

Proposed Amendments to the Proposition 65 Clear and Reasonable Warning Regulation: Safe Harbor Methods and Content

California Code of Regulations, Title 27, Division 4, Chapter 1, Article 6, Subarticle 2.

[Note: The text below shows the proposed amendments to the current Title 27, section 25607.2 in the California Code of Regulations. The proposed amendments are shown in underline for additions and ~~strike through~~ for deletions from the existing regulatory text.

Also note, a current rulemaking noticed on October 27, 2022, Office of Administrative Law file no. 2023-1017-03, would amend section 25607.2. In that proposal, the existing subsection (b) would be renumbered to (c).]

§ 25607.2. Food Exposure Warnings--Content.

...

(b) A warning for food exposures to acrylamide meets the requirements of this subarticle if it is provided: (i) in accordance with subsection (a), or, (ii) via one or more of the methods specified in Section 25607.1 and complies with either (1) or (2)~~includes both elements (1) and (2)~~ below.

(1) The words “WARNING:” or “CA WARNING:” or “CALIFORNIA WARNING:” in all capital letters and bold print, ~~followed by (2) followed by t~~The words, “Consuming this product can expose you to acrylamide, a probable human carcinogen formed in some foods during cooking or processing at high temperatures. Many factors affect your cancer risk, including the frequency and amount of the chemical consumed. For more information including ways to reduce your exposure, see www.P65Warnings.ca.gov/acrylamide.”

(2) The words “WARNING:” or “CA WARNING” or “CALIFORNIA WARNING:” in all capital letters and bold print, followed by the language in subsections (A) and (B). Optional language in subsection (C) may be added. “United States” may be abbreviated as “US” and the words “Environmental Protection Agency” as “EPA”.

(A) The words, “Consuming this product can expose you to acrylamide,” or the words “Consuming this product can expose you to acrylamide, a chemical formed in some foods during cooking or processing at high temperatures.”

(B) At least one of the following sentences:

(i) “The International Agency for Research on Cancer has found that acrylamide is probably carcinogenic to humans.”

(ii) “The United States Environmental Protection Agency has found that acrylamide is likely to be carcinogenic to humans.”

(iii) “The United States National Toxicology Program has found that acrylamide is reasonably anticipated to cause cancer in humans.”

(C) The content in (A) and (B) may be followed by one or more of the following sentences:

(i) “Acrylamide has been found to cause cancer in laboratory animals.”

(ii) “Many factors affect your cancer risk, including the frequency and amount of the chemical consumed.”

(iii) “For more information including ways to reduce your exposure, see www.P65Warnings.ca.gov/acrylamide.”

Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.