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5 Attorneys for Commenters,
6 Consumer Healthcare Products Association,
Council for Responsible Nutrition, and
7 Natural Products Association

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9 **BEFORE THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**
10 **DEVELOPMENTAL AND REPRODUCTION TOXICANT I.D. COMMITTEE**

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12 In the matter of)
13 Request for Relevant Information on a) **RESPONSE TO REQUEST FOR**
Chemical to be Considered by the OEHHA) **RELEVANT INFORMATION**
14 Science Advisory Board's Developmental and)
Reproductive Toxicant (DART) Identification)
15 Committee dated June 27, 2008, as extended)
August 15, 2008.)

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17 The Consumer Healthcare Products Association ("CHPA"), Council for Responsible
18 Nutrition ("CRN"), and Natural Products Association submit this response to the request for
19 relevant information on the developmental and reproductive toxicity of caffeine.¹ We join in

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21 ¹ The Consumer Healthcare products Association ("CHPA"), founded in 1881, is committed to promoting the
increasingly vital role of over-the-counter (OTC) medicines and nutritional supplements in America's healthcare
22 system through science, education and advocacy. CHPA represents manufacturers and distributors of OTC
products and dietary supplements.

23 The Council for Responsible Nutrition ("CRN"), founded in 1973, is a Washington, D.C.-based trade association
representing ingredient suppliers and manufacturers in the dietary supplement industry. CRN's mission is to
24 enhance and sustain a climate for its member companies to responsibly market dietary supplements and their
ingredients by maintaining and improving confidence among consumers, media, government leaders, regulators,
25 healthcare professionals and other decision makers with respect to its members' products.

26 The Natural Products Association, founded in 1936 is the nation's largest and oldest non-profit organization
dedicated to the natural products industry. The Natural Products Association represents more than 10,000 retailers,
27 manufacturers, wholesalers and distributors of natural products, including natural/organic foods, dietary
supplements, and natural/organic personal care.

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1 the comments of the American Beverage Association (“ABA”) submitted by F. Jay Murray,
2 Ph.D., and encourage the Office of Environmental Health Hazard Assessment staff to strongly
3 consider the data outlined in ABA’s submission as the Hazard Identification Document is
4 prepared.

5 CHPA, CRN, and Natural Products Association members market over-the-counter
6 medicines and dietary supplements, some of which include caffeine. These caffeine containing
7 products provide important health benefits to consumers. As an example, caffeine is an
8 effective analgesic adjuvant –that is, it enhances the pain-relieving effects of aspirin,
9 acetaminophen, and ibuprofen. This effect is well established. See, e.g., Renner *et al.* (2007)
10 Caffeine accelerates absorption and enhances the analgesic effect of acetaminophen, *J. Clin.*
11 *Pharmacol. Vol.* 47 (6) 715-26; *Migliardi et al.* (1994) Caffeine as an analgesic adjuvant in
12 tension headache, *Clin. Pharmacol Ther.* 56(5): 576-86; *Schachtel et al.* (1991) Caffeine as an
13 Analgesic Adjuvant, *Arch. Intern. Med.* Vol. 151 (4) 733-37.

14 Given the widespread use of caffeine and its well documented benefits in over-the-
15 counter medicines and dietary supplements, it is important that consumers are given
16 information that is complete, accurate, and not misleading. We urge OEHHA to thoroughly
17 evaluate all of the available data in preparing the Hazard Identification Document for caffeine.

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19 DATED: October 27, 2008

Respectfully submitted,

20 GREENBERG TRAURIG, LLP

21 By: _____

22 Gene Livingston

23 Lisa L. Halko

24 Attorneys for Commenters

Consumer Healthcare Products

25 Association,

Council for Responsible Nutrition, and

Natural Products Association

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