

SYNOPSIS OF FIRST WORKGROUP MEETING

Members participating: Dominic DiMare, Robin Stafford, Patricia Vaughn, Peter Weiner, Jim Wheaton, Pam Palitz, Michael McGuffin, John Hewitt, Louie Brown, Jean Halloran, Sue Fiering, Peter Baldrige, Renee Wasserman, Kristen Power, Charles Ivey, Michele Corash

Observers: Barry Browkaw, Nathan Moore, Ralph Simoni

OEHHA Staff: Joan E. Denton, Ph.d., Carol J. Monahan Cummings, Allan Hirsch, Fran Kammerer

Following a welcome and introductions, Dr. Denton thanked the group for agreeing to take on the task, outlined the need for the regulation as described in the charge to the committee and discussed the timeline for the workgroup.

The goal is to have a regulatory proposal ready for public comment by the end of 2008.

Dominic DiMare led the group in a discussion of the proposed ground rules which were slightly modified and then adopted by the group by acclamation. A copy of the revised ground rules is attached.

The group made some general agreements including the following:

- Developing regulatory language through the workgroup is preferable to having the issues resolved on a case-by-case basis in the courts
- The group will strive for consensus
- When consensus is not possible, the group will provide OEHHA with information on the various options and viewpoints concerning the unresolved issues
- The group will first focus on conceptual agreement and leave the development of specific regulatory language to the end of the process
- The group will work in a non-adversarial/collaborative manner, not through a majority vote process

SCHEDULE OF UPCOMING MEETINGS

July 15 - 10 a.m.-2 p.m. with a working lunch

August 12 – 10 a.m.-12 Noon

September 16 – 10 a.m. -2 p.m. with a working lunch

September 29 – 10 a.m. – 2 p.m. with a working lunch

HOMEWORK FOR NEXT MEETING

- By June 26, OEHHA will develop and circulate a draft “Problem Statement” and circulate it to the workgroup members
- OEHHA to provide a link to the background materials on food warnings from the OEHHA website (<http://www.oehha.ca.gov/prop65/law/regproc021508.html>)
- OEHHA to update the e-mail distribution list for the workgroup to include alternates
- By July 3, each stakeholder group to develop a one-page statement of critical issues and circulate it to the workgroup members using the updated distribution list from OEHHA

GENERAL AGENDA FOR NEXT MEETING

- Discuss and modify the problem statement as needed
- Discuss each stakeholder group’s objectives and issues
- Discuss critical/deal-breaker issues that must be addressed in the regulatory proposal
- Identify how to address issues/Approach/Next Steps

OEHHA DRAFT PROBLEM STATEMENT

- The current Proposition 65 “safe harbor” warning regulations do not adequately provide guidance concerning the methods for providing required warnings for exposure to listed chemicals in foods at the retail level or the content of those warnings.
 - The regulations need to be updated to take into account the unique public health aspects of Proposition 65 warnings as they apply to exposures to chemicals in foods.
 - The regulations should include specific provisions explaining methods of delivery for the required warning that work for retailers and take advantage of existing technology (i.e. in store electronic kiosks, bar code readers, etc.) while being broad enough to encompass new technology as it is developed.
 - The format of any proposed regulation must fit the reorganized structure of the existing regulations and should include provisions for what message should be conveyed, when it should be provided, and how it should be provided.

- Any proposed warning process must include a method for identifying each product affected by the warning (i.e. via a flag on the product) and provide the basic components of the warning to the consumer at the retail location (i.e. via an in-store kiosk, pamphlet, register printout, etc.)
- The regulation could also include a provision allowing OEHHA to approve a warning program as in compliance with the regulation