



April 8, 2015

Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street
Sacramento, CA 95812-4010

RE: Proposed Clear & Reasonable Warning Regulations

Dear Ms. Vela:

On behalf of the Los Angeles Area Chamber of Commerce (“Chamber”), which represents more than 1,650 businesses that collectively employ more than 650,000 employees in the L.A. region, I am writing to submit the following comments regarding the Office of Environmental Health Hazard Assessment’s (“OEHHA”) Notice of Proposed Rulemaking to Article 6 in Title 27 of the California Code of Regulations pursuant to the Safe Drinking Water and Toxic Enforcement Act (“Proposition 65”).

The Chamber is concerned with the impression provided in OEHHA’s Initial Statement of Reasons (“ISOR”) that the revisions would greatly benefit the business community. We appreciate the work undertaken by OEHHA to craft industry-specific warnings. However, unfortunately, the characterization of the overarching revisions as ones that will make compliance simpler, will help reduce frivolous litigation, and have no economic impact are unsubstantiated and we are concerned many of the revisions will in fact have the opposite affect than what OEHHA stated in the ISOR.

Specifically, we are concerned with the following aspects of the proposed rulemaking:

- Rule does not grandfather any warnings previously approved in settlements or court judgments;
- Rule mandates a combination of new warning language and a symbol system that must be used to comply with the Proposition 65 warning requirement, which will require that all existing warnings be changed;
- Lists 12 chemicals or groups of chemicals that must be specifically identified by name in any Proposition 65 warning, where applicable—a major departure from previous warning requirements;
- Delineates additional specific warning requirements for specific products, machines and locations, including diesel engines, raw wood, passenger vehicles, parking garages, petroleum products, service stations, and designated smoking areas; and

- Includes sections on occupational and environmental warnings.

It was our belief that the Brown Administration and OEHHA indicated their main goals were to reduce frivolous litigation associated with Proposition 65 and to improve the value of warnings that are issued. Unfortunately, OEHHA's proposal does not meet this goal.

We believe based on the revisions that businesses will be forced to replace their existing warnings to include the new "minimum elements" in the revised regulation in order to be within the safe harbor requirements, which would impose new costs for businesses and increase the risk of litigation. We urge OEHHA to reconsider the economic impacts associated with its revised regulation and to conduct a meaningful economic analysis of the proposal before finalizing the proposed rule.

With respect to chemical safety and the health of our communities, our members need reasonable policies that will allow them to operate their business without excessive new costs. In order to comply with new regulations, businesses will have to spend large amounts of money and time to replace all their current signs. Onerous regulations could significantly harm our members' operations.

For the aforementioned reasons, the L.A. Chamber urges the OEHHA to factor these concerns into your decision making. If you have any questions, please feel free to contact Frank Lopez, Director of Public Policy at 213.580.7573 or flopez@lachamber.com. Thank you in advance for your consideration.

Sincerely,



Gary Toebben
President & CEO