

# Potential Warning Program for Exposures to Chemicals on the Proposition 65 List in Foods Sold at the Retail Level

## Pre-Regulatory Workshop

Office of Environmental  
Health Hazard Assessment

September 25, 2009



# Workshop Agenda

- Background
- Overview of the DRAFT Proposal
- Project Status/Timeline
- Public Discussion



# Background

- Regulations must “further the purposes of the statute”
- Manufacturers, distributors and retailers all have responsibility to provide warnings
- “To the extent practicable” warning materials should be provided by the producer or packager, rather than retailer

(Health & Safety Code 25249.11(f))



# Background Cont.

- Stakeholders requested a regulation
- Two years working with a stakeholder workgroup
- Draft regulatory proposal submitted to OEHHA in April 2009
- OEHHA's first draft published August 28



# Purposes of Project

- Create a voluntary food warning program
- Clarify food manufacturer and retailer warning responsibilities
- Provide compliance assistance
- Provide meaningful warnings to consumers
- Further the purposes of the statute



**OEHHA**

- Approve Content
- Approve Methods
- Maintain Website

**MFG/Distributors**

- Identify Products
- Propose Warning
- Certify Notice
- Pay Fees

**Database**

**Retailers**

- Post General Information Sign
- Download Product Specific Warning Content
- Provide Warnings to Customers
- Pay Fees

**Consumers**

- Access product information
- Access Warning Information



# Approved Warning Methods



# Work in Progress

- First Draft
- Issues to be resolved
  - Encouraging broad participation
  - Manufacturer “safe harbor”
  - Small or very small food retailers
  - Binder option
  - Type-size requirements
  - Others?



# Discussion

- Open discussion today's
- Comment period ends October 19, 2009
- E-mail/Call
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# Next steps for Project

- Review comments
- Re-draft regulation as necessary
- Work with stakeholder workgroup as needed
- Propose formal regulation early 2010

