

January 16, 2009

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Fran Kammerer  
Staff Counsel  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95812

Re: Comments on Proposition 65 Regulatory Update Project, Food Warnings

Dear Ms. Kammerer:

These comments are submitted jointly by the Grocery Manufacturers Association, the California Grocers Association, the California Retailers Association, and the American Beverage Association ("Food Organizations"). Each of the Food Organizations has supported, participated in, and devoted substantial resources to meetings and workshops held by OEHHHA on the above-referenced subject in the hopes that it would lead to a new regulation establishing a workable safe harbor for food warnings under Proposition 65 ("Food Warning Project"). In the course of this effort, the Food Organizations have each submitted written comments expressing strong support for this component of OEHHHA's Regulatory Update Program. These written comments, which we incorporate by reference herein, are in general agreement on virtually all fundamental aspects of such a warning program, although each Food Organization has expressed its individual priorities and concerns about particular details.

Each of the Food Organizations continues to believe that a new regulation establishing a food warning system that is workable – in that it resolves ambiguities, sets out clear compliance obligations, and reduces the risk of litigation – is an important and worthwhile objective and wishes to continue working with OEHHHA to move those general concepts into specific regulatory language. We appreciate the challenges of this process, and understand that getting it right will take time.

With that said, it is critically important for OEHHHA to recognize that in this difficult economic climate, all of the member companies funding the Food Organizations' involvement face financial constraints and competing imperatives on numerous other important issues. For this reason, it is essential that the Food Warning Project proceed as

Ms. Fran Kammerer  
January 16, 2009  
Page Two

cost-effectively as possible so that limited resources are used wisely and productively in the development of a workable solution, and *most important*, that financial challenges do not prevent OEHHA from receiving input from all stakeholders.

We look forward to receiving a plan from OEHHA to move this project forward in a way that is sensitive to each of these important concerns and to working together to draft appropriate regulatory language.

Sincerely,



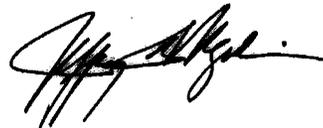
Michèle B. Corash  
Grocery Manufacturers Association



Gary Roberts  
American Beverage Association



Renee D. Wasserman  
California Grocers Association



Jeffrey Margulies  
California Retailers Association

cc: Dr. Joan Denton  
Carol Monahan-Cummings