FINAL STATEMENT OF REASONS
PROPOSITION 65
TITLE 27, CALIFORNIA CODE OF REGULATIONS
SECTION 25903, APPENDIX A – A SUMMARY

This is the Final Statement of Reasons for the amendment of Appendix "A" of Section 25903. Appendix "A" is a summary of Proposition 65 that must be included as an attachment to all Notices of Violation that are served upon alleged violators of Proposition 65. On August 8, 2014, the Office of Environmental Health Hazard Assessment (OEHHA) issued a proposal to amend Appendix "A" of Section 25903. The Initial Statement of Reasons set forth the grounds for the proposed amendment. A public comment period was provided from August 8 to September 22, 2014. No public comments were received.

ALTERNATIVES DETERMINATION

These regulatory amendments provide an update to the existing regulatory appendix. These amendments also reconcile OEHHA's regulations with 2013 amendments to Proposition 65 due to the enactment of AB 227 (Gatto, Chapter 581, Statutes of 2013). An alternative would be to not make these changes. This would not benefit businesses that receive an outdated Appendix A with a Notice of Violation.

In accordance with Government Code, section 11346.9(a)(4), OEHHA has determined that no reasonable alternative considered by OEHHA or that has otherwise been identified and brought to the attention of OEHHA would either be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the amendments described in this Notice.

LOCAL MANDATE DETERMINATION

OEHHA has determined that these regulatory actions will not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with the Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action. It should be noted that all state and local government agencies are expressly exempt from Proposition 65. Thus, these regulatory amendments will not impose any mandate on local agencies or school districts.

OEHHA made nonsubstantive revisions on pages 1-4 of the regulation text. Several nonsubstantive changes were made to improve grammar and clarity. Additional non-substantive revisions were made to align with section 25102. Revisions on page 1 include ("The 'Proposition 65~~Governor's~~ List.' Under Proposition 65, ~~requires~~ the lead agency (OEHHA)…") and on page 3 ("This includes all full and part-time employees, not just those present in California."). Language on page 1, "…lead agency" was added to align with section 25102(o); and language on page 3, "…full and part-time" was added to align with the definition found in section 25102(h). All changes were non nonsubstantive.