



The FYI Column: October 2021

FYI COLUMN, PROPOSITION 65, CHEMICALS OF INTEREST

By FIONA SMITH, October 15, 2021

Here is a roundup of recent news articles that may be of interest to Prop. 65 Clearinghouse readers.

Personal Care Products

Just in time for Halloween, **Interesting Engineering**¹⁾, an online publication, looks at the historic use of toxins in cosmetics and points out "there are more than ten thousand chemical ingredients in regular use in personal care products around the world."

Another article by the law firm King & Spalding details the U.S. Food and Drug Administration's warning to consumers about exposure to formaldehyde from certain hair straightening products, "If you decide that you want to make your hair less frizzy or straighter, you may choose to go to a professional stylist at a hair salon for a hair straightening or smoothing service. Most hair smoothing or straightening products release formaldehyde gas, a known human carcinogen as classified by the International Agency for Research on Cancer, into the air during the hair straightening or smoothing process."

Pretty scary stuff.

Food Packaging with PFAS

California has become the seventh state to ban the use of PFAS "forever chemicals" in disposable food packaging. Governor Gavin Newsom signed the **legislation**²⁾ on October 5. The new law also requires warning labels on cookware like pots and pans made with PFAS.

The Governor's signing the bill is an indication of growing pressure on regulators and on the restaurant industry to remove PFAS from food packaging according to the **Food Industry Executive**³⁾ online newsletter .

Law firms are also warning clients⁴⁾ of the mounting pressure at both the federal and state levels to expand oversight

Meanwhile, the FDA has **added eight new substances**⁵⁾ to its list of food contact substances notifications.

Food

History repeats itself... Keller & Heckman report that two groups—Food & Water Watch and Empire State Consumer Project—have detected high levels of arsenic and lead in vinegars, including balsamics, and have requested the FDA take action to address it, according to this article. You might have thought that this was old news since Environmental Law Foundation brought a ton of balsamic vinegar cases [**In Re Vinegar Litigation**⁶⁾] in the early 2000s and settlements totaled around \$775,000.

Our neighbor to the north claims that some packaged mac and cheese products contain phthalates in an online article from **SaskToday.ca**⁷⁾ . The article discusses General Mills' pledge to get phthalates out of its Annie's Homegrown brand. They report that in a "2017 **study**⁸⁾ " commissioned by U.S. environment and health advocates, which was not peer-reviewed, [phthalates] were found in 10 common mac and cheese products, including two produced by Annie's Homegrown. Other leading processed food companies have so far made no similar commitments."

The bad news: The Environmental Working Group's most recent list **ranking of pesticide residues on fruit and vegetables**⁹⁾ . The good news: they also put together a **Clean 15 list**¹⁰⁾ , there is also the **Clean 15 list**¹⁰⁾ reported by Webmd.com.

Interested in making an authentic McDonald's Big Mac at home? **This video**^{12) 11)} walks viewers through the 54 ingredients, including Prop. 65 listed chemicals, that go into a Big Mac and shows how it all comes together, including the sauce. **This video**^{12) 11)} highlights 11 chemicals you would be surprised to find in fast food.

According to OEHHA acrylamide in caffeinated coffee is okay [see **Coffee Rule Finalized But Challenges Remain**¹³⁾ , July 5, 2019], but you might want to watch your cup of decaf joe. Online website **Eat This Not That**¹⁴⁾ discusses the Clean Label Project's findings on the presence of methylene chloride in decaffeinated coffee.

The **Better Business Bureau's National Advertising Division**¹⁵⁾ has concluded that the company behind the SafeCatch tuna brand, which markets itself as being lower in mercury than competing brands, should alter a few of its advertising claims, according to this article.

Baby Food

But enough about what we are eating, what's in that food you are feeding to your baby?

In the wake of a report from Congress showing the presence of elevated levels of heavy metals in a range of baby foods, the law firm Keller & Heckman summarizes the FDA's response and discusses a consumer protection lawsuit filed by **Washington, D.C.'s Attorney General**¹⁶⁾ in response to the revelations. New York's Attorney General is investigating whether baby cereal sold in the state **exceeds FDA-imposed limits**¹⁷⁾ on arsenic and violates state consumer protection laws, as described here.

Glyphosate

Can't get enough of glyphosate? Carey Gilliam, author of the book **The Monsanto Papers: Deadly Secrets, Corporate Corruption, and One Man's Search for Justice**¹⁸⁾ , is interviewed by the **Corporate Crime Reporter**¹⁹⁾ .

Chemicals Linked to Breast Cancer

But wait, there's more: a report published in **Environmental Health Perspectives**²⁰⁾ details nearly 300 chemicals found in consumer products that increased levels of breast cancer-linked hormones.

Resources for this article

1. Interesting Engineering

<https://interestingengineering.com/deadly-engineering-a-complete-history-of-toxic-cosmetics>

2. King & Spalding

<https://www.jdsupra.com/legalnews/fda-warns-that-most-hair-smoothing-or-5215239/>

3. legislation

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1200

4. Food Industry Executive

<https://foodindustryexecutive.com/2021/05/food-packaging-emerges-as-pfas-battleground/>

5. Law firms are also warning clients

<https://www.lexology.com/library/detail.aspx?g=3179e3af-6a96-499a-af15-03759646472f&utm>

6. added eight new substances

<https://www.cfsanappsexternal.fda.gov/scripts/fdcc/index.cfm?set=FCN>

7. Keller & Heckman

<https://www.natlawreview.com/article/high-levels-arsenic-and-lead-found-vinegar-products-particularly-balsamics>

8. In Re Vinegar Litigation

<https://prop65clearinghouse.com/cases/479>

9. SaskToday.ca

<https://www.sasktoday.ca/north/local-news/your-mac-and-cheese-will-be-getting-safer-if-you-can-afford-it-4164105>

10. study

https://www.nytimes.com/2017/07/12/well/eat/the-chemicals-in-your-mac-and-cheese.html?utm_source=sasktoday.ca&utm_campaign=sasktoday.ca&utm_medium=referral

11. ranking of pesticide residues on fruit and vegetables

<https://www.ewg.org/foodnews/dirty-dozen.php>

12. Clean 15 list

<https://www.ewg.org/foodnews/clean-fifteen.php>

13. Clean 15 list reported by Webmd.com

<https://www.webmd.com/diet/news/20210317/strawberries-spinach-kale-top-dirty-dozen-list-again>

14. This video

<https://www.insider.com/making-a-us-big-mac-using-all-54-mcdonalds-ingredients-2021-3>

15. This video

<https://www.insider.com/top-shocking-chemicals-food-wars-2021-6>

16. Coffee Rule Finalized But Challenges Remain

<https://prop65clearinghouse.com/articles/13883>

17. Eat This Not That

<https://www.eatthis.com/news-decaf-coffee-toxic-chemical-report-clean-label-project/>

18. Better Business Bureau's National Advertising Division

<https://www.lexology.com/library/detail.aspx?g=c26fe869-7384-40c4-a29a-f48239c4bd96&utm>

19. Keller & Heckman

<https://www.lexology.com/library/detail.aspx?g=f1d09752-9efc-4f81-8f7f-31b44cec07c7&utm>

20. Washington, D.C.'s Attorney General

<https://www.lexology.com/library/detail.aspx?g=01f6eb44-4fc8-4871-9958-80e3a7d1fbb6&utm>

21. exceeds FDA-imposed limits

<https://www.lexology.com/library/detail.aspx?g=83430e0c-ea21-44b2-ad59-e2c03a33b8af&utm>

22. The Monsanto Papers: Deadly Secrets, Corporate Corruption, and One Man's Search for Justice

<https://islandpress.org/books/monsanto-papers>

23. Corporate Crime Reporter

<https://www.corporatecrimereporter.com/news/200/carey-gillam-on-monsanto-roundup-and-one-mans-search-for-justice/>

24. Environmental Health Perspectives

<https://www.ehn.org/chemicals-and-breast-cancer-2653883908.html>