

August 30, 2013

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95814

Re: OEHHA's pre-regulatory concepts for Proposition 65 warning regulations

Dear Ms. Vela:

Californians for a Healthy and Green Economy (CHANGE) appreciates the opportunity to comment on OEHHA's pre-regulatory concepts for Proposition 65 warning regulations. CHANGE is a statewide coalition of environmental and environmental justice groups, health organizations, labor advocates, community-based groups, parent organizations, faith groups, and others who are concerned with the impacts of toxic chemicals on families, communities, workers and the environment.

As a coalition that represents a broad array of interests, we believe it is important to start by saying that consumers represent a broad spectrum of people. They include moms, kids, employers, small business owners, workers, etc. While the term "consumer" is often used, it may be more appropriate to add "users" or to specify the broader definition of the word consumer in this context since they are the people who usually are the target of warnings.

We believe that the following principles must be incorporated into the warning regulations in order to insure that the warnings are clear and reasonable as required by Proposition 65.

1. The warning must be given prior to exposure.

We are particularly concerned about warnings for products purchased via the internet. If the warning is provided on the product, rather than at the time of purchase, and the exposure pathway is breathing the chemical, **consumers** (especially users) likely will be exposed when they open their purchase.

When the exposure pathway is through the skin, we also are concerned about warnings that are inside of or underneath products. People will not see the warning until the exposure has occurred.

Asian and Pacific Islander Obesity Prevention Alliance * Bayview Hunters Point Community Advocates * Black Women for Wellness * Breast Cancer Action * Breast Cancer Fund * California Healthy Nail Salon Collaborative * California Latinas for Reproductive Justice * California Pan-Ethnic Health Network * Californians Against Waste * Californians for Pesticide Reform * Center for Environmental Health * Center for Race, Poverty and Environment * Clean Water Action * Coalition for Clean Air * Commonwealth * Communication Workers of America- District 9 * Communities for a Better Environment * East Yard Communities for Environmental Justice * Environment California * Environmental Working Group * Forward Together (formerly Asian Communities for Reproductive Justice) * Green Schools Initiative * Green Science Policy Institute * Healthy 880 Communities * Healthy Child, Healthy World * Healthy Children Organizing Project * Instituto de Educación Popular del Sur de California * Just Transition Alliance * Making Our Milk Safe (MOMS) * Movement Strategy Center * Pesticide Action Network North America * Physicians for Social Responsibility – Los Angeles * Science and Environmental Health Network * Silicon Valley Toxics Coalition * United Steel Workers – Local 675 * Worksafe

2. The warning must include the statement that a consumer will be exposed to a Proposition 65-listed chemical.

The wording of the sample warnings provided at the July 30th workshop included the "will be exposed" language. We strongly support including this principle in the warning regulations.

3. The warning must include the name of the chemical(s) involved in the exposure.

CHANGE believes that this principle is crucial. Picture a pregnant woman who discovers through a Proposition 65 warning that her personal care products have been exposing her to a chemical that causes reproductive harm. If the warning does not name the chemical(s) involved, she has no way of getting help from her doctor or someone else, or doing research about the chemical. With all the names that are possible for a single chemical, it also is important to include the CAS number(s). Otherwise people can confuse chemicals and get inaccurate information.

4. The warning must describe the relevant health effects in clear language that ordinary people can understand.

The sample warnings at the July 30 workshop used the phrase "cancer, birth defects and other harm to a developing baby." We believe this language is clear and reasonable, and we support requiring this language in warning regulations.

5. The warning must include information about how the exposure occurs (i.e., the route of entry).

The sample warnings at the July 30 workshop included phrases like "ingesting this product will expose you...." We support requiring this kind of language in warnings, provided there are explanations about the routes of entry; for example, "ingesting means eating something or getting it into your mouth, as children do when they lick their hands.

6. The warning must include information about how to avoid or reduce the exposure.

The sample warnings at the July 30 workshop included phrases like "Do not stay in the area longer than necessary." We support requiring this kind of language in warnings, provided it is more specific or helpful. How does someone know what is "longer than necessary" to be affected? More specific guidance would be helpful.

7. The warning must be provided so consumers/users do not need to take extra steps to find warnings.

It is not reasonable to expect Californians to scan a barcode, visit a website, call a toll-free number, or take similar steps to obtain the required warnings. Many Californians do not have access to the technology necessary for some of these steps, and most Californians cannot reasonably be expected to have time to take these extra steps. Requiring extra steps is a barrier for too many.

8. For consumer products, the warnings must be product-specific.

It is not clear or reasonable to provide warnings in a store that just lists all products or certain categories of products. Consumers/users need to have the specific warnings to make individual purchasing decisions and before using something.

9. For consumer products, the warnings must be provided before a purchase is made. It also must be available afterwards, when the product is used by someone else (e.g., an employee of a small business, a family member).

It is not reasonable to expect people to buy something, be given a warning during or after purchase, and then have to decide if they will still buy it (while others wait in line behind them), return it, or exchange the product.

10. Warnings need to be in different languages.

If a consumer product label is in languages other than English, the warning also must be clearly in those languages. For environmental and workplace settings, the warning needs to be in the language(s) spoken by the people who may be exposed. We strongly believe that the warnings must be provided so the average consumer or user clearly understands.

Thank you for this opportunity to comment. We look forward to working with OEHHA on this regulation.

Sincerely,



Kathryn Alcántar
Campaign Director
CHANGE Coalition