

From: Vela, Monet@OEHHA
To: [Fernandez, Mario@OEHHA](mailto:Fernandez.Mario@OEHHA); [Monahan-Cummings, Carol@OEHHA](mailto:Monahan-Cummings.Carol@OEHHA); [Oshita, Cindy@OEHHA](mailto:Oshita.Cindy@OEHHA)
Subject: FW: 15-day Modification to the Clear and Reasonable Warning Regulation
Date: Monday, May 23, 2016 8:44:00 AM

Monet,

It appears that OEHHA did not act on, or ignored, our public comment originally made on 4/18/16, so we will repeat it here:

[§ 25600.2 Responsibility to Provide Consumer Product Exposure Warnings, section \(f\) reads:](#)

”For purposes of subsection (e)(5), “actual knowledge” means specific knowledge of the consumer product exposure received by the retail seller from *any reliable source*. If the source of this knowledge is a notice served pursuant to Section 25249.7 (d)(1) of the Act, the retail seller shall not be deemed to have actual knowledge of any consumer product exposure that is alleged in the notice until five business days after the retail seller receives a notice that provides a description of the product with sufficient specificity for the retail seller to readily identify the product in accordance with Article 9, section 25903(b)(2)(D).” (emphasis added here)

If the source of this knowledge is NOT a notice served on a retail seller pursuant to Section 25249.7 (d)(1), then the term “any reliable source” is UNDEFINED. This is an oversight on the part of OEHHA which needs to be re-drafted, to clearly define the meaning of “any reliable source”. If OEHHA cannot or will not define it, then the term “any reliable source” needs to be eliminated from the proposed draft because, otherwise, the term will have no clear meaning under Proposition 65, except as it will be interpreted in the future by the Attorney General or by the Courts in subsequent litigation.

Hopefully, OEHHA will receive and act on our public comment this time. Thank you for your attention.

Sincerely,

Roger Kratz

Asian Food Trade Association

From: Vela, Monet@OEHHA [<mailto:Monet.Vela@oehha.ca.gov>]
Sent: Friday, May 20, 2016 1:09 PM
To: lholmes@mema.org; jrege@globalautomakers.org; statman@autoalliance.org; Schmidt, Karyn

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Subject: 15-day Modification to the Clear and Reasonable Warning Regulation

Because you commented on the Article 6 Proposed Warning Regulation, OEHHA wanted to make sure you are aware that we modified the regulation text and it is now available online and attached here. The comment period will end on June 6, 2016.

If you are on our listserv and received automatic alerts of our postings, please let me know so I will not duplicate emails. If you would like to join our listserv, please do so on our website so you can keep informed of all OEHHA news.

Thank you,

Monet Vela
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Regulation Coordinator
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