

Our Health at Risk

What H.R. 4167 Means for Food Safety and
Consumer Protections in California



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This report describes the successes of California's food safety laws, including Proposition 65's consumer notification requirements and the need to maintain state safeguards to address food safety threats. It also details the danger posed to California's food safety and consumer notification laws protections by H.R. 4167, the National Uniformity for Food Act of 2005.

UNITED STATES SENATE
OFFICE OF SENATOR BARBARA BOXER
ENVIRONMENTAL STAFF

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I. Executive Summary

The State of California is a leader in ensuring food safety. California's Safe Drinking Water and Toxic Enforcement Act of 1986, or "Proposition 65" law is a powerful example of a simple but effective protection: provide consumers with information about food products that contain substances of concern and let them decide which product to buy. Truth-in-labeling educates consumers and creates incentives for reducing contaminants in food. For more than 20 years, this simple combination of consumer education and market forces has resulted in safer, higher quality food throughout California with a ripple effect across the nation.

California and other states have used state laws to more rapidly respond to food safety concerns than the federal government. States also use their authority to respond to the concerns of their citizens, who may desire more protection than the federal government provides.

However, food safety laws that protect Californians and other people across the nation are in jeopardy from special interests, comprised mostly of large manufacturing companies, including national food and beverage concerns that want to eliminate and weaken such protections. Those interests are trying to enact federal legislation that would undercut state authority to create food safety standards that differ from federal law, even in instances where there is no federal protection.

Rather than responding to consumer demands and state food safety requirements, these special interests want to keep consumers in the dark about danger-

ous contaminants in food and close the door on state food safety officials. In particular, these special interests want to eliminate Proposition 65 and similar state protections that educate consumers and are a catalyst for change.

Efforts to override Proposition 65 have been going on for over two decades, without success. Unfortunately, those efforts are continuing. This year, the Republican controlled U.S. House of Representatives voted 283 to 139 to enact H.R. 4167, the National Food for Uniformity Act of 2005.

This bill would preempt Proposition 65 and other food safety and consumer right-to-know protections across the country. The House failed to hold any committee hearings on this bill, taking away the ability of opponents to highlight the bill's threat to public health.

The House voted for preempting state and local food safety protections, despite strong opposition from 39 State and Territorial Attorneys General, national associations for State Agricultural and Food and Drug Officials, and public health, scientific, labor, environmental and public interest groups from across the country. California's delegation voted 32 to 18 against H.R. 4167, an overwhelming and bipartisan show of support for California's food safety laws. (Please see the appendix for a listing of some groups who oppose H.R. 4167.)

For Californians, the stakes are incredibly high. Strong California laws have led to the removal or much lower levels of lead in candy, arsenic in bottled water, mercury in fish, lead in plates, bowls, and glassware, and polychlorinated

biphenyls (“PCBs”) in salmon. Californians have also passed innovative laws to combat childhood obesity by ensuring that public schools provide our children with healthy foods, and juice, milk and water rather than soda. Special interests could turn back the clock, taking away California’s authority to address food safety and nutrition concerns. Californians have worked to effectively solve past problems, and we need to retain the power to address problems that may arise in the future.

Scientists are finding new contaminants in our food supply that may require action to protect public health. Perchlorate, chemicals in non-stick cookware, and flame retardants are showing up in food products such as meat, vegetables, and milk. Scientists are also finding these contaminants in our blood and in mothers’ breast milk. These chemicals are known or suspected of causing a number of adverse health effects, including cancer, birth defects and damage to our nervous systems. (Please see the appendix for a description of California laws that have protected people from food safety threats in the past, and a description of potential future threats to food safety.)

Federal environmental laws frequently provide a baseline of protection,

“Industry’s been working for pre-emption for two years now, and we will continue as long as it takes...If it doesn’t happen at this moment, we won’t stop.”

Jeff Nedelman, Grocery Manufacturers of America

San Francisco Chronicle, EPA Chief Backs California’s Controversial Anti-Toxic Law, (January 14, 1989).

but allow states to respond to their unique problems and the demands of their citizens by providing more protection than federal law. H.R. 4167 takes us in the opposite direction. It would use federal law to undercut state and local protections—safeguards that solve clear public health threats. We must work to maintain and enhance protections, not weaken our ability to address such threats.

“Philosophically, that’s where I’ll come from (on Proposition 65)—supporting states’ authority to be more stringent than federal authority.”

Lee Thomas, Former Administrator of the Environmental Protection Agency, during the Reagan Administration

San Francisco Chronicle, EPA Chief Backs California’s Controversial Anti-Toxic Law, (January 14, 1989).

II. California's Proposition 65, a Primary Target of H.R. 4167

This report highlights examples of California laws that are threatened by H.R. 4167. These state protections have safeguarded people, including children, from toxic chemicals such as lead, arsenic, and PCBs. The chemicals at issue are known or suspected of causing cancer, birth defects, lowering children's IQs, and of causing a variety of other adverse health effects.

A. Proposition 65: Truth in Labeling

In 1986, Californians overwhelmingly approved the Safe Drinking Water and Toxic Enforcement Act of 1986, "Proposition 65". Sixty-three percent of the state's voters endorsed this measure as a catalyst for change. Proposition 65 requires the state to establish a list of chemicals that can cause cancer or reproductive toxicity. The list of chemicals is primarily taken from substances that other national and international scientific organizations have recognized as known carcinogens or reproductive toxins. The law makes a business provide a "clear and reasonable warning" if the business knowingly and intentionally exposes a person to such a chemical. However, if the business can show that the exposure poses "no significant risk", it does not have to provide a warning.

Proposition 65 does not ban chemicals in food. It operates on the basis of truth-in-labeling. The law uses consumer education to promote market choices that create incentives for businesses. Businesses who want to make

money selling their products will respond to consumer demands for food that does not contain substances that can cause cancer or reproductive harm.

The law provides citizens as well as government officials with the power to enforce its provisions. Important safeguards have been included in Proposition 65 to ensure that the public interest is protected without undue burden. Some of these provisions include:

- Private parties must notify the business that may be violating the act at least 60 days prior to filing a lawsuit against the business. This provides time for the parties to talk and for the business to make changes that reduce any exposures that violate the law.
- The private party must notify the Attorney General and the district attorney, city attorney, or prosecutor in the town where the violation may have occurred. This provides an opportunity for a government official to investigate the claims.
- Private parties cannot sue a business if one of the government officials listed above are already prosecuting the business.
- The private party must also provide the California Attorney General with scientific documentation to demonstrate the risks of the chemical.

Special Interests Want to End Innovative and Effective Protections

Despite all of these safeguards, special interests who want to increase prof-

its—even at the expense of public health—are pushing for more. They are trying to pass a law, H.R. 4167, which jeopardizes California’s ability to enforce Proposition 65’s food safety notification requirements, and the ability of any other state to enact a similar food safety protections.

A brief review of some of the food safety protections spurred by Proposition 65 follows, as well as other state food safety protections that are threatened by H.R. 4167.

B. Specific Examples of California Food Safety Protections in Jeopardy

California has responded more rapidly to threats to our food supply than the federal government. Now, however, the state’s ability to protect its citizens is in jeopardy.

Protections Against Lead in Candy

Lead is a toxic metal that can travel through the blood and adversely affect almost every organ and system in the human body. It is especially damaging to young children. Lead can lower IQ levels, stunt growth, impair hearing, cause behavior disorders and learning disabilities, and damage the kidneys. Women can store lead in their bodies, which may be released during periods of stress, including pregnancy. The federal Centers for Disease Control (“CDC”) has concluded that no level of lead in our blood is safe.

In the 1940s, widespread childhood lead-poisonings led to reductions in lead-based paint, which was banned alto-

gether from household paint in 1978. Lead was also banned from gasoline in 1986. While these steps reduced levels of lead found in blood, the Orange County Register notes that stricter monitoring requirements have resulted in an increase in reported lead-poisonings.

In 2004, the Orange County Register ran a series of articles on high levels of lead in candy. The paper found, over the course of a decade, that 112 brands of candy contained dangerously high levels of lead. News reports have also found that brands of candy that tests have shown had dangerous levels of lead are also sold in New Mexico and Arizona.

Many of the lead-tainted candies were imported from Mexico, and were popular with Latino children. The San Francisco Chronicle recently reported that state data shows that at least 75 percent of new lead poisoning cases in California are among Latino children. In Alameda, Los Angeles, and San Diego counties, the figures are closer to 90 percent. While there are other potential sources of lead exposure, it is vitally important to eliminate any potential exposures to lead exposures, particularly in young children.

The Orange County Register’s investigation discovered that the lead in candy came from an unlikely but shocking source, the middlemen, farmers, and millers of chilies.

The State of California has estimated that 15 percent of children in California who are poisoned by lead have eaten Mexican candy. That would mean about 3,000 children during the last three years.

Orange County Register, Part One: Hidden Threat, (April 25, 2004).

The Register examined spicy candy imported from Mexico that was popular with Latino children. In Mexico, mills that process chilies pay by the pound. Farmers and middlemen who would take the chilies to the mills would put debris in bags to increase the weight. When the Register asked one mill owner in Mexico what type of debris he found when inspecting the chilies, the owner pulled out “a car-battery connector, rocks, ball bearings and other debris...”

By the time the chili powder reaches the market, it can be tainted. After the market, it is sold and used to flavor candy. The Orange County Register found extensive government reports on the levels of lead in these imported candies. It reported that, “[m]ore than 80 percent of the state and federal high tests results [for candy] show levels so dangerous that eating one piece could push a child past the [federal Food and Drug Administration’s] recommended daily limit for lead.”

In 2005, California acted to end children’s exposures to lead-tainted candy. Assembly member Juan Vargas sponsored a bill that became law that prohibited the sale of candy containing more than a naturally occurring level of lead. When Governor Schwarzenegger signed the bill into law he recognized its importance of children’s health: “I am signing Assembly Bill 121 to help protect our children, particularly Latino children, from exposure to lead in candy.”

Also in 2004, the California Attorney General used Proposition 65 to sue 33 candy companies and began to negotiate with other candy makers about lead in candy. Under Proposition 65, consumers must be warned

A Daily Habit

Juan Miguel Ramiez lived in San Diego. He ate one piece of chili and tamarind candy a day. He claims that he once ate 10 in a day.

Angela Flores, who is 12 years old, eats candy potentially tainted with lead despite her mother telling to her to stop.

Diana Perez, a young girl who ate lead-tainted candy had blood-lead level 2 1/2 times higher than the danger level set by the federal Centers for Disease Control.

Orange County Register, Part One: Hidden Threat, (April 25, 2004) and San Diego Union-Tribune, Popular Lead-Laden Candy Now Forbidden Treat (January 17, 2006).

about the levels of lead found in candy. Negotiations are on-going at this time.

In contrast to these state actions, the federal government has failed to increase enforceable protections against children eating lead-tainted candy. In December 2005, the federal Food and Drug Administration (“FDA”) withdrew its 0.5 part per million (“ppm”) guidance for lead in candy and issued a draft guidance document that proposes to set a limit of 0.1 ppm. However, the FDA has failed to finalize this guidance.

“They took [lead] out of paint. They took it out of gasoline...How are we tolerating it in candy that’s specifically targeted to little children.”

Leticia Ayala, Environmental Health Coalition

The New Mexican, Sweet Little Toxin (February 13, 2006).

If enacted, H.R. 4167 would jeopardize California's ability to enforce either Proposition 65 or the state's law to eliminate lead from candy. On-going settlement talks that could provide excellent public health benefits would be cast into doubt. Californians, especially the children in our state, would lose vital protections.

Protections Against Lead in Tableware

California has also moved more vigorously than the federal government to protect people from exposure to lead that leaches from plates, serving bowls and glasses. Some dishes contain high enough levels of lead to cause severe lead poisonings. Even dishes with lower levels of lead can contribute to a person's total amount of exposure to lead.

California's Proposition 65 requires the makers of tableware that contains lead glazes, paints, or enamels to warn people who purchase these products that they contain significant levels of lead that can leach into foods and beverages. California's Proposition 65 has stronger protections than the federal Food and Drug Administration for allowable levels of lead in tableware. (See table next page) Proposition 65 also covers all tableware sold in California, while federal law only applies to tableware that is imported or crosses state lines for sale.

In 1991, then California Attorney General Dan Lungren reached an agreement in connection with Proposition 65's requirements with the tableware industry that resulted in a substantial reduction in the amount of lead that leaches into food. Propositions 65's point-of-sale warnings were initially

common. However, manufacturers responded to the market incentives of consumer demand by reducing the levels of lead in their products substantially below the federal requirements.

In addition to Proposition 65, California also has the California Tableware Safety Law. This law prohibits the sale of all tableware in California that leaches lead or cadmium in excess of levels set by the federal Food and Drug Administration. However, this law covers more tableware than FDA's regulations, which does not cover tableware made and sold in California. California's law requires that manufacturers and importers file a document with the Department of Health Services, which ensures better tracking of products, promotes compliance, and facilitates enforcement.

Bottled Water Notification Requirements for Arsenic

Americans consume more bottled water than any other country in the world, and Californians drink more bottled water than residents of any other state. In 1993, Americans consumed more than 10 gallons of bottled water per person. In 2003, we drank more than 22 gallons per person. In 2004, Americans drank a total

People who drink water with 5 ppb of arsenic have a 1.5 in 1,000 increased risk of developing bladder cancer. People who drink water with 10 ppb of arsenic have more than a 3 in 1,000 increased risk of developing bladder cancer.

National Academies of Sciences,

Arsenic in Drinking Water: 2001 Update (2001) (press release).

of more than 6.8 billion gallons of bottled water.

Bottled water is also big business. Sales of bottled water are one of the fastest-growing of any major beverage sold in the United States. Between 1998 and 2003, bottled water sales increased annual by roughly 9 percent. Sales were expected to be close to \$10 billion in 2005.

Groups in California have used Proposition 65 to force bottled water companies to tell the public about dangerous levels of chemicals in their products, or reduce the levels of those chemicals. For example, several groups used Proposition 65's requirements to challenge bottled water companies that had elevated levels of arsenic in their product. In 2000, the parties settled the lawsuit. As a result, the businesses found available technologies to reduce levels of arsenic below California's standards. The state has now enacted stricter standards for bottled water.

Lead Solder in Cans

One of the earliest uses of Proposition 65 is also one of the best examples of the law's ability to change behavior without litigation. When Proposition 65 came into effect in 1988, the State of California investigated the use of lead solder in food cans. Lead from solder can leach into food contained within a can.

The State found that food processors were switching to cans that did not use lead solder before the state took any enforcement action. Roughly five years later, the federal Food and Drug Administration issued "emergency" action levels on levels of lead solder used on food cans.

Cancer-Causing Chemical in Bread

Potassium bromate can cause cancer. It has been used as a strengthening agent in bread, doughnuts and other products. The federal Food and Drug Administration has tried to get bakeries to voluntarily stop using potassium bromate in their products since the early 1990s. However, bakeries

Proposition 65 Provides Stronger Protections Against Lead Leaching Into Food than Federal Law		
Tableware Type	Federal Standard (ppm)*	Proposition 65 Standard (ppm)*
Plates	3.0	0.226
Small Bowls	2.0	0.1
Serving Dishes	1.0	0.1
Cups or Mugs	0.5	0.1
Large Pitchers, Jugs	0.5	0.1

* ppm = parts per million

Source: California Department of Health Services, [California Childhood Lead Poisonings Prevention Branch: Lead in Tableware](http://www.dhs.ca.gov/childlead/tableware/twregs.html) (available at www.dhs.ca.gov/childlead/tableware/twregs.html) (last checked on April 13, 2006).

kept using this substance, despite its threats to human health.

In California, after enacting Proposition 65, the State told bakeries that chose to use potassium bromate that they would have to post warnings by January 1, 1991. Rather than continue using this dangerous substance, bakeries in California found alternatives to potassium bromate. Surveys conducted in 2002 of bread sold in stores outside of California found potassium bromate. The federal Food and Drug Administration continues to try to get bakeries to voluntarily end their use of this known cancer-causing chemical.

Polychlorinated Biphenyls (PCBs) in Salmon

Polychlorinated Biphenyls or “PCBs” are a persistent and toxic class of chemicals that are known to cause cancer and birth defects. The United States banned most uses of PCBs in 1979. PCBs are also recognized as one of the twelve most dangerous chemicals that the international community is planning to phase out under the United Nations’ Stockholm Convention on Persistent Organic Pollutants.

A 2003 study by the Environmental Working Group found that farmed salmon has 16 times levels of PCBs found in wild salmon, and up to 40 times more PCBs than in other food. The report also noted that 23 million people eat either wild or farmed salmon at least once a month. Farmed salmon accumulate PCBs through eating fishmeal that contains high levels of fish oil. PCBs accumulate in fat, which means the farmed fish were being fed material

that concentrated the PCBs. The study noted that fish from some companies, which fed their salmon using different material, contained levels of PCBs similar to wild salmon.

In 2003, the Environmental Working Group and Center for Environmental Health notified 50 businesses who sold farmed salmon that the groups were going to file a lawsuit under California’s Proposition 65. If successful, this lawsuit would force the companies to warn their customers about the levels of PCBs.

After giving this notice, however, the businesses that raised the farmed salmon provided the public interest groups with data showing that levels of PCBs in farmed salmon were declining. Representatives of these public interests groups have stated that this was likely due to a change in material that the businesses fed to the salmon. As a result of the declining PCB levels, the groups decided not to pursue their lawsuit against the companies.

“It is clear to us, even in the face of overwhelming evidence, that FDA officials don’t plan to fix this problem at the federal level...So we looked for other tools we had at our disposal to protect public health. Prop. 65 seemed like a great tool to use.”

Jane Houlihan, Vice President of Research, Environmental Working Group

San Francisco Chronicle, [Anti-toxic Law Cited in Legal Action Against Salmon Farms](#) (January 22, 2004).

III. Other Critical California Public Health Protections in Jeopardy From H.R. 4167

While special interests are trying to overturn Proposition 65 with passage of H.R. 4167, their efforts would also jeopardize other California food safety protections. This section describes two recent examples that are threatened by these efforts.

A. Safeguards to Fight Childhood Obesity

Obesity is a threat to our nation's public health. More than 60 percent of people in America are overweight. The percentage of obese people has almost doubled since 1980. Rates of childhood obesity have tripled over the past 25 years. Being overweight is associated with a host of medical problems, including diabetes, heart disease and depression. In 2003, spending on obesity-related health care costs reached at least \$75 billion. Each year, roughly 300,000 people die in the United States from factors associated with being obese or overweight.

Children in California are not immune to this epidemic. One out of every three kids in California is overweight or at risk of being overweight. Californians incur \$28 billion in obesity-related health effects each year.

In 2005, Governor Schwarzenegger signed two bills into law that seek to curb children's consumption of foods that may lead to weight problems and increase their intake of fresh fruits, vegetables and other

"[I]n California, parents have clearly had enough, and leaders of both parties took notice."

Margo Wooten, Nutritionist, Center for Science in the Public Interest

San Francisco Chronicle, *Governor Signs Ban on Junk Food at California Schools*, (September 16, 2005).

low-fat foods. One bill, Senate Bill 12, set nutritional standards for foods served in children in public schools, from kindergarten through 12th grade.

The other bill, Senate Bill 965, extends a ban on the sale of soda from public elementary and middle schools to also include public high schools. The law allows the continued sale of milk, juice, water and electrolyte drinks.

If enacted, H.R. 4167 could jeopardize California's ability to set nutritional standards for food served to children in our schools. California has taken steps to protect the health of its children. We should not lose the ability to protect our children's health by ensuring that they eat healthy and nutritious fresh fruits and vegetables when they go to school.

B. Mercury in Fish

Mercury is a potent neurological toxin. Exposure to mercury can result in a wide range of adverse impacts on memory, speaking ability, visual perception and motor function. Developing fetuses and children are especially vulnerable to mercury's adverse health effects.

Eating contaminated fish is the larg-

est source of mercury exposure for people in the United States. Researchers from Mount Sinai School of Medicine, Harvard medical School and Albert Einstein College of Medicine have used data from the federal Centers for Disease Control to estimate the number of children born each year who are at risk because their mothers have unsafe levels of mercury in their blood. These researchers found that up to 637,000 children a year are at risk of adverse health effects, including the loss of IQ, due to levels of mercury in the bloodstream of their mothers. These researchers also estimated that the loss of intelligence caused a reduction in economic activity over the course of a child's lifetime that amount to \$8.7 billion annually.

In 2004, California's Attorney General sued sea food manufacturers for failing to comply with Proposition 65's requirement that they have point-of-sale warnings on tuna products that contain high levels of mercury. Following the Attorney General's lawsuit, 20 restaurant chains voluntarily placed warning on mercury levels in fish. The Attorney General is still in litigation with the sea food manufactures.

At the eleventh hour, H.R. 4167 was amended on the floor of the House (over the vigorous objections of many of the supporters of the bill) to exempt certain warnings of mercury in sea food from being preempted. The House passed this amendment only after members were faced with a barrage of criticism over eliminating such protections.

Had the House held a hearing on this bill and allowed opponents to file and have votes to highlight other toxic substances, the bill might have gone down to defeat. It is unclear whether the yet-to-be-introduced Senate version of the legislation

will include this exception to preemption, or whether it will simply mimic H.R 4167 as introduced, which preempted state health warnings for fish laden with high levels of mercury.

IV. H.R. 4176 Undermines State's Rights

The special interests that support H.R. 4167 claim that the law protects states rights, helps consumers and is narrow in scope. Each one of these claims is not supported by the facts.

For example, supporters that claim H.R. 4167's petitioning process allows states to petition the federal Food and Drug Administration for an exemption or national standard fail to mention the problems with the bill's petitioning approach. In fact, the petitioning process creates a new, costly, time-consuming, complex, bureaucratic and litigious procedure that state and local governments must navigate in order to simply ask the federal government whether state and local protections are appropriate.

H.R. 4167's petitioning process would be extremely costly. The nonpartisan Congressional Budget Office estimates that H.R. 4167's petitioning process will cost the federal government \$100 million from 2006 through 2011.

"[S]tates would be forbidden from adopting their own policies, even if the federal government had not acted in a particular area or adopted a particular warning."

Thirty-Nine State Attorneys General

Letter to the Members in the House of Representatives, (March 1, 2006).

This amount does not include any costs born by state or local governments to produce the petitions, work with the federal government during the process, and defend the petitions from legal challenges

H.R. 4167 "has been reviewed by attorneys for eleven state food safety programs, and unfortunately, all of the review are unanimous in their conclusion that [H.R. 4167] will preempt states and local food safety...programs from performing their functions to protect citizens."

Association of Food and Drug Officials

Letter to the Members in the House of Representatives, (January 16, 2006).

by special interests. Nor do these estimates include any legal costs that the federal government would incur with legal challenges. These funds should be spent protecting food safety, not litigating whether to protect public health.

H.R. 4176's ambiguous decision-making criteria for petitions provides the federal government with expansive discretion to deny petitions. Moreover, as one State Attorney General pointed out recently in a press conference opposing the bill, FDA will not likely approve these state petitions, since in doing so the FDA would essentially have to admit that it is not doing its job adequately. The bill's petitioning provisions could slow down state action even when there is an immediate threat to public health. The chart in the appendix graphically describes H.R. 4167's dangerous and bureaucratic petitioning process.

And, finally, the examples of the types of protections in California that are jeopardized by H.R. 4167 clearly demonstrate that this law is not narrow. H.R. 4167 would endanger safeguards for foods of all types, items like plates, bowls and cups that can contaminate food served, and even efforts to ensure our public schools provide nutritious food to our chil-

dren. Far from being narrow, H.R. 4167 jeopardizes protections that help to ensure the safety of food that families across our nation eat every day.

Appendix

Widespread Opposition to Attack on State Food Safety Protections

State Law Enforcement Officials, Food and Drug Agencies, Agricultural Departments, and Public Health, Scientific, Labor, Environmental, and Public Interest Groups Oppose H.R. 4167

Attorneys General of 39 States and Territories: California, New York, Hawaii, Alaska, Arizona, Connecticut, Delaware, Idaho, District of Columbia, Illinois, Iowa, Kentucky, Maine, Louisiana, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, Oklahoma, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin, Wyoming, American Samoa, and North Dakota; The National Association Of State Departments Of Agriculture; Association Of Food And Drug Officials; United Food And Commercial Workers International, Physicians For Social Responsibility, National Consumers League, Consumers Union, League Of Conservation Voters, Union of Concerned Scientists, National Environmental Trust, Natural Resources Defense Council, Sierra Club, Friends Of The Earth, Center For Science In The Public Interest, The Humane Society, Food And Water Watch, US Public Interest Research Group, Environmental Defense, Oceana, Safe Tables Our Priority Union, Environmental Working Group, California Communities Against Toxics, California Environmental Rights Alliance, California League Of Conservation Voters, Environmental Law Foundation, Center For Environmental Health, Californians For Alternatives To Toxics, California Safe Schools, California League For Environmental Enforcement Now, Center For Food Safety, Communities For A Better Environment, Ecological Rights Foundation, Sierra Club-California, Mateel Environmental Law Foundation, San Francisco Physicians For Social Responsibility, Rose Foundation For Communities And The Environment, West Oakland Environmental Indicators, Florida Consumer Action Network, Virginia Citizens Consumer Council, Massachusetts Consumers Coalition, North Carolina Consumers Union

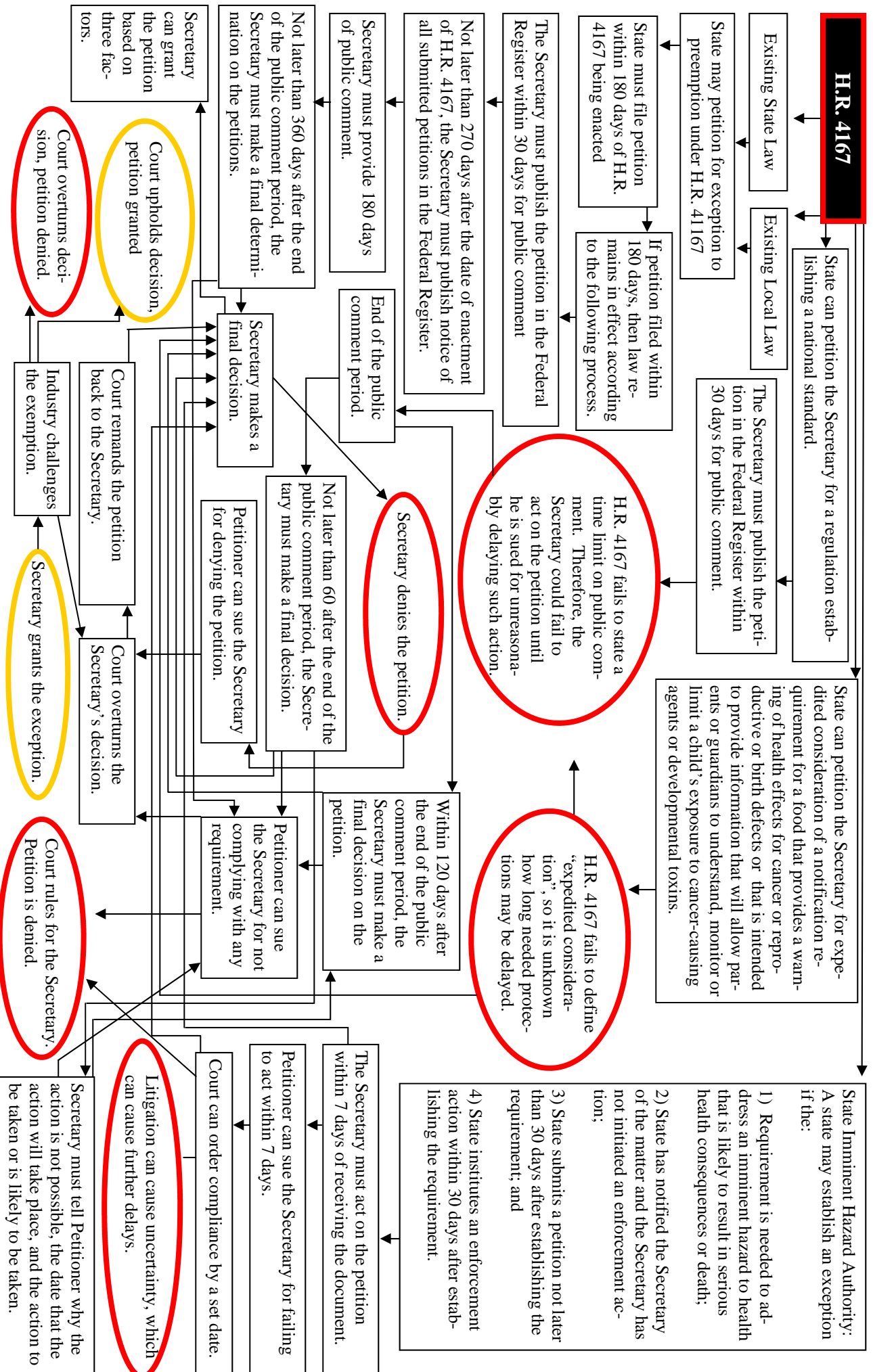
H.R. 4167 Threatens California Food Safety Protections

Health Threats Addressed By State Protections		
Health Threat	Health Effects	State Protections
Lead in Candy	Lead can cause a range of effects, from behavioral problems and learning disabilities, to seizures and death. Children 6 years old and under are most at risk, because their bodies are growing quickly.	Proposition 65 Notification Requirements and California's Law to Eliminate Lead-tainted Candy
Arsenic in Bottled Water	Arsenic causes cancer of the bladder, skin and other organs. Arsenic ingestion can also cause skin lesions, anemia, and damage to the nervous system.	Proposition 65 Notification Requirements
Mercury in Fish	Mercury can damage the nervous systems, fetuses and young children are at greatest risk, harming cognitive thinking, memory, and language skills.	Proposition 65 Notification Requirements
Lead in Plates and Bowls	Lead can cause a range of effects, from behavioral problems and learning disabilities, to seizures and death. Children 6 years old and under are most at risk, because their bodies are growing quickly.	Proposition 65 Notification Requirements and California's Tableware Safety Law
PCBs in Salmon	PCBs can cause cancer and other serious non-cancer health effects. PCBs could damage the reproductive immune, and nervous systems.	Proposition 65 Notification Requirements
Lead Solder in Food Cans	Lead can cause a range of effects, from behavioral problems and learning disabilities, to seizures and death. Children 6 years old and under are most at risk, because their bodies are growing quickly.	Proposition 65 Notification Requirements
Obesity in Children	Obesity can cause diabetes, heart disease, and depression.	California's Nutritional Food and Beverage Standards in Schools

H.R. 4167 Threatens California Food Safety Protections

Health Threats That State Protections Could Address in the Future	
Health Threat	Health Effects
Perchlorate in drinking water, milk and food	Birth defects and damage to endocrine system.
Benzene in diet soda	Causes cancer, birth defects, and damages the reproductive system.
Non-stick chemicals in food packages and cook-ware	Suspected cause of birth defects.
Flame retardant chemicals in food	Suspected cause of damage to the nervous system.

H.R. 4167's Petition Process: A Dangerous and Bureaucratic Nightmare



The High Financial Cost of H.R. 4167's Petitioning Process

The nonpartisan Congressional Budget Office estimates that H.R. 4167's petitioning process will cost the federal government \$100 million from 2006 through 2011. This amount does not include any costs born by state or local governments to produce the petitions, work with the federal government during the process, and defend the petitions from legal challenges by special interests. Nor do these estimates include any legal costs that the federal government would incur with legal challenges. These funds should be spent protecting food safety.