

**Responsible Farmers Coalition  
7200 East Brundage Road  
Bakersfield, California 93307**

Submitted Via E-mail

Monday, March 24, 2014

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, CA 95812

Re: Intent to List Beta-Myrcene under Proposition 65

Dear Ms. Oshita,

The Responsible Farmers Coalition (RFC) is concerned with the addition of beta-myrcene to the list of chemicals known to cause cancer under Proposition 65. The RFC believes that this action would place an unfair burden on products containing beta-myrcene, especially products where beta-myrcene occurs naturally, such as carrots. The RFC requests that the Office of Environmental Health Hazard Assessment (OEHHA) reconsider its intent to add beta-myrcene to the list of carcinogens based on the unreliable conclusions of the report published by the National Toxicology Program (NTP).

Beta-myrcene is a chemical compound that occurs naturally in several fruits, vegetables and tree nuts. Article 5, Title 27 of the California Code of Regulations states that chemicals shall not constitute an "exposure" if the chemical is naturally occurring. The statute defines "naturally occurring" as the following:

- (1) For the purposes of this section, a chemical is "naturally occurring" if it is a natural constituent of a food, or if it is present in a food solely as a result of absorption or accumulation of the chemical which is naturally present in the environment in which the food is raised, or grown, or obtained;
- (2) The "naturally occurring" level of a chemical in a food may be established by determining the natural background level of the chemical in the area in which the food is raised, or grown, or obtained, based on reliable local or regional data.
- (3) A chemical is naturally occurring only to the extent that the chemical did not result from any known human activity.

(4) Where a chemical contaminant can occur naturally in a food, the chemical is naturally occurring only to the extent that it was not avoidable by good agricultural or good manufacturing practices.<sup>1</sup>

In the court case titled, *Environmental Law Foundation v. Beech-Nut Corporation et al.* the Court concluded that “a chemical is ‘naturally occurring’ only if it is a natural constituent of food.”<sup>2</sup> Fruits, vegetables and tree nuts clearly fall under the category of “naturally occurring” as the statute defines it.

The OEHHA reviewed the likelihood that chlorothalonil consumption from fresh tomatoes and tomato products would exceed the Proposition 65 No Significant Risk Level (NSRL). The OEHHA concluded that the average person consumes below the NSRL of chlorothalonil when consuming tomatoes and tomato products.<sup>3</sup> This study performed against carrots will likely lead to the same conclusion. The amount of beta-myrcene found in carrots is negligible when compared to the amounts used in the study.

Before beta-myrcene is added to the list of carcinogens under Proposition 65, OEHHA should request that the Carcinogen Identification Committee (CIC) review the issue. The CIC is the primary authoritative body for reviewing candidate carcinogens. The NTP did not give equivocal evidence that beta-myrcene causes cancer in humans. The CIC, therefore, should be consulted before the OEHHA makes its final decision to include beta-myrcene in the carcinogen list.

RFC appreciates having this opportunity to provide these comments. Should there be any questions about the responses provided above, we would be happy to provide additional information for the record.

Respectfully submitted,



John Guerard  
Responsible Farmers Coalition

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<sup>1</sup> 27 CCR § 25501. Exposure to a Naturally Occurring Chemical in a Food.

<sup>2</sup> *Environmental Law Foundation v. Beech-Nut Corporation et al.* Superior Court of the State of California in and for the County of Alameda. April 8, 2013. No. RG11 597384.

<sup>3</sup> Office of Environmental Health Hazard Assessment. “Consumption of Chlorothalonil Residues in Tomato Products.” California Environmental Protection Agency. Proposition 65 Interpretive Guideline No. 2012-03. (June 2012).