

PhysiciansCommittee

for Responsible Medicine

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May 22, 2017

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Received

MAY 26 2017

Sacramento

VIA CERTIFIED MAIL

Lauren Zeise, Ph.D., Director

Office of Environmental Health Hazard Assessment (OEHHA)

Post Office Box 4010

Sacramento, CA 95812-4010

Re: Petition to amend Cal. Code Regs., tit. 27, § 27001(b) to add “Processed meat (consumption of)” to the list of “Chemicals known to the state to cause cancer”

Dear Dr. Zeise:

The Physicians Committee for Responsible Medicine submits this petition pursuant to Government Code section 11340.6 and California Code of Regulations, title 27, section 25904(d).

(a) Substance or nature of the amendment requested

The Physicians Committee petitions OEHHA to amend California Code of Regulations, title 27, section 27001(b) to add “Processed meat (consumption of)” to the list of “Chemicals known to the state to cause cancer” no later than the next time OEHHA causes the list to be revised and republished in light of additional knowledge.

(b) Reason for the request

In October 2015, 22 scientists from ten countries met at the International Agency for Research on Cancer (IARC) to evaluate the carcinogenicity of the consumption of red meat and processed meat. Processed meat refers to meat that has been transformed through salting, curing, fermentation, smoking, or other processes to enhance flavor or improve preservation. The Working Group assessed more than 800 epidemiological studies that investigated the association of cancer with consumption of red meat or processed meat in many countries, from several continents, with diverse ethnicities and diets. The Working Group classified consumption of processed meat as “carcinogenic to humans” (Group 1) on the basis of sufficient evidence for colorectal cancer. This assessment will be published in volume 114 of the IARC Monographs.

OEHHA regulations state that a “chemical or substance shall be included on the list if it is classified by the International Agency for Research on Cancer (IARC) in its IARC Monographs series on the Evaluation of Carcinogenic Risks to Humans (most recent edition), or **in its list of Agents Classified by the IARC Monographs, as . . . Carcinogenic to humans (Group 1).**” (Cal. Code Regs., tit. 27, § 25904, subd. (b)(1) (emphasis added).)

The statutory, regulatory and scientific authorities demonstrate that OEHHA has a non-discretionary duty, pursuant to Health & Safety Code section 25249.8(a) and California Code of Regulations, title 27 section 25904(b)(1), to add "Processed meat (consumption of)" to the list of "Chemicals known to the state to cause cancer" because IARC included "Processed meat (consumption of)" in IARC's "list of Agents Classified by the IARC Monographs, as . . . Carcinogenic to humans (Group 1).

(c) Reference to the authority of the state agency to take the action requested

Health & Safety Code section 25249.8(a) states that

the Governor shall cause to be published a list of those chemicals known to the state to cause cancer . . . and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor Code Section 6382(b)(1) and those substances identified additionally by reference in Labor Code Section 6382(d).

Health & Safety Code section 25249.12(a) further commands the Governor to designate a lead agency to implement the law and "adopt and modify regulations, standards, and permits as necessary." The lead agency is "the Office of Environmental Health Hazard Assessment as designated by the Governor in Executive Order W-15-91, dated July 17, 1991." (Cal. Code Regs., tit. 27, § 25102, subd. (o).)

According to OEHHA regulations, a "chemical or substance shall be included on the list if it is classified by the International Agency for Research on Cancer (IARC) in its IARC Monographs series on the Evaluation of Carcinogenic Risks to Humans (most recent edition), or in its list of Agents Classified by the IARC Monographs, as . . . Carcinogenic to humans (Group 1)." (Cal. Code Regs., tit. 27, § 25904, subd. (b)(1).)

Attached is IARC's current list of Agents Classified by the IARC Monographs, published at http://monographs.iarc.fr/ENG/Classification/List_of_Classifications.pdf. The list classifies "Processed meat (consumption of)" as a Group 1 substance that is carcinogenic to humans.

California Government Code section 11340.7(b) permits a state agency petitioned pursuant to Government Code section 11340.6 to "grant or deny the petition in part." OEHHA therefore has the authority to take the action requested in this petition.

Respectfully submitted,



Neal D. Barnard, M.D., President
Physicians Committee for Responsible Medicine