Final Regulation Text

Title 27. Environmental Protection
Division 4. Office of Environmental Health Hazard Assessment
Chapter 1. Safe Drinking Water and Toxic Enforcement Act of 1986
Article 5. Extent of Exposure

New section 25506 to be added to article 5 of chapter 1 of division 4 of title 27 of the CCR

§ 25506. Exposures to Acrylamide in Cooked or Heat Processed Foods.

(a) A person otherwise responsible for an exposure to acrylamide in a food does not "expose" an individual within the meaning of Section 25249.6 of the Act, to the extent the chemical was created by cooking or other heat processing, if the manufacturer of the food has reduced the levels of acrylamide to the lowest level currently feasible by utilizing applicable practices recommended in Codex Alimentarius Code of Practice for the Reduction of Acrylamide in Foods CAC/RCP 67-2009 (2009), hereby incorporated by reference.

(b) Nothing in this section shall preclude a person otherwise responsible for an exposure to acrylamide in a food from using evidence, standards, risk assessment methodologies, principles, assumptions, or levels described in Articles 7 and 8 to establish a concentration for acrylamide in a food that is created by cooking or other heat processing that is different from the concentrations provided in subsection (d)(4).

(c) Nothing in this section shall apply to parties to a court-ordered settlement or final judgment entered before [OAL add the effective date of the regulation] to the extent that such settlement or judgment establishes a concentration of acrylamide in a specific product that is different from the concentrations provided in subsection (d)(4).

(d) The concentration levels for acrylamide in foods in this subsection are deemed to comply with subsection (a) if both the average concentration and unit concentration are less than or equal to those listed in subsection (d)(4).

(1) In this subsection, 'unit concentration' is the concentration of acrylamide measured in a single food item or individual packaged unit, such as a bag, box, or carton, of the specific food product in the form the product is sold to consumers in California. The unit concentration is based on a representative composite sample taken from the individual packaged unit.

A ‘representative composite sample’ is made up of portions of the food in the same proportion as in the whole individual packaged unit, e.g., equivalent proportions of crust and crumb (the inner portion) in the sample as in the whole loaf of bread.

(2) In this subsection, ‘average concentration’ refers to the average of unit concentrations measured. The average concentration is determined by adding together the unit concentrations of at least five samples taken over a period of no less than 60 days with no less than 10-day intervals between sampling and then dividing this total by the total number of samples.

(3) The measurement of the concentrations described in subsection (d) must be conducted by a chemical analysis laboratory with International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) standard ISO/IEC 17025 accreditation.

(4) Acrylamide concentrations are given in the table below in parts per billion by weight (ppb).

Foods/Food groups	Maximum average concentration (ppb)	Maximum unit concentration (ppb)
Almonds, specifically roasted almonds and chocolate-covered roasted almonds	225	---
Bread, including loaves, rolls, buns, baguettes: a. non-wheat-based products b. wheat-based products	 100 50	---
Cookies: a. animal and animal crackers (sweet) b. thin and crispy c. sandwich wafers	 75 281 115	 100 300 ---
Crackers, specifically savory crackers, including crispbread	350	490
Potato or sweet potato products: a. French fried potatoes b. sliced chips c. all other products, including hash browns and potato puffs	 280 281 350	 400 350 490
Waffles	280	---

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