



April 19, 2024

The Honorable Ash Kalra
Chair, Assembly Committee on Judiciary
1020 N Street, Room 104
Sacramento, CA 95814

RE: Assembly Bill (AB) 2066 (Reyes): The California Food Safety Act. – OPPOSE
(As amended on April 18, 2024)

Dear Assembly Member Kalra:

The California Manufacturers & Technology Association (CMTA) and the organizations listed below remain OPPOSED to Assembly Bill (AB) 2066 (Reyes), which would require European Method decaffeinated coffee to bear a misleading warning label on the product. The labeling requirements are wholly unnecessary and will further confuse consumers on supposed health risks that lack any justifiable scientific data and credibility. AB 2066, before the Assembly Health Committee amendments, failed to sufficiently defend a ban on European Method decaffeinated coffee, given the overwhelming evidence that the method is both safe and healthy. Now, the legislation has shifted to require a label that consumers should be warned of a health risk that is entirely baseless. There was no evidence to support a ban, and there is thus no evidence to support a warning label.

As proposed, the legislation will directly contradict volumes of scientific evidence, regulatory precedent, and decades of scientific investigation by both government and independent scientific agencies. There is no scientific basis to support a warning label, and doing so on the European Method of decaffeinated coffee will result in falsely identifying a health risk and depriving consumers of the many important health benefits associated with drinking decaffeinated coffee, including increased longevity and a decreased risk of many cancers.

The Legislature should note that the U.S. Food and Drug Administration (FDA) recently received a petition to reevaluate its current safe levels for European Method decaffeinated coffee. Rather than seek to serve as a scientific body, the Legislature should allow that process, the data collection, and scientific determination to inform future policy actions. Policies attempting to advance public health and safety should be informed by the highest-quality scientific data where the evidence ultimately supports the policy. Unfortunately, the stated rationale for AB 2066 continues to be misleading. Specifically, the legislation is premised on the fact that the U.S. Environmental Protection Agency (USEPA) recently banned paint strippers containing large amounts methylene chloride for consumer use.

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There is no comparison between those products and decaffeinated coffee, and to attempt to make such a comparison is highly misleading. Exposure to large quantities of methylene chloride through inhalation is irrelevant to the safety of decaffeinated coffee made using methylene chloride, in which – at most – minute traces of methylene chloride are claimed to be present at concentrations far below established safe levels.

The European Method of decaffeinating coffee has been determined safe, and the FDA has concluded that any remaining trace amounts in European Method decaffeinated coffee are too minuscule to impact human health. The FDA has set a limit of 10 parts per million (PPM), or .0001 percent, of residual methylene chloride in decaffeinated coffee. Again, this threshold of detection is entirely unrelated to the USEPA's and the California Office of Environmental Health Hazard Assessment (OEHHA) listing under Proposition 65, which is focused on inhalation and dermal exposures.¹

While the bill's sponsor has claimed to detect methylene chloride in a small number of decaffeinated coffee samples, the testing results (which have not been independently verified) detected presence at levels 10 to 99.5 percent or more below levels at which FDA has determined there is no risk.² These distinctions and scientific details explain exactly why this legislation is unwarranted, and further reinforce why the FDA's scientists, not the California Legislature, should retain their authority to make evidence-based determinations on any potential food ingredient risks to human health.

For these reasons, we must respectfully oppose AB 2066.

Respectfully,



Robert Spiegel
Vice President, Government Relations

On behalf of:



Daniel Conway, Vice President, Government Relations
California Grocers Association



Katie Little, Director of Government Affairs
California League of Food Producers

¹ Methylene Chloride. <https://www.p65warnings.ca.gov/fact-sheets/methylene-chloride-dichloromethane>

² Clean Label Project. *Decaf Coffee: Our Point of View*. 2020.

<http://cdn1.cleanlabelproject.org/app/uploads/20200115024034/CLP-Decaf-Coffee-White-Paper.pdf>



Matt Sutton, Senior Vice President, Government Affairs + Public Policy
California Restaurant Association



Ryan Allain, Director of Government Affairs
California Retailers Association



John Hewitt, Vice President, Packaging Sustainability
Consumer Brands Association



Dennis Albani, President, California Advocates
for American Beverage Association



Adam Regele, Vice President of Advocacy and Strategic Partnerships
California Chamber of Commerce



Tim Shestek, Senior Director, State Affairs
American Chemistry Council



Matt Bisenius, Vice President of External Affairs
National Automatic Merchandising Association

A handwritten signature in black ink that reads "Robert E. Donohue". The signature is written in a cursive style with a prominent initial 'R' and 'D'.

Robert Donohue, President
California Automatic Vendors Council