of Wood et al. were  
25 malignant lymphomas were observed in male rats using 810

1 milligrams per kilograms per day dose rate, achieved a  
2 clear dose response and was supported by findings in an  
3 additional 18-month study.

4           A significantly lower NSRL would thus be reached  
5 using the data from such studies, which found  
6 carcinogenesis and lymphogenesis at lower doses than the  
7 study considered by OEHHA in determining the safe harbor.

8           Moreover, the Initial Statement of Reasons does  
9 not propose how exemption from the Prop 65 requirement,  
10 based on the NSRL, would function in practice. Glyphosate  
11 is -- or Roundup rather, is used in a variety of different  
12 industries, by different applicators with varying exposure  
13 levels.

14           For example, it is not clear whether a particular  
15 user falls within the safe harbor if throughout the course  
16 of a week, they're exposed to varying levels, including  
17 1100 micrograms, 2200 micrograms, and 3500 micrograms. It  
18 is not clear how such a high NSRL, which has been  
19 calculated absent consideration of any epidemiologic human  
20 adverse data, or a sufficient number of animal bioassays  
21 is reconcilable with a known fact that glyphosate is a  
22 human carcinogen as response by the IARC and known to the  
23 State of California.

24           The public would not be exposed to high levels of  
25 a cancerous chemical without more extensive investigation

1 and analysis by OEHHA of the available data in an effort  
2 to follow the requirements of the Code of Regulations.

3 Thank you for your time.

4 (Applause.)

5 CHIEF DEPUTY EXECUTIVE OFFICER HIRSCH: Okay.  
6 Thank you.

7 Next speaker Bob McFarland followed by Donna  
8 Farmer and James Bus.

9 MR. McFARLAND: Good afternoon. And thank you  
10 for this opportunity.

11 I understand that OEHHA is one of the most  
12 progressive and concerned regulatory agencies in the  
13 country, and we thank you for that.

14 I was very moved by listening to -- by the way,  
15 my name is Bob McFarland. I'm the president of the  
16 California Guild. The California Guild is one of the  
17 oldest agricultural organizations in the country. We  
18 incorporated in 1946, and we have over 5,000 members  
19 serving 80 communities across California.

20 I was very moved by the gentleman from the UFW  
21 who spoke about the workers out there in the fields, and  
22 their exposure to glyphosate. And I just have this  
23 terrible scene of them out there harvesting the food we  
24 eat while the owner is off in corporations sit in their  
25 living rooms watching the Giants/Dodgers game.

1           So I think we -- it's really -- we need to be  
2 very much aware of the people that come into physical  
3 contact with this herbicide.

4           I'd like to introduce today that there's more  
5 concerns than just health concerns regarding glyphosate.  
6 There's a movement across the globe to ban glyphosate from  
7 countries like the Netherlands, and Sri Lanka, and  
8 Colombia, Bermuda, Malta, Argentina, El Salvador, Germany,  
9 and France. And this will continue, because the studies  
10 that are being done and the evidence that is coming out  
11 about this harmful chemical is going to cause more  
12 countries to ban this.

13           That's going to affect the economic health of  
14 farmers in California, because they cannot export their  
15 crops. So that's an important concern.

16           You heard the doctor talk about liver disease.  
17 Well, I just happened to be a victim of nonalcoholic liver  
18 disease. And I have never been a drinker. My doctors  
19 asks me this -- my doctors ask me that. I've been through  
20 two or three years of batteries of tests to try to  
21 determine the cause of my liver disease. I've never had  
22 hepatitis, and they are baffled as to the cause of this  
23 disease, but I've recently been told by a doctor that it's  
24 more than likely glyphosate.

25           And thank goodness if it can be determined to be

1 glyphosate, there is treatment. So we have a  
2 responsibility to the public and people that have this  
3 terrible disease to educate them, that their livers may be  
4 being destroyed by glyphosates.

5           It's funny that we've reached a point where our  
6 species has -- supposedly the most advanced species has  
7 come to a point where we accept certain capacities of  
8 poisons in our food and in our water.

9           I don't know if we're the most highly evolved  
10 species. You know, there's studies that show that animals  
11 can tell foods that are contaminated by glyphosates and  
12 other contaminants, and foods that are fresh and  
13 uncontaminated, and they eat the uncontaminated stuff. So  
14 you tell me, are we the most highly evolved species? I  
15 don't know. I've got a question about that.

16           So, you know, you have an impossible task, an  
17 impossible task to determine what amount of poison will be  
18 allowed in our water and our food supply. And I have  
19 great sympathy for you, because I've got to believe that  
20 if you're -- if you're mothers and fathers, if you're  
21 citizens, if you care about our children, if you care  
22 about future generations, the only real answer is no level  
23 of glyphosate in our food and water.

24           Thank you.

25           (Applause.)

1 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

2 Next speaker is Donna Farmer, Monsanto, followed  
3 by James Bus and Trenton Norris.

4 DR. FARMER: Good afternoon. My name is Donna  
5 Farmer, and I'm a senior toxicologist at Monsanto's  
6 Regulatory Product Safety Center. I've spent 25 years  
7 looking at the safety of herbicides, specifically  
8 glyphosate for 20 years. And I'm fully confident in the  
9 safety of glyphosate.

10 Glyphosate and glyphosate-based herbicides have a  
11 history of more than 40 years of safe use around the  
12 world, and are supported by one of the most extensive  
13 worldwide human health and environmental effects databases  
14 ever compiled for a pesticide product, including seven  
15 complete regulatory data packages representing hundreds of  
16 studies.

17 These regulatory required data packages have been  
18 developed by different registrants, in different testing  
19 facilities, from different regions around the world over  
20 decades.

21 Regarding carcinogenicity, regulatory agencies  
22 whose job it is to approve and regulate pesticides have  
23 reviewed and re-reviewed over those past 40 years the rat  
24 and mouse carcinogenicity studies and have consistently  
25 concluded, based on a weight-of-evidence analysis, of all

1 the data published and unpublished, including  
2 epidemiology, and genotoxicity, and rodent carcinogenicity  
3 studies that glyphosate does not pose a carcinogenic  
4 hazard to humans.

5           The outlier on this issue is IARC, a working  
6 group of which concluded glyphosate is a probable human  
7 carcinogen. Solely based on this determination, OEHHA  
8 proposed a ministerial listing of glyphosate under  
9 Proposition 65. The IARC working group did not make its  
10 conclusion based on sufficient evidence in human studies.  
11 Instead, it based its conclusion of sufficient evidence on  
12 four animal studies in rodents which OEHHA found to meet  
13 the criteria of the regulations.

14           To be clear, no regular agency in the world  
15 considers glyphosate to be a human carcinogen. Nearly two  
16 dozen regulatory and scientific bodies, which various  
17 reviewed the same four animal studies that the IARC  
18 working group reviewed, reached the opposite conclusion,  
19 that the tumors were not related to treatment, and  
20 glyphosate is not shown to be carcinogenic.

21           These include OEHHA in its own independent review  
22 of the data in 2007, as well as the U.S. Environmental  
23 Protection Agency in September of 2016.

24           Finding none of the tumors in 15 different animal  
25 studies are related to the administration of glyphosate

1 and concluding that glyphosate should be classified as not  
2 likely to be carcinogenic to humans.

3           Similarly, no less than nine additional  
4 regulatory agencies across the globe have conducted  
5 assessments after the IARC determination and included the  
6 IARC monograph in their reviews. These post-IARC reviews  
7 are from Australia, Canada, three from the European Union,  
8 Korea, the WHO, JMPR, New Zealand, and Japan.

9           The conclusions of these agencies' reviews are  
10 consistent with those recent and previous conclusions by  
11 the U.S. EPA, as well as those of regulator -- of  
12 regulatory authorities and international bodies around the  
13 world over the 40-year history of glyphosate.

14           Now, glyphosate is not genotoxic, does not  
15 produce tumors in animals, or any cancer including  
16 non-Hodgkin's lymphoma in humans.

17           Therefore, OEHHA's reliance on male mouse  
18 hemangiosarcomas, as identified by IARC, is not justified  
19 for derivation of a NSRL regulatory value.

20           And Dr. James Bus will discuss this further. And  
21 Mr. Trent Norris will provide reasons why OEHHA has the  
22 authority to establish an infinite NSRL.

23           Thank you.

24           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

25           The next speaker James Bus from Exponent followed



1 by Trenton Norris, and Deborah Whitman.

2 DR. BUS: Good afternoon. My name is James Bus,  
3 and I am a Board Certified toxicologist with the  
4 consulting firm Exponent. I'm here today representing the  
5 Monsanto Company, and am commenting that OEHHA's reliance  
6 on male mouse hemangiosarcomas, as identified by IARC, is  
7 not justified for the derivation of an NSRL for the  
8 following reasons:

9 First, a JMPR review concluded that  
10 hemangiosarcomas were not statistically significant by  
11 pairwise comparison, and the tumor response was well  
12 within the historical control incidence.

13 Second, although an IARC-conducted trend analysis  
14 identified hemangiosarcomas as statistically significant,  
15 Dr. Joseph Haseman in public comment to a December 2016  
16 EPA Science Advisory Panel noted that only 11 positive  
17 tumor trends, including mouse hemangiosarcomas were  
18 observed across the nine rat and six mouse cancer studies  
19 evaluated by EPA, while approximately 29 positive trends  
20 were predicted by chance alone.

21 Third, in published analysis Dr. Robert Tarone  
22 has observed that IARC importantly failed to note that  
23 hemangiosarcomas were not replicated in the other mouse  
24 study IARC considered, which was further confirmed by EPA  
25 in its recent draft analysis of six mouse and eight rat

1 cancer bioassays.

2 Fourth, linear low dose response modeling for the  
3 NSRL derivation is, in part, based on IARC's conclusion of  
4 strong evidence of genotoxicity and oxidative stress.  
5 However, IARC did not consider extensive high-quality  
6 genotoxicity data that led multiple regulatory agencies,  
7 including OEHHA, to conclude that glyphosate is not  
8 genotoxic. I have published the conclusion that IARC also  
9 did not follow its own working group recommendations in  
10 assess -- in its assessment of oxidative stress, and that  
11 the studies cited by IARC do not plausibly support  
12 increased oxidative stress potential in humans.

13 Finally, other cancer endpoints identified by  
14 IARC cannot be used for an NSRL derivation, and that those  
15 endpoints, like hemangiosarcomas, were not replicated  
16 across multiple rat and mouse bioassays, and thus are  
17 inconsistent with glyphosate-induced animal  
18 carcinogenicity.

19 In conclusion, an NSRL based on male mouse  
20 hemangiosarcomas is not justified. As stated by Dr.  
21 Tarone, the IARC analysis represents a quote, "Flawed and  
22 incomplete summary of the experimental evidence", closed  
23 quote.

24 Thank you.

25 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.

1 Trenton Norris, Arnold & Porter Kaye Scholer, LLP  
2 for Monsanto, next -- and followed by Deborah Whitman and  
3 Harvey Makishima.

4 MR. NORRIS: Thank you. I'm Trent Norris a  
5 partner at Arnold & Porter Kaye Scholer an outside counsel  
6 to Monsanto Company on Prop 65 matters.

7 As you've heard from two of Monsanto's  
8 scientists, this scientific evidence demonstrates that  
9 glyphosate does not cause cancer either in humans or in  
10 animals. This means that exposure to glyphosate at any  
11 level poses quote, "No significant risk", closed quote, of  
12 cancer to humans.

13 In other words, the NSRL should be infinite.  
14 OEHHA has the authority to establish an infinite NSRL.  
15 Indeed, that's the appropriate approach where a chemical  
16 technically meets the requirements for listing, but the  
17 scientific evidence does not support a finding that the  
18 chemical actually causes cancer in humans.

19 Monsanto, of course, does not agree that  
20 glyphosate is subject to listing under Proposition 65, and  
21 is challenging OEHHA's proposed listing in court on  
22 numerous Constitutional grounds.

23 But to the extent that OEHHA does decide to  
24 proceed to list glyphosate, the NSRL should be infinite,  
25 because the scientific evidence shows that glyphosate does

1 not causes cancer in humans at any level.

2           The case that compels this result is Baxter  
3 Healthcare Corporation versus Denton, which was decided by  
4 the Third District Court of Appeal here in Sacramento in  
5 2004.

6           In that case, a medical device manufacturer sued  
7 OEHHA for a declaratory judgment that there is no  
8 significant risk of cancer to humans from DEHP, a chemical  
9 used in plastic products. Unlike with glyphosate, in that  
10 case, it was undisputed that DEHP does cause cancer in  
11 rats and mice.

12           Baxter argued, however, that DEHP could not cause  
13 cancer in humans. The trial court and the court of appeal  
14 agreed with Baxter. The courts explained that even though  
15 DEHP was properly listed under Proposition 65, based on  
16 sufficient evidence of carcinogenicity in experimental  
17 animals, the weight of the scientific evidence supported  
18 Baxter's argument that DEHP could not cause cancer in  
19 humans.

20           In reaching that conclusion, the courts  
21 emphasized that evidence presented by OEHHA that DEHP may  
22 cause cancer in humans was not sufficient to set a  
23 numerical non-infinite NSRL where the weight of the  
24 scientific evidence suggested otherwise.

25           The courts thus concluded that DEHP, at any

1 level, poses no significant risk of cancer to humans and  
2 thus that the NSRL for DEHP should be infinite.

3 The case for an infinite NSRL for glyphosate is  
4 even stronger than it was in the Baxter case for DEHP.  
5 The weight of the scientific evidence demonstrates that  
6 glyphosate does not cause cancer in humans or in animals.

7 Furthermore, OEHHA itself has concluded that  
8 glyphosate is unlikely to pose a cancer hazard to humans,  
9 and OEHHA reached this conclusion based on the very same  
10 studies that the IARC reviewed. In these circumstances,  
11 the only appropriate action by OEHHA is to determine that  
12 the NSRL for glyphosate is infinite.

13 Under the Baxter precedent, OEHHA clearly has the  
14 authority to do this, if glyphosate is ultimately listed  
15 under Proposition 65.

16 Thank you.

17 CHIEF DEPUTY DIRECTOR HIRSCH: Thanks.

18 Before we go on, I just want to check with our  
19 court reporter who's nodding he's okay.

20 All right. That's good.

21 (Laughter.)

22 CHIEF DEPUTY DIRECTOR HIRSCH: Yeah. Deborah  
23 Whitman, Environmental Voices followed by Harvey Makishima  
24 and William Brooks.

25 MS. WHITMAN: Hello. My name is Deborah Whitman.

1 And I'm the founder and president of a non-profit called  
2 Environmental Voices. And we educate people about toxic  
3 chemicals and how they affect our health and the  
4 environment.

5 We believe that glyphosate should be given a  
6 zero, no safe range, and should be banned in the State of  
7 California because it accumulates in the body, it's known  
8 to cause cancer, and there is no way to monitor the  
9 exposures in our food, our water, and the air.

10 Like millions of people, I suffer from severe  
11 multiple chemical sensitivities. I've been hospitalized  
12 twice in emergency by collecting samples of herbicides  
13 that were sprayed by the State of California at the Yolo  
14 Bypass levees.

15 So my question is what about the dogs that are  
16 running when they go down on that levee, how can you  
17 determine how those people have been exposed to those  
18 toxic chemicals? I was trying to get a sign put up to  
19 warn the public that it was dangerous there after a rain,  
20 and there was yellow foam all over that area. And so what  
21 about the birds that we're trying to protect in that Yolo  
22 Wildlife Refuge?

23 Also, I experienced my granddaughter's  
24 kindergarten class. I went there late and noticed that  
25 they were spraying Roundup on the grounds behind her

1 class. The person I spoke to that said he was spraying  
2 Roundup had been there for several days. Not only that,  
3 but the schools regularly spray Roundup and other  
4 herbicides routinely in the schools in the districts  
5 around Sacramento. And I don't know where else, but I  
6 know in Sacramento area.

7           So how can we determine the exposure that those  
8 children are getting when they're out playing on the  
9 grasses and in the garden area. So another thing that I  
10 experienced, because I get very sick. Even if neighbors  
11 spray Roundup, I get headaches, I -- the back of my neck  
12 hurts. I get sick to my stomach that's how sensitive I am  
13 to those chemicals.

14           So when you go into Home Depot and these other  
15 stores, like Lowe's, where do you find Roundup and these  
16 other herbicides? Right at the registers. How can you  
17 determine the exposure that these people that are working  
18 there eight hours a day and exposed to that?

19           I can't stand in line for more than a couple of  
20 minutes to pay for items without getting sick.

21           So anyway, those are just some of the examples of  
22 the things that I experienced and why I started my  
23 non-profit. So we urge you to stand up against the  
24 chemical manufacturers and suppliers of glyphosate  
25 products and protect the people who reside in or visit the

1 State of California.

2 Thank you very much.

3 (Applause.)

4 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you. Next  
5 speaker Harvey Makishima representing, I think, several  
6 different groups. So the Guild and MAA. You can clarify  
7 that for us. And then followed by William Brooks and  
8 Kathleen Furey.

9 MR. MAKISHIMA: Hello. My name is Harvey  
10 Makishima, CEO of PAPHC, which stands for Public Awareness  
11 and Preventive Health Care. And also a member of the  
12 Guild and -- the Sacramento chapter, and I'm a mom, Moms  
13 Across America.

14 (Laughter.)

15 MR. MAKISHIMA: Anyways. My vision isn't really  
16 good, but on the first -- on our first --

17 (Thereupon an overhead presentation was  
18 presented as follows.)

19 MR. MAKISHIMA: -- chart, I wanted to just start  
20 with this one, because when OEHHA does get glyphosate on  
21 Prop 65's listing of carcinogens, I wanted to show how  
22 pervasive it is, not just in California, even though it's  
23 probably one of the worst, but also throughout the nation.  
24 Notice the dark area of the United States. All of these  
25 dark areas have the most amount of glyphosate applied.



1           And then notice in California, to the far left,  
2 how dark that area is in the Central Valley of California.  
3 This is -- this means to me that we're trapped. I mean,  
4 we've got this material, glyphosate, anywhere we turn.  
5 It's in the waters.

6           And let's go to number two.

7                           --o0o--

8           MR. MAKISHIMA: This is an interesting  
9 agricultural -- well, it's almonds, and I love almonds,  
10 but they have -- it's a graphic showing a map of  
11 California where the almond industry uses the most GBH, or  
12 glyphosate-based herbicides in California, as of 2014.

13           During that year, 300 million pounds of GBH were  
14 sprayed in the U.S.A. California gets about 13 percent of  
15 that total, which is seven times more than others states  
16 on average.

17           Let's go to number three.

18                           --o0o--

19           MR. MAKISHIMA: This table is from DPR,  
20 Department of Pesticide Regulation, and it's a Pesticide  
21 Use Report. And it goes from 2008 to 2013. Let's take a  
22 look at just one of those. And my vision isn't so good  
23 that it can see it, but there's one at a million three  
24 hundred -- a million -- 1.5 million. Is it higher up?

25           Okay. And a lot of these counties are spraying

1 and applying glyphosate just everywhere essentially. I  
2 mean, the parks, the sidewalks, you name it, it's being  
3 used unfortunately way too much for the children that are  
4 playing in these areas.

5 Let's go to number 4.

6 --o0o--

7 MR. MAKISHIMA: The next item is an article about  
8 the study of the USGS, United States Geological Survey,  
9 where there -- new research indicates that while the  
10 presence of some chemicals in streams has decreased over  
11 the last decade due to new regulatory restrictions, newly  
12 developed pesticides, such as geo -- neonicotinoids and  
13 glyphosate are now the biggest polluters of water.

14 Their findings indicate that about 90 percent of  
15 urban streams contain pesticide concentrations exceeding  
16 allowable levels for aquatic life compared to only 50  
17 percent in the previous decade. So the extensive use of  
18 it has increased, and we're having to live with it  
19 unfortunately.

20 Let's move to number five before my time runs  
21 out.

22 --o0o--

23 MR. MAKISHIMA: This is a sample of the USGS  
24 survey in California. And as you can scroll down slowly,  
25 you can see that the numbers of areas and the counties

1 that have these levels of glyphosate is just about  
2 everywhere, I mean, extensively throughout California.  
3 These are in our surface waters, which I understand, of  
4 course, is going to be our source of drinking water.

5 Now, as a California citizen, I'd have to object  
6 to any level. I'd have to go with zero, because I don't  
7 want to drink that -- that type of water.

8 And I thank you very much.

9 (Applause.)

10 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

11 Next speaker, William Brooks with the Guild  
12 followed by Kathleen Furey and Leo Younger.

13 MR. BROOKS: Hello. My name is William Brooks.  
14 I'm with the Guild. I'm an engineer. Thank you OEHHA for  
15 having this. Your group is tasked with the protection of  
16 the environment, so I want to carry on with the water and  
17 the environment. And I want to say that glyphosate  
18 herbicide formulations with their additives and associated  
19 metabolites contaminate and harm all facets of our  
20 ecosystem including the water non-target plants, aquatic  
21 organisms, amphibians, fish, reptiles invertebrates, other  
22 animals, and soil biology.

23 In my handout, I have peer-reviewed independent  
24 studies showing such things as fish reproductive problems,  
25 early stage embryo mortalities, and premature hatching,

1 death rates of up to 86 percent in juvenile amphibians,  
2 major loss of species, even in cases less than 1000  
3 micrograms per liter.

4           In fact, two species of tadpoles were totally  
5 eliminated with the implied increase in mosquitoes and  
6 West Nile Virus. Other papers showed an  
7 application-proportional increase in lyme disease due to  
8 tick increase from lizard eradication plus impaired honey  
9 bee colony performance and decline in monarch butterflies.

10           Harvey covered the USGS report that shows it's  
11 now prevalent in all our soil, surface, and groundwaters.  
12 And a number of studies have shown that these toxic  
13 chemicals persist in the environment for 60 days in pond  
14 water, and more than a year in pond sediment with  
15 half-lives of up to 22 years in soils.

16           It contaminates our drinking water via surface  
17 runoff, leaching into groundwater, thereby adding drinking  
18 water, bathing, and washing water as possible routine  
19 exposure pathways. Monsanto have been aware of the  
20 carcinogenic nature of their product for 35 years. I have  
21 papers from the IPA that actually -- from them that show  
22 this.

23           In 2015, Monsanto failed to reveal eight papers  
24 with statistically significant tumor increases to the EU  
25 scientists determining legal levels in drinking water.

1 Based on limited information, the EU still set an EU level  
2 of 0.05 micrograms, while the U.S. allows a staggering 700  
3 micrograms.

4           Before my summary, I just have two points of  
5 relevance. A federal judge in the Prop 65 case unsealed  
6 court documents indicating Monsanto had lobbied officials  
7 at the FDA to kill any inquiries into safety. Court  
8 papers also revealed that in 2015 Monsanto executive  
9 William Heydens emailed his staff to go throw out safety  
10 reports. And he would quote just get them to -- pay them  
11 to sign their names. Other court released emails  
12 confirmed this collusion with certain universities.

13           In light of the fact, I would like to know more  
14 about the research on how the proposed NSRL level was  
15 determined, with only one other chemical on the long CA  
16 list with a higher level than proposed. It does not look  
17 like the quantitative risk assessment has been followed  
18 correctly. Plus, there's nothing to account for long-term  
19 endocrine disruption and bioaccumulation. It looks like a  
20 flawed assessment.

21           When is somebody going to ignore the Monsanto  
22 lobbyists and the Monsanto manufactured safety reports and  
23 introduce precautionary safety levels to protect the  
24 environment and the people -- and the health of the people  
25 of California.

1 Thank you.

2 (Applause.)

3 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

4 Next speaker Kathleen Furey.

5 MS. FUREY: Furey.

6 CHIEF DEPUTY DIRECTOR HIRSCH: Furey. Okay. I  
7 though it was one of the two -- followed by Leo Younger,  
8 and Jessica Denning.

9 (Thereupon an overhead presentation was  
10 presented as follows.)

11 MS. FUREY: Yes, please.

12 Thank you very, very much for having this  
13 hearing. And thank you all for being here today to  
14 witness a very important thing for our species to be able  
15 to deal with this very difficult chemical.

16 I did not know how to wrap my head around what  
17 one part per trillion is.

18 Can you?

19 Raise your hand if you can wrap your head around  
20 it?

21 Thank you. All right. So I'm going to help you  
22 here. One drop of ink into 20 -- one part per trillion.  
23 One drop of ink into 20 Olympic-sized swimming pools is  
24 the concentration which is the level that's stimulated the  
25 proliferation of breast cancer cells in vitro.

1           Thongprangisang, et al. 2013, that I can't  
2 pronounce it. This is astounding. And it's very  
3 shocking. It is so low. Our body is the size of 20  
4 Olympic-sized swimming pools. So that is minuscule beyond  
5 minuscule.

6           And I would just like to -- I'm from the  
7 California Guild, and I would just like to read a  
8 statement from Stephanie Seneff. Dr. Stephanie Seneff has  
9 authorized the California Guild to share, for the purposes  
10 of the June 7th hearing today, the powerful information  
11 provided to her from Dr. Anthony Samsel who spoke already  
12 today confirming Monsanto's withholding of critical  
13 scientific evidence of glyphosate's toxicity to animals  
14 and humans.

15           Anthony Samsel, through the Freedom of  
16 Information Act obtained tens of thousands of pages of  
17 secret Monsanto documents supposedly proving glyphosate is  
18 nontoxic to humans, mostly done before the 1970s when  
19 glyphosate got approved. He was forced to sign an  
20 agreement stating that he would not show these documents  
21 to anyone else.

22           Its's daunting. It's a daunting task. Looking  
23 through these unsearchable documents, but Anthony has  
24 found some that clearly show toxicity, but were buried and  
25 labeled quote, "secret", end quote.

1           He has published some of this information in our  
2 papers. A key trick is to swap in historical controls to  
3 drum up more instances of cancer in the control group.  
4 These controls date back from the time when DDT was  
5 widespread, and probably got more cancer because of or --  
6 because of that, or some other toxic chemicals that have  
7 since been banned like PCBs.

8           Monsanto also did a study where they radiolabeled  
9 glyphosate and then traced the radiolabel in various  
10 tissues. They found the highest levels in the bone  
11 marrow. I think it preferentially accumulates in cells  
12 that proliferate, because it's taken up actively along  
13 amino acid transporters, and glyphosate is an amino acid,  
14 and it has been demonstrated in re -- in a recent study  
15 that this happens. Proliferating cells have a high demand  
16 for amino acids.

17           To conclude, they found significant levels of  
18 radiolabel in the muscle tissues which did not show up as  
19 glyphosate in the standard glyphosate test. They  
20 hypothesized that it was bound to the protein, and  
21 therefore remained hidden and undetected. I suspect it  
22 was actually embedded within the proteins, because it  
23 substitutes for glycine during protein synthesis. I think  
24 this is its main mechanism of toxicity.

25           Although, carrying around toxic metals and



1 dropping them off in acidic environments is also a nasty  
2 thing that it does. This is signed by Stephanie Seneff,  
3 Senior Research Scientist, MIT Computer Science and  
4 Artificial Intelligence Laboratory.

5 And thank you. Thank you so much for the  
6 hearing.

7 (Applause.).

8 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you very  
9 much.

10 Next speaker Leo Younger with the California  
11 Guild, followed by Jessica Denning and Jessica Elkow.

12 MR. YOUNGER: Okay. Well, I'm a telecom tech,  
13 and I'm not a scientist. My interest in this is just as  
14 an organic consumer, so I defer my time to those who agree  
15 with me that zero is the appropriate amount for glyphosate  
16 in California.

17 (Applause.)

18 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

19 So next speaker Jessica Denning from the  
20 California Guild and followed by Jessica Elkow and John,  
21 I'm going to say, Diaz.

22 MS. DENNING: So I am a science teacher retired  
23 of middle school kids and a momma grandma and grandma, and  
24 we have an organic farm. I have a love a food and of  
25 healthy families and family stories.

1           Now, now in my great -- in my grandparent's day  
2 one in 20 people got cancer, one in 20. Now, look to  
3 either side of you to find two men, one of those two --  
4 one out of two men is going to get -- one -- children, one  
5 out of two. It may be more by the time they grow up.

6           And look to either side of you at the women in  
7 here. One out of three women get cancer, and of our  
8 children will probably be more.

9           So this glyphosate has this glycine which is a  
10 building block of an amino acid, and it substitutes in and  
11 it changes the action of our enzymes that digest. They  
12 give commands to our body. And how do you find the causes  
13 of cancer? Well, there's so many ways. One way is to  
14 look at the -- you did the pictures.

15           The pictures. The pictures.

16           Where in California the farming is that spring  
17 and the almond orchards and down below that in the cotton  
18 fields. And then look at, say for instance, thyroid  
19 cancer, think of the farm workers that go in there to  
20 work -- because we're now burning down our crops with  
21 glyphosate four days before harvest. We spray our food --  
22 spray our food with weed killer. It's called the death  
23 harvest, and it's real nice and dry, and easy for farmers,  
24 and then we eat it. And the farmers go in and harvest.

25           Well, in Central America, in Guatemala, one out

1 of four of the farm workers is dying of kidney failure.  
2 And in El Salvador and Sri Lanka have 20,000 people that  
3 died from kidney failure and 400,000 that have it. And  
4 they banned it. Monsanto sued them that they couldn't ban  
5 it. They couldn't prove it causes kidney failure.

6           So anyway, when we see all of the farm workers  
7 coming in on the southern border, I don't say build a  
8 fence. I say ban glyphosate, because what are the widows  
9 and orphans going to do when their husbands and their  
10 fathers are dead?

11           So, listen I'm 73, and I love family stories, but  
12 I am also historian for my high school class 700 members.  
13 And I'm surrounded by guys that went to Vietnam and women  
14 and even the children and grandchildren of veterans who  
15 have cancers from Agent Orange, which Monsanto told us was  
16 safe.

17           I look at Anniston, Alabama where for decades  
18 Monsanto claimed PCBs were safe, and they dumped them in  
19 the river. And all those people that -- they spent  
20 millions of dollars. It's pollute into lawsuit. So do we  
21 want to keep polluting or we just want to get rid of this  
22 chemical?

23           Now, we have a choice here. We can label it.  
24 We're only asking to have a label. So when you have an  
25 apple, you know if it's got that much glyphosate in it.

1 If a person can't afford anything, it's better than  
2 starving, eat something with Roundup. But if you have a  
3 choice, and you can afford to buy food for your family  
4 without weed killer, then it's labeled. And we just ask  
5 for an honest label.

6           And I say ten parts per quadrillion, because at a  
7 part per trillion, you've got breast cell proliferation,  
8 and then you have to consider that it's multiplied by risk  
9 factors. Dr. Perro talked about the children, and the  
10 fact that we have no testing for the mixture. And the  
11 mixture is a thousand times more toxic than the individual  
12 chemical, because the adjuvants, the detergents that go in  
13 to get that Roundup to soak in, also soak into the  
14 experimental animals, and the people, and the plants.

15           You cannot kill a plant with Roundup in sterile  
16 soil. Roundup was patented as an antibiotic. We have a  
17 patent number on it. And it preferentially kills the good  
18 germs, and it leaves salmonella, staph, C. difficile, and  
19 fungi. Those overtake the plant and kill it. So you have  
20 sickly plants, you're eating sickly food.

21           And the second way Roundup was patented was to  
22 get the chemical scale out of -- the mineral scale out of  
23 pipes. So it chelates, it grabs the manganese, the  
24 magnesium, the copper, the zinc, things are vital for the  
25 growing children's bodies, vital for the soil, vital for

1 the plants. It makes them unavailable. If it doesn't  
2 have minerals, because it's had too much Roundup, it just  
3 sits there and it doesn't degrade. That's why we have  
4 Roundup sitting around.

5 My time is up. Okay. That's it.

6 (Applause.)

7 CHIEF DEPUTY EXECUTIVE OFFICER HIRSCH: Thank  
8 you.

9 Next speaker, Jessica Elkow, and then followed by  
10 John Diaz and Joan Blaxter.

11 MS. ELKOW: Good afternoon. My name is Jessica  
12 Elkow. And I'm here as a mother and as an educator. I'm  
13 passionate about raising healthy children and building  
14 healthy communities, and I'm excited to see so many of you  
15 here today also share that passion.

16 I came today to voice my concern for any levels  
17 of glyphosate above zero. There's an obvious growing base  
18 of scientific evidence showing dangers, including some of  
19 the studies already shared here today, such as the one  
20 mentioned demonstrating causation between glyphosate and  
21 liver disease. And in that study, the exposure to  
22 glyphosate was at far lower levels than the proposed 1100  
23 micrograms.

24 I also wanted to share one other piece of  
25 evidence of a lake here in California called Lake Mathews.

1 This picture shows where glyphosate was applied, and I  
2 have evidence here of the dates of application and the  
3 amounts of application.

4 Not long after that application, there was a huge  
5 problem with toxic algae. And in response to that, there  
6 was then a large application of copper sulfate to treat  
7 the toxic algae. And I just wanted to present this as an  
8 example of how there can be secondary problems related to  
9 glyphosate's use. For example, copper sulfate can cause  
10 problems in our own bodies and in those of other animals,  
11 because the copper's presence can inhibit the absorption  
12 of other important elements like zinc, which could be one  
13 of the reasons why we are seeing fertility problems,  
14 because it can inhibit male sperm.

15 I thank you for considering the science here  
16 today, and I implore you to use your position to protect  
17 the health of Californians and of our children.

18 Thank you.

19 (Applause.)

20 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you. Next  
21 speaker -- and this is more of a handwriting issue. I'm  
22 not quite -- I think it's John Diaz, but --

23 MR. DIAZ: That is correct.

24 CHIEF DEPUTY DIRECTOR HIRSCH: It is. Okay.  
25 Great. John Diaz, and then followed by Joan Blaxter and

1 Timothy Litzenburg.

2 MR. DIAZ: Hi. My name is John Diaz. I've been  
3 an advocate for labelgmos.org. Dam, this is a highly  
4 political issue. I want to urge you to have strength from  
5 the review of ethics in addition to the science. The  
6 practice of burn down on grains, and fruits, and  
7 vegetables adds to an impossible toxic burden.

8 In parts per billions, two parts per billions  
9 I've read, I've seen studies to where damage is shown, DNA  
10 damage. So I would like you to have a -- to think about  
11 this practice of burn down, where we're using glyphosate  
12 to dry crops in the field just so they can add a few more  
13 poundage to their yield.

14 Okay. Now, I think you can lead by example, and  
15 I urge you to have strength, and I pray for you to have  
16 strength in this issue. It's a highly political issue. I  
17 could go on and on. My colleagues have spoke. But  
18 this this -- if we lead by example, because they're  
19 spraying glyphosate where in parts per billions it could  
20 have a problem on -- it can affect our DNA. Our fruits,  
21 vegetables, it goes in the air. It's going into the  
22 water.

23 How -- this practice needs -- we cannot stop this  
24 practice. This Prop 65 isn't to stop burn down, but  
25 through your ruling, we could limit the amount by taking

1 the food producers that have chosen not to lead, but we  
2 need to step up. I've been an advocate, and we have gone  
3 to the public and shown -- we brought out the facts, okay?  
4 And we need government to step up and get out of this --  
5 this -- this Presidential Panel on Cancer. They told us  
6 it was a billion dollar study, and they told us about the  
7 flaws with the studies. And they told us 85 percent of  
8 cancers -- cancer is avoidable if we just choose  
9 to -- to -- what we put into our bodies, but how can you  
10 choose when you're using this practice as burn down on  
11 everything that we eat?

12           Okay. This was supposed to be used on  
13 genetically engineered products. And now they're used on  
14 everything. If you look at the pharmaceutical companies,  
15 okay -- this is short -- when they use one medication for  
16 something that it wasn't used, and this is another  
17 instance, okay?

18           So I want to tell you just a fast little story.  
19 We've been out in the public. And we talk to women  
20 through Moms Across America, labelGMOs, get the message  
21 out about endocrine disruptors. And we have been out  
22 there, and when we talk to this issue about premature  
23 aging of our children through glyphosate, that -- their  
24 eyes get big as silver dollars, because they start  
25 pointing to their daughters and saying, like -- like, they



1 just can't believe what we're saying that their  
2 daughters -- because the kids, the children now can have  
3 sex. They're fully developed at like nine years old --  
4 nine and ten years old. And the mothers are blowing out.  
5 And we have seen this.

6 So I urge you to have strength.

7 Thank you.

8 (Applause.)

9 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Doing a  
10 quick check-in with the court reporter.

11 You're okay.

12 Okay.

13 So next speaker, yes, Joan Blaxter from Weston  
14 Price FD, followed by Timothy Litzenburg and Michelle  
15 Ford.

16 MS. BLAXTER: Good afternoon. Joanie Blaxter.  
17 And I am the Ventura, California chapter leader for the  
18 Weston Price Foundation. The Weston Price Foundation is a  
19 national -- international actually nutrition education  
20 501(c)(3) foundation. And similar to Zen Honeycutt who is  
21 here from Moms Across America, I speak daily with people  
22 who contact me for help around dietary choices, sources of  
23 clean food. And I can tell you that almost across the  
24 Board what I hear very consistently, especially from moms  
25 with sick kids is issues with the microbiome in the human

1 gut.

2           To me, this is so important, because we know that  
3 approximately 70 to 80 percent of our immune system  
4 receptor sites are located in the intestinal lining of our  
5 gut, and therefore the correct functioning of that immune  
6 system - and in parenthesis I have cancer - is directly  
7 dependent upon having the proper -- a healthy microbiome,  
8 that is to say the microbial community in the gut must be  
9 healthy for our immune system to be functioning  
10 appropriately.

11           This is the first time I've ever come to a public  
12 hearing. And as a person who directly not only writes  
13 and -- but speaks to people about the presence of  
14 neurotoxins in our environment, I have to say with all --  
15 well, first of all, I want to thank the doctor first for  
16 the very clear presentation about how the determinants  
17 were made. Very, very helpful. As a member of the  
18 public, I want to appreciate you for that.

19           But I also have to say that I was a little  
20 shocked that the recommendations that are being made for  
21 an area as large as the State of California was a little  
22 surprising to me that basically there -- as far as I  
23 understand, it's based on one single study of a two-year  
24 study on mice.

25           To me, that is absolutely not enough. We are --

1 the reality is, is that there is no safe level of  
2 glyphosate exposure to humans, particularly babies. And  
3 the reason for that is simply because it bioaccumulates.  
4 We know that now.

5 We also know, and it's been referenced several  
6 times, that glyphosate increases the growth of breast  
7 cancer cells in parts per trillion. This chemical has  
8 been shown to be a neurotoxin, an endocrine disruptor, a  
9 mineral chelator, an antibiotic, and a carcinogen, which  
10 causes liver disease.

11 It's been found in our tap water, our children's  
12 urine, mother's breast milk, so in breast milk that is  
13 going to babies that are trying to build their bodies and  
14 brains, and also childhood vaccines. So once again, I  
15 just want to emphasize that no comprehensive independent  
16 study has ever been done that shows real life exposure.

17 I also want to say that it's interesting to me as  
18 a member of the public, and granted I'm -- I will hold up  
19 my hand here if I'm ignorant, but to notice that tumors  
20 are -- tumors and genetic disease are the two primary  
21 aspects upon which a determination of cancer is made. And  
22 we're not hearing anything about measuring levels of gut  
23 enteropathy. Gut enteropathy is highly, highly associated  
24 with the presence of cancer.

25 Gut enteropathy, for those who don't know, is

1 just simply the degeneration of the intestinal lining.  
2 And the reason this is so important is because that's  
3 where our immune system receptor sites are, as well as the  
4 microvilli, which are what we absorb our nutrients  
5 through. So when gut enteropathy is present, you  
6 basically die from malnutrition.

7           So just -- I also want to reference Stephanie  
8 Seneff again. As a senior researcher at MIT, she has  
9 shown an extremely significant Pearson Correlation  
10 Coefficient rate of 0.99 between the rise of autism in  
11 this country and the sales of autism.

12           Roundup, sorry.

13           And a coalition -- a coefficient rate like that  
14 happens virtually never in real-life situations. That is  
15 extremely significant.

16           As a patented antibiotic glyphosate has been  
17 shown to contribute to the creation of  
18 antibiotic-resistant super drugs -- excuse me, super bugs.  
19 And it also kills health-promoting bacteria in the human  
20 gut without which that immune system -- will -- cannot  
21 function.

22           So thank you so much for doing this public  
23 hearing and being willing to hear us.

24           Thank you.

25           (Applause.)

1 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you very  
2 much.

3 Okay. Next speaker is Timothy - it's either  
4 Littenburg[sic] or Litlenburg[sic] from the Miller firm.

5 MR. LITZENBURG: Litzenburg. That's probably a  
6 product of my handwriting.

7 Thank you.

8 CHIEF DEPUTY DIRECTOR HIRSCH: Just to be  
9 followed by Michelle Ford and Bob Saunders.

10 MR. LITZENBURG: Thanks for the opportunity. I'm  
11 here today on behalf of more than 1500 people with  
12 non-Hodgkin's lymphoma after extensive use of Roundup.  
13 Over 100 of them are Californians, some of them are  
14 children.

15 I'm also here on behalf of, and in favor of,  
16 transparency and the ability to effectively regulate and I  
17 support you on that obviously.

18 I think it's important to note that while  
19 Monsanto executives have been heard today, and their  
20 attorneys, this is not the first time they've been heard  
21 by OEHHA on this issue. They've had closed door meetings  
22 in the past, so that they could speak to this agency about  
23 the safe harbor level.

24 And I would ask that that sort of meeting when it  
25 goes on, if you find it to be appropriate, that you make a

1 public notice of that sort of goings on as well, and that  
2 you give due chance to the other side. Maybe you could  
3 have a closed door meeting with oncologists or cancer  
4 patients on the subject.

5 (Applause.)

6 MR. LITZENBURG: The latter group, not having a  
7 \$15 billion a year business understandably, doesn't have  
8 as much of a voice, but it's the government that can give  
9 them one.

10 I want to note also that the single-mouse study,  
11 the CD-1 study, that's being relied upon was done by a  
12 glyphosate producer, by a member of the Joint Glyphosate  
13 Task Force. And again, with many other people, the agency  
14 has yet to consider in this safe harbor calculation any  
15 formulated product studies. And as you've heard again and  
16 again, the degree of carcinogenicity is perceived to be  
17 vastly different with the formulated product.

18 I'll say again and reiterate what other people  
19 have said that I think from a public health standpoint at  
20 least, that it would be more appropriate to take a  
21 conservative approach and look at lower dose rodent  
22 studies. And they exist. The Lankas rat study has been  
23 mentioned. If it's public health, that's the endpoint  
24 here.

25 And then again, reiterating what many people have

1 said today, I don't understand why the agency is not  
2 considering epidemiology. I'm not terribly bright, that's  
3 why I went to law school, but --

4 (Laughter.)

5 MR. LITZENBURG: -- I know that epidemiology is  
6 what we use for causality in humans, and what we use for  
7 both hazard and risk assessment in humans. When we know  
8 something causes cancer, we don't -- it's unethical to do  
9 a clinical trial with humans.

10 There exists epidemiological studies. There's a  
11 meta-analysis which shows that overall the epidemiological  
12 studies are statistically significant. And they're also  
13 measuring real-world human exposure levels, which the  
14 mouse study is not.

15 Just close by saying California is not known for  
16 lagging behind history, and being on the wrong side of  
17 history. And I'd urge you to not do so here, and I would  
18 ask that the agency consider the source of the data, and  
19 the conclusions that are presented to it.

20 Thank you.

21 (Applause.)

22 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.

23 I've been advised that we should take about a  
24 10-minute break, just to -- because it's standard protocol  
25 when meetings are being transcribed.

1           So we will start exactly at 3:45.

2           (Off record: 3:37 p.m.)

3           (Thereupon a recess was taken.)

4           (On record: 3:46 p.m.)

5           CHIEF DEPUTY DIRECTOR HIRSCH: Okay. If you  
6 could take your seats, we're going to continue now  
7 starting with Michelle Ford, and then followed by Bob  
8 Saunders, and Emily Rooney.

9           MS. FORD: Hi there. My name is Michelle Ford.  
10 And I'm not a scientist, I'm not a doctor, I'm just a mom.  
11 And I have comments, but so many people have already  
12 touched on the comments that I have written up, that I'll  
13 just go ahead an email these comments along with the  
14 scientific resources.

15           But here's the thing, I woke up this morning --  
16 I'm just going to speak from my heart. I woke up this  
17 morning to a picture of my friend Tiana, who now is  
18 dealing with cancer. Now, do we know whether or not it  
19 was glyphosate that caused her cancer? Of course, we  
20 don't know, because really we don't know what the safe  
21 levels of glyphosate are.

22           When I first started thinking about glyphosate,  
23 and our daily exposure to it, one of the first things I  
24 did is I went to my loaf of bread to see was glyphosate  
25 listed as an ingredient, and it's not.



1 I went to my eggs, is there glyphosate on my  
2 eggs? It's not listed.

3 I looked at the pasta. I looked at the sandwich  
4 meat, I looked at the fruits and the vegetables, there's  
5 no label that says whether or not I'm exposing myself and  
6 my family to glyphosate.

7 So, I honor you, I appreciate you, and I know  
8 that you've got a really tough job. But one of the  
9 wonderful things about having an agency and a body like  
10 yours is that you get to take a look at the health of our  
11 people, and you get to discern your observation, the  
12 observations of parents in the room that you're hearing  
13 from today, the observations of testimonies that you're  
14 going to get by email, and by fax, and you're going to get  
15 to realize that not all observations happen in a  
16 laboratory.

17 Many observations happen way after the fact. And  
18 to do your due diligence, I think it's important to really  
19 look at the facts. The facts are that we're sick. It  
20 shouldn't be acceptable that one in every two men is going  
21 to experience cancer. It shouldn't be acceptable that one  
22 out of every three women is going to experience cancer,  
23 and God only knows how many children.

24 It shouldn't be acceptable that we're living in a  
25 toxic environment where children are having to deal with

1 autoimmune issues. That's why you're here. You're here  
2 to protect the environment from chemicals. You're here to  
3 protect human beings, animals, water sources, and our air  
4 from toxic chemicals. That's your job.

5           And I know that you know that. And that's why I  
6 love you, because you're the last defense. You're the  
7 body of people that gets to determine our future in this  
8 regard.

9           And I'm all for business. I really am. I'm a  
10 small business owner. I'm here on my own dime, because I  
11 believe in this, but I believe in responsible business.  
12 And I don't think that we should look at, well, how much  
13 of a toxic chemical should be allowed? I think we should  
14 look at that we have the right to know what's toxic at  
15 all.

16           So, in my opinion, there is no toxic -- there is  
17 no level of toxic exposure that should be considered safe.  
18 So at the very -- at the very least, please rule -- I'm  
19 not sure what the language is, but please determine that  
20 there is no safe level of glyphosate for human beings.

21           And on behalf of my children and I, and on behalf  
22 of my friend Tiana, who doesn't even know that I'm  
23 mentioning her name here today, thank you for doing what  
24 you do. I know that it's a really hard job, but I'm  
25 counting on you to protect us the way that your job gives

1 you the authority to do.

2 Thank you so much.

3 (Applause.)

4 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you very  
5 much.

6 Okay. Bob Saunders followed by Emily Rooney and  
7 Bill Allayaud.

8 MR. SAUNDERS: Good afternoon. Thank you for  
9 this opportunity.

10 Instead of NSRLs, no significant risk level, we  
11 should be discussing glyphosate as NSFHC, not safe for  
12 human consumption. Fifty-five years ago, Rachel Carson  
13 sat before a congressional hearing in Washington D.C. and  
14 testified about the significant risks and dangers of  
15 heavily used pesticides, especially DDT.

16 As a result of her testimony, not only was DDT  
17 eventually banned, several other outcomes arose, including  
18 the eventual creation of the EPA. And here we are so many  
19 years later discussing an herbicide far more dangerous,  
20 more widely use -- and destructively used than the  
21 pesticide DDT. And we're scratching our heads in an  
22 attempt to determine the level of safety for something  
23 that so many valid tests have determined to be unsafe for  
24 human consumption.

25 Now, we know that the Monsanto doctrine, Monsanto

1 scientists, and others of their ilk have produced inside  
2 industry corporate science supporting the notion of the  
3 safety of glyphosate, often refuting the proven  
4 independent science of bioaccumulation, and sufficient  
5 facts and evidence of proof.

6           But then again, we must remember that Monsanto  
7 and their cronies are motivated by profit and greed not by  
8 solid science, honest facts and evidence, truth, or caring  
9 about the safety and health of our children and families.  
10 We citizens calling for a safe and sane environment are  
11 motivated only by caring and responsibility for the health  
12 and safety of our families and future generations.

13           I and many groups I work with call for an  
14 immediate ban of the use of glyphosate around schools,  
15 public parks, waterways, and more. Ten mile safety zones  
16 need to be created in order to protect our children and  
17 families. They eat and they play in those areas, and  
18 they're surrounded by this herbicide toxic soup.

19           Let us also protect our farm workers from  
20 glyphosate, for without them our tables would be empty.  
21 They risk far too much to feed us all.

22           However, rather than create extra paperwork,  
23 numerous meetings, years of wrangling over this or that  
24 level, and fighting the corporate behemoths like Monsanto,  
25 if we could just take the wise and great leap forward and

1 ban glyphosate entirely and soon, and join some of our  
2 foreign allies in their wise decision to do so for the  
3 health and safety of their citizens.

4           In the California, U.S.A. we should do no less.  
5 Our present and future generations will thank us.  
6 Physicians have take the Hippocratic Oath to first do no  
7 harm. I am guided by the spiritual code of tikkun olam to  
8 repair -- excuse me, to repair or heal the world. I and  
9 many other people invite you to join us. Our world, our  
10 environment is crying out for us to do so now.

11           Glyphosate is unsafe for human consumption. Zero  
12 tolerance is the only safe level. Let's get that done.

13           Thank you.

14           (Applause.)

15           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

16           Next speaker Emily Rooney from the Ag Council of  
17 California, followed by Bill Allayaud and Joe Robichaud.

18           MS. ROONEY: Thank you for you time today. My  
19 name is Emily Rooney. I'm president of Agricultural  
20 Council of California. Ag Council is a -- an association  
21 representing approximately 15,000 farmers ranging from  
22 small farmer-owned businesses to some of the world's best  
23 known brands.

24           We will be submitting formal comments -- formal  
25 written comments after today's hearing, but I wanted to

1 offer some comments. I'm going to go in a little  
2 different direction than I normally do when I come to  
3 testify before this body. I'm going to talk a little bit  
4 about my personal background and my experience with  
5 California farmers, just to tell a little bit of the story  
6 of some of our practices.

7 My family has been in California agriculture for  
8 four generations. We have a family farm on my mom's side  
9 and a ranch on my father's side. That's been passed --  
10 three of those four generations on my dad's ranch side  
11 have actually been passed through women. We take farming  
12 and ranching very seriously in our family.

13 I'm also a mother of a three-year old very  
14 healthy and active son Jake. And we go out to the ranch  
15 every weekend. And so I've witnessed first-hand the care  
16 that we take in our land, and in our animals, and in our  
17 crops to make sure we do things very safely, because my  
18 family lives out there. And if it's not safe for us, we  
19 know it's not safe for everybody else, but we feel very  
20 blessed to be able to live in this lifestyle, and we take  
21 good care of our environment, and our workers, and our  
22 families -- or our animals as well.

23 I've worked in State and federal policy for about  
24 15 to 20 years. And I can also attest that California  
25 farmers lead the world in environmentally sound farming

1 practices, and we follow some of the strictest labor  
2 standards across the world.

3           And glyphosate is a very vital tool in those  
4 sustainable farming practices. Through the use of  
5 glyphosate, we've been able to reduce passes in the field  
6 with the tractors, and been a -- and therefore reduce  
7 emissions, and we've also been able to reduce soil  
8 erosion.

9           Glyphosate can and is being used safely. We are  
10 opposed to this listing. But if OEHHA is inclined to  
11 list, we support the proposed NSRL at 1100 micrograms.  
12 And like I said, we will be submitting more formal  
13 comments, but thank you for your time today.

14           CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.

15           Next speaker, Bill Allayaud Environmental Working  
16 Group followed by Joe Robichaud and Mary Fraser.

17           MR. ALLAYAUD: I'm Bill Allayaud with the  
18 Environmental Working Group here in Sacramento. Thank you  
19 for the opportunity to speak.

20           First, I'd like to thank OEHHA for listing  
21 glyphosate under Prop 65. I think we're losing sight of  
22 that, that it -- I wouldn't say it takes courage to do it.  
23 You did the right thing, and Monsanto is suing because  
24 they don't like it. Understandable. It's their business  
25 model to sell as much as possible, and to reduce what they

1 see as regulatory burdens, while we think science should  
2 be used to protect consumers, the public, and the  
3 environment to the greatest extent feasible.

4           The levels set by E -- U.S. EPA, we think, are  
5 extremely high as acceptable. And they acknowledge that  
6 Americans are eating a huge amount of glysohate --  
7 glyphosate in their diets. Their last assessment in 2012  
8 estimated that American adults could be ingesting over  
9 five milligrams of glyphosate every day, five times more  
10 than what the State of California has defined as having no  
11 significant risk, and 50 times higher than the estimated  
12 one in a million risk of cancer.

13           Personally, I'd rather deal with one in a  
14 million, than 1 in 100,000, since so many people I know  
15 are getting cancer. It's kind of scary. When I was  
16 lobbying on the issue of BPA, which your DART Committee  
17 finally listed, I told people in the Capitol, we don't  
18 know what causes cancer exactly. It's rare that you say  
19 your exposure to asbestos or something like that.

20           But if you're lying in bed dying of prostate  
21 cancer or breast cancer and you're 50 or 60 years old, it  
22 might pass through your mind, like, what caused this? And  
23 you probably won't know.

24           So it's your job to help us defend us against all  
25 the chemicals that have been introduced into this society,



1 and that we are ingesting, breathing, drinking.

2 We are submitting written comments before the  
3 deadline. We're going to suggest a lower level than what  
4 you are, but we appreciate your work.

5 Thank you very much.

6 (Applause.)

7 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

8 Next speaker Joe Robichaud. If I didn't quite  
9 get that right, let me know.

10 MR. ROBICHAUD: Robichaud.

11 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. And  
12 followed by Mary Fraser and Caroline Cox.

13 MR. ROBICHAUD: I'm here today -- my name is Joe  
14 Robichaud. I've been a resident of Sacramento for about  
15 the last 40 years. I'm here just to give my personal  
16 testimony. In the late seventies, probably through the  
17 eighties, I was an avid user of Roundup. I had a rental  
18 and my home. I used it all the time.

19 And I always took the Roundup precautions that  
20 they said if it was to come in contact with your skin wash  
21 it off right away and all that, and I followed that.  
22 Later on, I found out from a medical source that  
23 regardless whether you wash it off, it would permeate your  
24 body, and you would find the effects. Back then, I know  
25 several times I developed nausea. And I think on the

1 label it said that that would happen.

2           So I'm asking today why would they allow any  
3 amount of a toxic chemical like this, knowing its  
4 potentials, to be put in a chemical?

5           2010, I was diagnosed with non-hodgkin's  
6 lymphoma. Don't know how I contacted[sic] it. And my  
7 life quality, since that time, has totally degraded.

8           My last, what we call, is a PET scan is what I  
9 got, I'm in remission. But like I said, my life's -- I'm  
10 very -- I was always very active, a sportsman out there  
11 doing things, and my lifestyle has just really gone down.

12           So I'm asking you, everyday people, why would we  
13 have to wonder where we're at, what we're doing. Out in  
14 the field, I was an avid sportsman with my dog out in the  
15 grain fields. Why would we have to even consider thinking  
16 is -- am I going to come in contact with this chemical,  
17 you know what I mean? Why would we even -- if it -- we  
18 know any of its potentials even allow it. So I'm here  
19 today in opposition to the use of glyphosate. And like I  
20 said, that's just my personal testimony.

21           Thank you.

22           (Applause.)

23           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you very  
24 much.

25           Mary Fraser with Pesticide Free Zone followed by

1 Caroline Cox, and Nathan Donley.

2 MS. FRASER: Hi. Good afternoon. I'm a resident  
3 of Mill Valley, California. I'm a board member of the  
4 Pesticide Free Zone.

5 I think one of the things that your assessment  
6 ignores are children. You do an assessment based on a 70  
7 kilogram person. I mean, how small is a fetus? How small  
8 is an unborn child?

9 Our children are being born pre-polluted. The  
10 Environmental Working Group did a study back in 2005,  
11 along with Commonweal. And what they -- they tested for  
12 400 chemicals in the umbilical cord blood of newborns.  
13 They found 287 chemicals. So I ask you, how can you  
14 assess the synergistic effect of glyphosate with 287  
15 chemicals that already exist in a newborn?

16 And the answer is you can't. You can't do that.  
17 Mathematically, that's impossible. So you can't make an  
18 accurate assessment of the health risks to a pre-polluted  
19 baby. You just can't. So I'm asking you to consider the  
20 health of our unborn children.

21 And when you did your assessment, you used a  
22 linear dose response. And glyphosate has been proven to  
23 be an endocrine disruptor. I know the EPA says it's not,  
24 but the Endocrine Society of America, which is a  
25 professional medical organization, has put out a position

1 paper that says that the EPA testing was inadequate, and  
2 that there needs to be new testing, and that we need to  
3 follow the precautionary principle. And I will be  
4 submitting that position paper from the Endocrine Society  
5 to you.

6 And when we look at public health, the latest  
7 statistics out of the CDC is that cancer is now peaking at  
8 the age of 25 to 40 years old. It used to peak at 70 to  
9 75 years, because it's a latent disease, but now it's  
10 peaking at 20 to 25 -- I mean, 25 to 40 years.

11 And, wow, isn't it a coincidence that 25 years  
12 ago, GMOs entered the market, and GMOs are just a delivery  
13 system for pesticides and specifically Roundup.

14 So I ask you to take into consideration the  
15 health of our unborn children. And I also ask you to take  
16 into consideration the really new science, which is called  
17 epigenetic transgenerational effects. I recently saw a  
18 presentation by Dr. Tyrone Hayes that talked about this.  
19 And he showed slides of mice. He showed the grandmother  
20 mouse, who was exposed to a pesticide, showed no effect.  
21 He showed the mother mouse, who had no exposure, and  
22 showed no effect, and then there was the grandchild, and  
23 the grandchild was very deformed.

24 These are transgenerational epigenetic effects.  
25 This is new science. It's showing up in our studies

1 around DDT, which has been around a long time. And I  
2 really worry that this is what's going to happen with  
3 glyphosate. That in a couple of generations, we're going  
4 to find that there is no fertility anymore, and that our  
5 children are just totally deformed.

6 So please take into effect -- or account the  
7 health of our unborn children.

8 Thank you.

9 (Applause.)

10 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you very  
11 much. Next speaker is Caroline Cox, Center for  
12 Environmental Health followed by Nathan Donley, and  
13 Kathleen Kilpatrick.

14 MS. COX: My name is Caroline Cox, and I'm with  
15 the Center for Environmental Health in Oakland. I wanted  
16 to thank OEHHA for being a leader on the science on this,  
17 you know, clearly very important chemical that is not only  
18 controversial, but people feel very passionately about  
19 for, you know, really good reasons.

20 I also want to thank, you know, the whole State  
21 for its commitment to kind of being a lighthouse in terms  
22 of environmental protection in these stormy times. And I  
23 also wanted to remind OEHHA of something that I know  
24 you're very conscious of, that, you know, the regulations  
25 for the NSRLs require OEHHA to make use of the most

1 sensitive study.

2           And so I want to, you know, encourage to really  
3 think seriously about that, and I'm looking forward to  
4 submitting written comments.

5           Thank you.

6           (Applause.)

7           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

8           Next speaker Nathan Donley from the Center for  
9 Biological Diversity, followed by Kathleen Kilpatrick, and  
10 Lucia Calderon.

11           DR. DONLEY: Great. Thank you. My name is Dr.  
12 Nathan Donley. I'm a former cancer researcher at Oregon  
13 Health and Sciences University. And I'm currently a  
14 senior scientist at the Center for Biological Diversity.

15           On behalf of our members and supporters across  
16 the country, I'm here in support of the agency's decision  
17 to list glyphosate on Prop 65 list of carcinogens.

18           The State has based this decision on the most  
19 comprehensive, transparent, and independent analysis of  
20 cancer causing effects of glyphosate done by the  
21 International Agency for Research on Cancer. The IARC is  
22 truly the gold standard when coming to a hazard  
23 classification of any chemical agent or activity.

24           And recent controversy around the agrochemical  
25 industry's undue influence and regulatory agencies in

1 Europe and the U.S., including on investigation just  
2 announced today by the EPA's Office of the Inspector  
3 General looking at possible collusion between Monsanto and  
4 the EPA on their glyphosate assessment, has made it that  
5 much more important that sound science is recognized and  
6 utilized in a way that informs regulatory decisions.

7 Science is built on transparency. And the agency  
8 has chosen the most transparent analysis of glyphosate  
9 done to date to base its decision on. I do have some  
10 serious concerns about the NSRL not being based on the  
11 most sensitive study of sufficient quality.

12 Instead of hashing out these issues here, we will  
13 be submitting detailed written comments identifying our  
14 concerns in detail. But something I do want to bring up  
15 now involves different exposure scenarios. So the NSRL is  
16 currently based on dietary exposure and absorption through  
17 the intestinal epithelium of the gut.

18 While this will likely be the major exposure  
19 scenario for those who don't use glyphosate, there will be  
20 farm workers, and home gardeners, and families that live  
21 in rural areas where spraying is common that will be  
22 exposed in ways above and beyond what they get through  
23 their diet.

24 This includes absorption through the dermal layer  
25 of the skin, through the pulmonary epithelium of the lung,

1 as well as ocular exposures. And these exposure routes  
2 can have very different absorption rates than that of the  
3 gut. And relying on toxicity studies that measure  
4 glyphosate exposure solely through the gut, there's a good  
5 possibility of the NSRL being under-protective to those  
6 who are exposed via different routes.

7           You know, these are obviously very complicated  
8 issues to address, I know, but it does not make them any  
9 less real or any less important.

10           There are communities in this State that have a  
11 much higher propensity for exposure. And historically,  
12 they have been completely ignored, because they differ  
13 significantly from the general population in one way or  
14 another. So I hope this agency will keep these  
15 communities in mind when finalizing the NSRL.

16           And to finish, I really just want to thank this  
17 agency for moving forwards -- for moving forward with  
18 plans to list glyphosate. You knew this was a politically  
19 charged issue. You knew it would be high profile. You  
20 knew there would be companies with deep pockets looking to  
21 tie this up in the courts, and you went forward anyway.

22           So from the bottom of my heart, thank you for the  
23 work that you do, and your willingness to follow the  
24 science, and make hard choices in order to educate and  
25 empower the residents of this State.



1           Thanks.

2           (Applause.)

3           CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

4           Next speaker Kathleen Kilpatrick representing  
5 Safety[sic], Safe Schools, and PVFTKFT Retirees Chapter,  
6 if I'm getting that right?

7           MS. KILPATRICK: SafeAg, Safe Schools, that's our  
8 local organization.

9           CHIEF DEPUTY DIRECTOR HIRSCH: Okay.

10          MR. KILPATRICK: Thank you. I'm a retired --

11          CHIEF DEPUTY DIRECTOR HIRSCH: And just -- just  
12 following Lucia Calderon, And Desirée Rojas, after you.

13          MS. KILPATRICK: Okay. I'm a retired nurse from  
14 the Pajaro Valley on the Central cost. And again, I also  
15 want to thank you for listing glyphosate on -- under Prop  
16 65, and also for using the IARC recommendations, because  
17 they're based on probably risk, and not on the old  
18 fashioned risk versus benefit assessment.

19          I think we all applaud and support any decisions  
20 made using the precautionary principle, which looks for  
21 the option with the least harm.

22          I couldn't really decipher all those comparisons  
23 of the levels. And after all I've heard today, I have a  
24 lot more studies and numbers running around my brain.  
25 Although I did study toxicology and environmental exposure

1 assessment and occupational environmental health at the  
2 graduate level, it was 20 years ago. And as a school  
3 nurse in a farm-worker community, I had a lot to do while  
4 I was working at that job.

5           But I think we've heard a lot of reasons to  
6 choose the most conservative figure all the way down to  
7 zero. We know that Roundup is ubiquitous, and that  
8 there's been a dramatic rise in its use over the last 40  
9 to 50 years about 100-fold. It's on the shelf of every  
10 hardware store. It's in our sewage. It's in every bottle  
11 of California wine.

12           It's certainly only one of many chemicals that  
13 our children, and particular our farm-worker children, are  
14 exposed to. I have to say it's not the one that concerns  
15 me the most, because you'll be -- we'll be back talking to  
16 you about chlorpyrifos I hope soon.

17           (Laughter.)

18           MS. KILPATRICK: But I think we all know that the  
19 long-term effects of these individual chemicals are still  
20 under exploration. We don't really know. We certainly  
21 don't know about the effects of their so-called inert  
22 ingredients, and we don't know how they work in  
23 combination. The goal of the Prop 65 designation, one  
24 goal at least, is to get people to think twice before they  
25 buy that bottle that's right there by the checkstand. And

1 before they put it on their lawn, their golf course, or on  
2 their school grounds, our school board, with our  
3 encouragement, has eliminated the use of Roundup. But  
4 unfortunately, they're understaffed and the weeds are  
5 growing because they don't really know what else they  
6 should do.

7 But we do want to raise consumer awareness and  
8 hopefully increase consumer pressure so that eventually  
9 sales will cease and use will cease. Our Governor and our  
10 California legislature have made a public decision to hold  
11 the line against the pushback from our newly elected  
12 federal designees who are rolling back our environmental  
13 protections against chemicals, against fossil fuels, and  
14 all the other assaults.

15 It's time for California to take the lead in  
16 moving away from chemically-dependent agriculture. The  
17 future of our children and of our planet depends on  
18 finding new solutions. And developing and exploring  
19 alternatives for weed control is a good place to start.

20 Thank you.

21 (Applause.)

22 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

23 Next speaker is Lucia Calderon from Safe Ag Safe  
24 Schools, and followed by Desirée Rojas and Leni Felton.

25 MS. CALDERON: Good afternoon. First of all, I

1 want to just express my gratitude and appreciation for the  
2 work you're doing. My name is Lucia Calderon and I'm  
3 submitting comments on behalf of Safe Ag Safe Schools,  
4 along with a few other groups Non-Toxic Santa Cruz,  
5 Project Pollinate of Santa Cruz, and the Monterey Bay  
6 Central Labor Council.

7 Our organization is representing tens of  
8 thousands of Monterey and Santa Cruz County residents are  
9 deeply committed to protecting environmental and community  
10 health, particularly the health of agricultural workers  
11 and the families living and working near agricultural  
12 applications.

13 We support your proposal to adopt an NSRL for  
14 exposure to glyphosate under Prop 65. However, the  
15 proposed 1100 micrograms per day NSRL for glyphosate is  
16 not based on the most sensitive study of acceptable  
17 quality. We therefore request OEHHA revise the NSRL to be  
18 based off of a dose of 31.49 micrograms per kilogram per  
19 day, which is the level indicated by the best available  
20 science.

21 Included in the glyphosate analysis of the EPA's  
22 Cancer Assessment Review Committee are three high quality  
23 studies demonstrating that exposure to glyphosate below  
24 1000 milligrams per kilogram per day leads to a  
25 statistically significant increase in the development of

1 certain cancers.

2           Wood et al. of 2009 found a statistically  
3 significant increase in malignant lymphoma at 810  
4 milligrams per kilogram per day.

5           Stout and Ruecker of 1990 found a statistically  
6 significant increase in pancreatic islet cell adenomas in  
7 male rats at 89 milligrams per kilogram per day, and at  
8 940 milligrams per kilogram per day.

9           The Lankas et al. study of 1981, mentioned  
10 earlier, found a statistically significant increase in  
11 testicular interstitial tumors in male rats at 31.49  
12 milligrams per kilogram per day.

13           The State of California has taken an important  
14 step in listing glyphosate as a known human carcinogen.  
15 But the listing is only as effective as the NSRL will  
16 allow. We must ensure that people will not potentially be  
17 exposed to levels of glyphosate that can cause them harm.

18           Our organization strongly urge OEHHA to base the  
19 glyphosate NSRL off of a value of 31.49 milligrams per  
20 kilogram per day, the level based off of the most  
21 sensitive study.

22           And lastly, as the organizer of Safe Schools,  
23 which is a community coalition concerned primarily about  
24 the health impacts of chronic and cumulative pesticide  
25 exposure on the health of families and children living,

1 working, and attending school near fields. I want to  
2 reiterate that the 70 kilogram weight used in the NSRL  
3 calculation doesn't take into account child exposure, and  
4 continues to leave one of our most vulnerable populations  
5 at risk of cancer and many other health harms.

6 Thank you.

7 (Applause.)

8 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

9 Next speaker Desirée Rojas from the Labor Council  
10 for Latin American Advancement, and Assembly District 4.

11 Okay. Well, then the next speaker Leni -- oh,  
12 I'm sorry.

13 MS. FELTON: I'm the next speaker.

14 CHIEF DEPUTY DIRECTOR HIRSCH: You're -- okay.  
15 That's what I thought.

16 Leni Felton, the Way of Health, private biz. And  
17 following that will be Sharon Larsen and Diana Rudé.

18 MS. FELTON: Okay. Thank you very much for  
19 having this hearing today.

20 Thank you very much for having this hearing  
21 today, and for opening to all the information you're  
22 receiving. I'm a clinical nutritionist. I work with  
23 people with chronic health issues.

24 I've seen so many people that wouldn't even be  
25 able to sit here today and go through a full four hours of

1 discussion, either because their children are disrupted  
2 their -- because of their behavior or because of their own  
3 health being so poor.

4 I've also just had the benefit of seeing a very  
5 long life. My mother just died at 99 -- 99 years of  
6 health. But on the other hand, I work with these very  
7 sick children. And I know that anything that's going to  
8 disrupt the major organs of elimination of the body,  
9 especially the liver, is going to have a huge impact on  
10 the health of the child throughout their years. And then  
11 when they get into their teens, even their own hormonal  
12 changes in cycles will be too difficult for them to  
13 handle.

14 So I encourage you to please listen to the  
15 information. If it wasn't an issue, we wouldn't all be  
16 here. We're all here because of the importance of this  
17 issue. I know that you've been presented with some  
18 information saying that it should be an infinite limit,  
19 and that there's -- there's no carcinogenic or any other  
20 factor. If that was true, we wouldn't be here.

21 But what we need to understand is that there is  
22 an aspect that has been spoken about over and over about  
23 bioaccumulation. And the fact is it's very hard to limit.  
24 Once you open the door, it's very hard to limit what is  
25 going to start being sequestered in a person's body.

1           Again, I thank you. I thank everyone here who  
2 has taken the time to give this information. And when I  
3 came in here, I drove up 80 -- Highway 5, and saw the  
4 signs in the middle of town saying Field or Farm to Fork.  
5 I think it said Field to Fork or Farm to Fork. And that  
6 really sums up why we're here today. It's a very specific  
7 and a very significant issue, and I hope that your  
8 findings will be that no level is safe.

9           Thank you.

10          (Applause.)

11          CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

12          Next speaker is Sharon Larsen from Moms Across  
13 America to be followed -- by -- I'm sorry. I'm really  
14 going to -- I don't -- Diana --

15          MS. RUDÉ: Rudé.

16          CHIEF DEPUTY DIRECTOR HIRSCH: Rudé. Okay.  
17 Thank you. And after her Cynthia Corey.

18          MS. LARSEN: Hi. I'm Sharon Larsen. I live in  
19 Citrus Heights. I got involved in this issue because my  
20 grandchild doesn't look like this. She can't sit up. She  
21 can't hold her head up. She can't stand up. She can't --

22                 She has cerebral palsy -- low tone cerebral  
23 palsy, which means that she can't really chew food or  
24 swallow without aspirating food. Consequently, she became  
25 very, very thin and emaciated. Her pediatrician said that



1 she needed to have a G-tube.

2           If you don't know what that is, it's a tube that  
3 goes into your stomach where you're fed fluids. The fluid  
4 that she is still being fed, because her mom and dad don't  
5 really understand about glyphosates, as most people don't  
6 understand, a small percentage of people in this country  
7 seem to even know anything about it or understand the  
8 word.

9           The reason I'm here is because she was prescribed  
10 PediaSure. It comes in a can. Moms Across America did  
11 their own testing of this product and found that it was  
12 very high in glyphosates. I'm not a scientist, but I know  
13 that it's -- I'm sorry to say it this way, but it was  
14 either 1500 or 15,000 times stronger than what's allowed  
15 in the water in France and Germany.

16           I believe that it's that way, because it's made  
17 from corn and soy that is grown by Monsanto and sprayed  
18 with Roundup. This product is given to all vulnerable  
19 children that are not able to eat, and also to sick adults  
20 that have to be fed through a G-tube or have to drink  
21 fluid because they're really ill, and they're in the  
22 hospital, they're elderly, they have cancer.

23           This product, and other products like it, there  
24 needs to be no glyphosate. We had no idea that that was  
25 in what my granddaughter was being fed, until I just

1 started researching the nutritional value, and found the  
2 study that had been done by Moms Across America.

3           So I believe there should be no glyphosates.  
4 There's No label on this product that's being fed to  
5 children. And since then, I found out it's also in  
6 formula and many other products that most parents have no  
7 idea what they're feeding their children or their  
8 grandchildren or their sick relatives.

9           So I hope and pray for your help in banning this  
10 product, especially in products for children. And if it's  
11 not banned, labeling it so people at least know that  
12 they're poisoning their children.

13           Thank you.

14           (Applause.)

15           CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.

16           Next speaker, on now, Diana Rudé from the  
17 California Guild, followed by Cynthia Corey and Joseph  
18 Robibias.

19           MS. RUDÉ: Thank you. Diana Rudé from the  
20 California Guild. I also wanted to commend OEHHA for  
21 moving forward with this listing of glyphosate.

22           The Detox Project tests food products for  
23 organizations such as Food Democracy Now, and Organic  
24 Consumers Association.

25           I was told today that Dave Murphy of Food

1 Democracy Now was going to be here today, and wanted to  
2 speak, but he could not make it with a -- due to a  
3 conflict.

4           The Detox Project notes that glyphosate residues  
5 are rarely tested for in final food products by any  
6 regulators or companies worldwide, including the high  
7 glyphosate-resistant crops of soybean, which about 90  
8 percent are genetically modified, and maize about 70  
9 percent.

10           The Detox Project recommends that methods for  
11 clinical testing, including glyphosate testing, should  
12 always have minimum limits of detection of 0.5 parts per  
13 billion or lower, and we advocate for much lower, for  
14 urine and water testing.

15           They claim that chromatography tandem-mass  
16 spectrometry -- I can't say that -- testing methods are  
17 the most responsible methods that should be used for this  
18 testing of urine, water, or food for glyphosate.

19           According to The Detox Project, the current no  
20 significant risk level being proposed here would not  
21 result in labeling of any of the numerous foods that have  
22 been identified to date to complain -- to contain  
23 glyphosate by the Detox Project.

24           The other thing I just wanted to mention is  
25 related to the gut microbiome. It has been mentioned

1 before in other testimony today, but I just wanted to  
2 mention a finding by Keith Bell. He's a citizen  
3 scientist. And he says that gut micro -- microbiome make  
4 or break amino acids and prepare them for absorption.

5 Keith Bell notes that gut microbiomes also  
6 regulate how amino acids cross the blood/brain barrier  
7 affecting mental and emotional health. According to Keith  
8 Bell, Roundup shuts down amino acid synthesis in bacteria  
9 intended to kill weeds because the same pathway for amino  
10 acid synthesis, the Shikimate Pathway - and excuse me if  
11 I'm pronouncing it wrong -- is used by plants.

12 Although when glyphosate was first placed on the  
13 market, scientists weren't factoring in the collateral  
14 damage of Roundup to soil and gut bacteria, because  
15 microbes that were -- weren't receive -- weren't viewed at  
16 that time as crucial to public health. We know more now,  
17 and we need to respond to this new knowledge today.

18 Thank you.

19 (Applause.)

20 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

21 Okay. Next speaker Cynthia Corey from the  
22 California Farm Bureau followed by -- and you'll have to  
23 correct me when it's your turn -- Joseph Robibias and then  
24 Susan Lee.

25 MS. COREY: Good afternoon. Cynthia Corey with

1 the California Farm Bureau. I don't know if everyone is  
2 familiar with the Farm Bureau. I know a lot of people  
3 think it's a State organization, because it's an old word,  
4 but we're the largest nonprofit and oldest general farm  
5 organization in California.

6 We have a lot of policies, and I've worked with  
7 the Farm Bureau for 27 years in doing a lot of the  
8 environmental issues. What's very important to the  
9 members of our -- the California Farm Bureau, which are  
10 farmers and ranchers, is that if we do use chemicals that  
11 we use them very, very carefully, and judiciously. That's  
12 very important to our membership.

13 The Farm Bureau does not agree with the listing  
14 of glyphosate under Prop 65. Glyphosate, as was mentioned  
15 earlier, is a very important tool in conservation tillage.  
16 It allows us to reduce our tractor passes. And why that's  
17 important is you're using less diesel, which means you  
18 have cleaner air, you're able to sequester carbon, because  
19 you're not disturbing the soil.

20 So these are important for the environment, and  
21 so there's a lot of co-benefits, and we can -- we'll go  
22 into that more at length in our comments.

23 We know that nearly two dozen regulatory and  
24 scientific bodies internationally reviewed the same four  
25 animal studies that IARC, the working group, and they

1 reached the opposite conclusion, which is that glyphosate  
2 is not shown to be carcinogenic.

3           Given that OEHHA has changed their mind since  
4 their 2007 review, and now proposes listing, we only ask  
5 that the NSRL be absolutely no lower than the 1100  
6 micrograms per day that's proposed.

7           We do not agree that it be listed. But if you're  
8 going to do it regardless of the scientific weight against  
9 this decision, then a fair NSRL is important, so that we  
10 don't -- aren't preventing from using an effective tool  
11 for agricultural production, and instead are faced with  
12 frivolous lawsuits.

13           Thank you.

14           CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.

15           Joseph Robibias -- and again feel free to correct  
16 me -- followed by Susan Lee and Robert Gipson.

17           Okay. Well, I -- Joseph?

18           Okay. Joseph from Folsom. Okay. Well, I guess  
19 you won't correct me then.

20           So the next speaker will be Susan Lee followed --  
21 are you -- oh, she's not here either?

22           MS. LEE: I'm here.

23           CHIEF DEPUTY DIRECTOR HIRSCH: Oh.

24           Susan Lee followed by Robert Gipson and Linda  
25 Mulligan.

1 MS. LEE: Thank you very much for your time  
2 today. I actually didn't come prepared to speak, but I  
3 spoke with Zen, and she had me speak, given that I am a  
4 concerned citizen, as well as married to a farmer in  
5 California. And I want to thank you very much for all the  
6 time and effort that you've spent working with this issue  
7 and this the David and Goliath seemingly very important  
8 issue.

9 So what Zen had me share, given that I'm in the  
10 farming industry, is the average -- or the annual average  
11 of glyphosate pounds used on our different crops, and  
12 there's 70 that are listed here, and this is from data  
13 that is from the United States Department of Agriculture's  
14 National Agricultural and Statistics Service, as well as a  
15 the California Department of Pesticide Regulation.

16 So there's 70 crops that are listed here for  
17 California. And I started adding up the different -- the  
18 average amount of pounds of glyphosate, and this is from  
19 2013 to 2014. And only out of -- and out of the 70, I  
20 added up just 13 of these particular crops that are  
21 abundant in California, some of them being alfalfa,  
22 almonds, cotton, grapes, all very much important to the  
23 economy.

24 But what I did then was look at -- I Googled the  
25 population of California, and that's 39 million people.

1 So only on 13 products came over -- came out to eight  
2 pounds of glyphosate per person for every man, woman, and  
3 child in California.

4 And I know that you've said that there's been no  
5 exposure assessment, but I don't know how -- how you look  
6 at any kind of risk exposure when every man, woman, and  
7 child is potentially looking at being exposed to eight  
8 pounds of glyphosate per year.

9 Thank you very much for your time. I appreciate  
10 it, and I pray that all of our children will be considered  
11 in this decision. Thank you very much for your time.

12 (Applause.)

13 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

14 Next speaker is Robert Gipson followed by Linda  
15 Mulligan.

16 MR. GIPSON: Hi. I hadn't intended to speak, but  
17 the distinguished representatives from Monsanto made a  
18 couple of statements that I had some questions on. I know  
19 this isn't -- we're not allowed to ask questions in this  
20 forum, but I just -- is there a way for me to find out if  
21 I heard correctly? May I restate them and have them  
22 say -- did I mishear?

23 CHIEF COUNSEL MONAHAN CUMMINGS: I think that  
24 probably a better bet would be to -- we're going to be  
25 posting --



1 MR. GIPSON: Okay.

2 CHIEF COUNSEL MONAHAN CUMMINGS: -- the  
3 transcript, and also the video of the hearing. And so you  
4 can listen to what they said directly or look at the  
5 transcript. But I don't think they're willing to come  
6 back up and have a back and forth right now.

7 MR. GIPSON: Okay. Then I'll just state what I  
8 heard and we'll see later if I misheard this.

9 CHIEF COUNSEL MONAHAN CUMMINGS: Okay.

10 MR. GIPSON: They said that apparently cellular  
11 oxidative stress is the only cancer endpoint that should  
12 be considered, and they said no other cancer endpoints can  
13 be considered.

14 And the other statement, or the inference was,  
15 that OEHHA should not rely on animal studies. I don't  
16 know if I heard this correctly, but it was stunning to me,  
17 so perhaps I misheard. If I misheard, please forgive me,  
18 because we know -- everyone knows there are more cancer  
19 endpoints than cellular oxidative stress, the breast  
20 cancer study, which showed parts per trillion effects.

21 The mechanism there is -- glyphosate has been  
22 shown to be an estrogen receptor agonist, which means it's  
23 like -- it acts like estrogen, but estrogen on steroids,  
24 no pun intended. And the estrogen receptor is a nuclear  
25 receptor. That means it binds to the DNA -- DNA and acts

1 as a transcription factor, and that's how it affects  
2 even -- it can affect not only the individual, but  
3 subsequent generations. So I'd just like to hear that, if  
4 possible, clarified.

5 Thank you for your time.

6 (Applause.)

7 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.

8 And the last person who has given us a blue card  
9 is Linda Mulligan.

10 MS. MULLIGAN: I was five minutes ago I really  
11 wasn't not going to speak. I accompanied my best friend  
12 here, Andy Samsel. I'm myself have an organic farm in New  
13 Hampshire. We came all the way from New Hampshire.

14 As a teacher for 20 years I taught high school.  
15 And in one of my community service classes, their  
16 community service as a random act of kindness was to go  
17 into their father's shed and find the Roundup, bring it to  
18 your father or your mother, whoever takes care of it, and  
19 ask them to bring it back to Lowe's and to Home Depot.

20 I also told them do not be prepared to ask for  
21 your money back. Just ask them to please dispose of it,  
22 and do not put it in your property anymore. I taught  
23 these children for 20 years, all the freshman, and I, all  
24 of a sudden, am proud to say that I did that.

25 I also have a husband at home, autoimmune disease

1 who was poisoned by water. He is now waiting on a double  
2 lung and a liver transplant. Being from New Hampshire, we  
3 look over at California and we think you people are cool.  
4 We love California. Do you understand the power that  
5 California has, not only on this country, but on the  
6 world? And I hope you make the right decision.

7 Thank you.

8 (Applause.)

9 CHIEF DEPUTY DIRECTOR HIRSCH: Okay.

10 So thank you. So everyone who has given us a  
11 blue card has had the chance to speak.

12 So if there is anyone else who would like to  
13 speak, this is the time to do it.

14 Come on up. Come on up to the microphone.

15 We have one individual who's making his way up  
16 here.

17 MR. ROTHCHILD: Thank you. My name is P.T.  
18 Rothchild. And I really didn't come here to speak, but  
19 the IRAC[phonetic], or whatever it's called, the study  
20 that showed how bad glyphosate was, has been called into  
21 question. And our esteemed colleagues from Monsanto  
22 basically threw cold water on it.

23 So what I was handed was a paper that showed that  
24 basically that test was very limited, it wasn't valid, and  
25 they should have looked at the people who got cancer from

1 that same test, which is right here. I don't know if you  
2 can see it on the camera or whatever. But there's a whole  
3 bunch of people here that got cancer from that same study.  
4 So it's not just animals getting cancer, it's mammals and  
5 animals, humanoids --

6 (Laughter.)

7 MR. ROTHCHILD: -- and four foots -- four  
8 footers.

9 (Laughter.)

10 MR. ROTHCHILD: That's pretty much all I wanted  
11 to say except for one thing, whether you're sitting back  
12 there or you're sitting down here, we're all eating the  
13 same food, we're all breathing the same air, and most of  
14 us are drinking the same water. A few of us are drinking  
15 real water that's alkaline or it's refined or whatever,  
16 but most people are just drinking the water.

17 And none of us are going to get away from it.  
18 It's in the air. It's in bottles of wine. It's on your  
19 girlfriend's breath. So, basically, that's it.

20 Now, whether or not you folks do the right thing  
21 or do anything at all, it's not really going to make a  
22 difference, because Monsanto is in control of a lot of  
23 things, not just glyphosate.

24 And so if you do decide something, and you do the  
25 right thing, that's one step. But everybody out here, I

1 know they all know that this is only one arm of the  
2 cracking that we're fighting. We're fighting a number of  
3 fronts, and glyphosate is only one.

4           If we win on glyphosate, that's not going to cure  
5 anything. It's going to make us feel better, and we're  
6 already starting to see organic stuff in the major  
7 supermarkets, all from efforts that a lot of us have put  
8 out standing on corners, fliers, all kinds of things. So  
9 education is the key,

10           We have to educate people to understand that what  
11 they put into their body makes a difference. When I met  
12 John Diaz, I was a size 38.

13           Thanks. Thanks a lot.

14           (Laughter.)

15           MR. ROTHCHILD: I was a size 38. He radicalized  
16 me. I know that's a bad word to use nowadays, but that's  
17 what happened. I cut out the Cokes, the Pepsi's. I don't  
18 eat at a Subway on a political thing. They hire child  
19 traffickers.

20           But I went from a 38 down to this. Now, I'll  
21 tell you why this is important. It's healthier, I look  
22 better, but I hang around with people who are about a  
23 third my age. I like that. I don't like looking like  
24 their grandfather. I talk hip. I can dance. That's it.

25           So thank you for what you're doing. I know we're

1 up against -- like I say, we're up against ultimate evil.  
2 But if you don't fight ultimate evil, evil will win  
3 period. If you fight it, it may still win, but at least,  
4 you can die happy, because you were in the fight. You  
5 were sitting on the sidelines being a wallflower.

6 Thank you very much.

7 (Applause.)

8 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Thank you.  
9 Anyone else who wishes to speak?

10 Okay.

11 MS. HOPP: Thank you. I'm Susan Hopp from Marin  
12 County. And I guess to sum this up, there have been so  
13 many eloquent voices, and such passion. And I think you  
14 are all in a very tough position.

15 On the other hand, I think in contrast, I loved  
16 our last -- the last gentleman's message, but I think that  
17 you can have tremendous impact. We've heard somebody from  
18 New Hampshire who talks about California. California has  
19 led on so many fronts, and so I hope that you will be  
20 inspired for your best selves to come forward, and  
21 inspired by the passion of all these people, and think of  
22 someone like Rachel Carson and what she was up against in  
23 the fifties when she went -- and the sixties, when she  
24 went in front of Congress and who she is today.

25 So thank you so much for all that you're doing

1 and what you're doing.

2 Thank you.

3 (Applause.)

4 CHIEF DEPUTY DIRECTOR HIRSCH: Thank you.

5 Okay. I see we have another speaker.

6 MS. DAMES: Hi. My name is Christine

7 Dames[phonetic] and I'm from Marin County. And I want to  
8 thank you for taking this issue on, and how important it  
9 is. I grew up in St. Louis, three miles as the crow flies  
10 from Monsanto.

11 My sister worked there, and I swam in the  
12 Mississippi River as a kid. My father had a boat, and I  
13 spent every single weekend in that water. We had a farm  
14 by that water as well. I know that river, and I know  
15 Monsanto. I had no idea growing up then what I would come  
16 to know now about the place that was just three miles from  
17 my home.

18 I'm also a producer on the film *A Permanent Mark*,  
19 which looks at Vietnam veterans and their exposure to  
20 Agent Orange, cancer, and the epigenetic fallout hitting  
21 their grandchildren, and the extreme suffering that has  
22 and continues to happen to the Vietnamese families in  
23 Vietnam from Agent Orange, a Monsanto product.

24 I'm also an advocate for parent groups with  
25 children suffering from chronic illness in all its forms,

1 autism, ADD, ADHD, all of it. I follow the moms. I  
2 follow the women. I have no children. But in order to  
3 get well from serious chronic illness, I had to dive into  
4 their world, and I did.

5           And what I found was a world of sick children  
6 that I had no idea existed. I thought I was one of the  
7 only ones that grew up that way. I've recovered. These  
8 moms recover their children. And you know how they do it?  
9 Organic food. No chemicals. No pesticides. Organic  
10 food, and they know what to do. They're powerful. They  
11 are a force to be reckoned with. They know the science.  
12 I follow their science.

13           I know glyphosate is bad. It's very bad, and  
14 there are other agents inside their that besides  
15 glyphosate that are equally and even worse than  
16 glyphosate.

17           So I ask you please -- thank you for taking this  
18 on, and I ask you to do your job the best you know how,  
19 because I know that you need to make the right decision on  
20 behalf of all the people that are here, all the families,  
21 the men, the women, those suffering and those not, in this  
22 State, in this country, and around the world.

23           We're depending on you right now. They're all  
24 looking to you. Please make the right decision for all of  
25 us.



1 (Applause.)

2 CHIEF DEPUTY DIRECTOR HIRSCH: All right. Anyone  
3 else wishes to speak?

4 Last chance?

5 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. Carol would  
6 like to --

7 CHIEF COUNSEL MONAHAN CUMMINGS: Just one quick  
8 comment for any of the speakers that brought their --  
9 copies of their comments, if you want to have them in the  
10 record, you can do that, or if you don't have copies and  
11 you want to submit them as written comments, that's fine  
12 too.

13 Thank you.

14 CHIEF DEPUTY DIRECTOR HIRSCH: Okay. So with  
15 that, I hereby close this public hearing. I'd like to  
16 thank you very much for taking the time to come here this  
17 afternoon. You know, those who have come to our hearings  
18 in the past know that we typically get professional  
19 scientists, and attorneys, and all that. And we don't --  
20 we don't often get the, you know, just number of private  
21 citizens who have come here. So we know for a lot of you  
22 it was a drive or even a plane flight here, and very much  
23 appreciate that you took the time to come here and share  
24 your thoughts with us.

25 We have, in addition to the OEHHA staff who you

1 see up here, I know several of our scientists have been in  
2 the audience listening, and other scientists have been  
3 watching the webcast. So we've -- you know, a lot of us  
4 have heard what you've said.

5 CHIEF DEPUTY DIRECTOR HIRSCH: Oh -- well, the  
6 question is...

7 MS. HAYES: How many people on the Committee will  
8 be making this decision. I'm not familiar with this  
9 branch of California.

10 CHIEF COUNSEL MONAHAN CUMMINGS: Okay. We can  
11 restate -- restate the question. What's your name?

12 MS HAYES: Laura Hayes.

13 CHIEF COUNSEL MONAHAN CUMMINGS: Laura Hayes.  
14 She's asking how many people are on the Committee that  
15 will make this decision?

16 CHIEF DEPUTY DIRECTOR HIRSCH: And the answer is  
17 it's not a committee per se, it's OEHHA management of  
18 which three of us are up here. There's several others.  
19 Our OEHHA Director is a toxicologist and an expert  
20 scientist and will be -- you know, is really the  
21 individual who will make that final decision, but in  
22 concert with all of us.

23 And, you know, the way the process will work is  
24 at the -- once the written comment period closes, Dr.  
25 Sandy and her staff will be going through the comments

1 that we got today and the written comments. And we're  
2 expecting a fairly high volume of them, and we'll go  
3 through and we'll make a decision as to whether -- as to  
4 whether we should change anything in the assessment or  
5 not. And if we make changes, there will be an additional  
6 public comment period. So if you're interested and  
7 haven't gotten on our listserve, you can go to our website  
8 and sign up for the listserve, and that's the best way to  
9 keep abreast of what's happening.

10 So with that, you know, again our written comment  
11 period is open until 5:00 p.m. on June 21st, 2017. So  
12 there's two more weeks to submit written comments to us.  
13 And there you have two options for submitting them to us  
14 electronically.

15 You can either go to our website at  
16 <https://oehha.ca.gov/comments>, which, okay, is quite a  
17 mouthful, or you can send us comments via email at  
18 [p65public.comments@oehha.ca.gov](mailto:p65public.comments@oehha.ca.gov). And again our website  
19 has this information. And we would appreciate it if you  
20 put glyphosate NSRL in the subject line.

21 Two other ways to get us comments would be to fax  
22 them to us at (916)323-2265, or you can snail mail hard  
23 copy comments, and they should be postmarked by June 21st.  
24 And you would send them to Esther Barajas-Ochoa,  
25 Regulations Coordinator at the Office of Environmental

1 Health Hazard Assessment, P.O. Box 4010, MS-12B, 1001 I  
2 Street, Sacramento, California, 95812.

3           And again, that information is on our website and  
4 I obviously have it in writing here, if you'd like to come  
5 up and write it down.

6           So again thank you very much for coming here.

7           (Thereupon the California Office of Environmental  
8 Health Hazard Assessment public hearing adjourned  
9 at 4:49 p.m.)

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## 1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the  
5 foregoing California Office of Environmental Health Hazard  
6 Assessment public hearing was reported in shorthand by me,  
7 James F. Peters, a Certified Shorthand Reporter of the  
8 State of California;

9 That the said proceedings was taken before me, in  
10 shorthand writing, and was thereafter transcribed, under  
11 my direction, by computer-assisted transcription.

12 I further certify that I am not of counsel or  
13 attorney for any of the parties to said hearing nor in any  
14 way interested in the outcome of said hearing.

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 16th day of June, 2017.

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23 JAMES F. PETERS, CSR  
24 Certified Shorthand Reporter  
25 License No. 10063