Before the California Office of Environmental Health Hazard Assessment

In Support of Proposed OEHHA Regulation to Clarify that Cancer Warnings are Not Required Under Proposition 65

- Check Against Delivery -

Good morning, and thank you for the opportunity to speak here today at this very important public hearing.

My name is William (Bill) Murray and I am President and CEO of the National Coffee Association. NCA is one of the oldest trade associations in the country. We represent entities across all sectors of the coffee industry, including roasters and manufacturers, by-the-cup retailers, packaged retailers, non-profit organizations, trade brokers and importers, and growers.

Let me begin by noting that NCA supports Proposition 65’s basic purpose of ensuring that consumers are informed about exposures determined by the State of California to cause cancer or reproductive harm. Indeed, NCA has demonstrated a deep commitment to educating coffee consumers about health and safety.

For example, in 2016, NCA launched “Coffee & Me,” a website to provide consumers with information about coffee and health. In providing this information, NCA has been extremely careful to present information compiled from independent, third party research which is not funded by NCA.

Our work in the area of coffee and health is guided by an esteemed group of scientists, who together comprise the NCA Scientific Advisory Group, a preeminent authority on coffee science - one of only a few highly respected organizations worldwide devoted to this specialized field.
Comprised of top industry experts, members of the NCA Scientific Advisory Group hold decades of experience in a wide spectrum of disciplines, including: epidemiology; toxicology; biochemistry; medicine; food safety; and quality assurance.

Because NCA is an organization guided by science, we believe that if Proposition 65’s core purpose of warning consumers for exposures is to be achieved in a meaningful way, it is equally important to ensure that consumers are not warned for exposures that do not cause cancer or reproductive harm.

Indeed, NCA believes that OEHHA’s proposed new rule furthers this purpose. In light of the compelling conclusions and findings of the scientific community that coffee consumption does not cause cancer and in some circumstances actually prevents certain cancer, its enactment would serve to avoid dissemination of information to the public – in the form of a warning – which overwhelmingly has been found to be inconsistent with and unsupported by extensive scientific research. Any outcome other than that which OEHHA proposes would frustrate the scientific, legal and policy rationale upon which Proposition 65 is based.

To this end, and as NCA intends to articulate in further detail in its forthcoming comment letter, NCA strongly believes that OEHHA’s proposal is supported by both the weight of scientific evidence and law.

From a scientific standpoint, the proposal is based on the International Agency for Research on Cancer’s recent conclusion that there is insufficient evidence to classify coffee as carcinogenic - and that coffee consumption is actually associated with a reduced risk of certain cancers.

IARC’s review was the most comprehensive evaluation of coffee and cancer to date, and included a process which considered more than 1,000 separate scientific studies and produced a comprehensive 500 page report in June of this year.

Given that this proposed rule is so firmly grounded in scientific research, I am particularly pleased that NCA is joined today by Dr. Alan Leviton, who will be speaking today in support of OEHHA’s proposal.

Dr. Leviton is a physician-epidemiologist who has been on the faculty of Harvard Medical School for 47 years. He founded and led the neuroepidemiology unit at Boston’s Children’s Hospital for 45 of those years. An author of over 400 peer-reviewed publications, he continues as Professor of Neurology at Harvard Medical School.
Dr. Leviton’s perspective is particularly insightful as he will provide a first-hand account as a credentialed Observer of the proceedings of the IARC Monograph Meeting on coffee, mate, and very hot beverages held in Lyon, France, in April, 2016.

Such Observers are subject to a thorough vetting process, and must abide by strict rules intended to ensure that they only observe IARC proceedings.

Dr. Leviton’s expert assessment of the IARC proceedings will confirm that those proceedings provide a rigorous, independent, and thorough foundation, justification, and motivation for the proposed rule under discussion today.

And even in the short period of time since IARC issued its findings, there have been several peer-reviewed scientific studies which attest not only to the safety of coffee but to its actual positive impact on various organs of the human body.

Indeed, a recent study of more than half a million people found that those who consume six or seven cups of coffee a day were 16 percent less likely to die from any disease over a ten-year period than those who never touch it. These studies further support OEHHA’s proposal.

From a legal standpoint, NCA has the benefit of being represented here today by Trent Norris, a Partner at the law firm of Arnold & Porter. Mr. Norris will speak to the legal issues shortly. But at a basic level, NCA believes OEHHA’s proposal is well within OEHHA’s statutory authority and furthers the purpose of Proposition 65 by avoiding inaccurate warnings for a widely consumed and beneficial product.

Now that science has so comprehensively established the facts on coffee, we believe it is appropriate for OEHHA to give citizens confidence in what they are consuming – in a way that is based upon, and consistent with, the overwhelming weight of evidence regarding coffee and cancer.

For this reason, NCA supports OEHHA’s determination that exposures to Proposition 65 listed chemicals in coffee that are produced as part of and inherent in the processes of roasting coffee beans and brewing coffee pose no significant risk of cancer, and we respectfully request that OEHHA adopt the proposal without modification.

Thank you again for this opportunity.