UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 8, 2022

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dr. Lauren Zeise
Director
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1001 I Street
Sacramento, California 95814

Dear Dr. Zeise:

Thank you for your letter of March 21, 2022, to the U.S. Environmental Protection Agency (EPA) regarding glyphosate and California's Safe Drinking Water and Toxics Enforcement Act of 1986, also known as Proposition 65.

Your letter proposes a revision to previously proposed safe harbor language that businesses could use to satisfy California's notification requirements for certain glyphosate products under Proposition 65. It further requested that EPA provide input on whether the newly proposed language could be approved, if requested by a pesticide registrant, for inclusion on pesticide labels for products containing glyphosate as an active ingredient and sold in California. As explained below, EPA could approve the newly proposed language.

The Agency continues to stand behind its robust scientific evaluation of the carcinogenic potential of glyphosate. Furthermore, EPA's conclusion remains consistent with many international expert panels and regulatory authorities (https://www.regulations.gov/document/EPA-HQ-OPP-2009-0361-0073).

Nonetheless, EPA recognizes that the revised safe harbor language proposed by the Office of Environmental Health Hazard Assessment (OEHHA) acknowledges the EPA position: CALIFORNIA PROPOSITION 65 WARNING: Using this product can expose you to glyphosate. The International Agency for Research on Cancer classified glyphosate as probably carcinogenic to humans. US EPA has determined that glyphosate is not likely to be carcinogenic to humans; other authorities have made similar determinations. A wide variety of factors affect your potential risk, including the level and duration of exposure to the chemical. For more information, including ways to reduce your exposure, go to www.P65Warnings.ca.gov/glyphosate.

The letter from OEHHA further requests that EPA clarify its position as previously stated in its August 7, 2019, letter to registrants regarding products that contain glyphosate. That 2019 letter focused on the application of the default Proposition 65 safe harbor warning language to products containing glyphosate and advised that EPA would no longer approve glyphosate labeling containing that statement because it was in conflict with the Agency's scientific conclusions regarding glyphosate. The Agency concluded that the standard warning language for products containing glyphosate was false or misleading and therefore, any glyphosate products bearing the statement would be considered misbranded.

While EPA's scientific conclusions regarding the glyphosate cancer classification have not changed since the August 7, 2019, letter to glyphosate registrants, it has determined that the new glyphosate-specific safe harbor language proposed in OEHHA's recent letter is sufficiently clear regarding EPA's position and thus would not be considered false and misleading. Therefore, this revised language could be approved by EPA if pesticide registrants requested it for inclusion on glyphosate product labels, and the products would not be considered misbranded. As stated in OEHHA's letter, EPA notes that inclusion on the product label is one of several methods that companies can use to satisfy California's notification requirements under Proposition 65.

EPA appreciates the constructive approach that California is pursuing to address this matter and looks forward to further strengthening our relationships with our stakeholders as we forge ahead together in our work. We thank you for taking the time to write on this important matter.

Sincerely,

MICHAL FREEDHOFF

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Michal Freedhoff, Ph.D.
Assistant Administrator