

October 21, 2019

P65PublicComments@oehha.ca.gov

Norton Rose Fulbright US LLP
555 South Flower Street
Forty-First Floor
Los Angeles, California 90071
United States

Ms. Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010
Sacramento, CA 95812-4010

Jeffrey Margulies
Partner-in-Charge, Los Angeles and San Francisco
Direct line +1 213 892 9286
jeff.margulies@nortonrosefulbright.com

Tel +1 213 892 9200
Fax +1 213 892 9494
nortonrosefulbright.com

Re: October 4, 2019 Revised Proposed Modifications to Title 27, Article 6 of the California Code of Regulations, Proposition 65 Clear and Reasonable Warnings, Section 25600.2

Dear Ms. Vela:

These comments are submitted on behalf of California Retailers Association. CRA appreciates the opportunity to comment on OEHHA's Notice of Modification to Text of Proposed Regulation Title 27, California Code of Regulations Proposed Amendment to Section 25600.2 Responsibility to Provide Consumer Product Exposure Warnings dated October 4, 2019.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, fast food restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware and home stores. CRA's mission is to provide effective representation of its diverse membership base through legislative and administrative advocacy.

CRA appreciates OEHHA's recognition of the ambiguities in current section 25600.2, and supports OEHHA's continued efforts to provide needed clarity. We offer the following comment on the October 4 revised text.

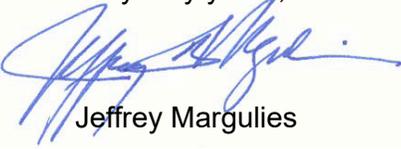
Section 25600.2(f)(1)

CRA appreciates and supports OEHHA's revision to this section to define actual knowledge of an exposure as relating to "the specific product or products that cause the consumer product exposure." Specifically, CRA appreciates OEHHA's apparent intent to limit the sources of information that could give rise to "actual knowledge" to sources of information that are "reliable." However, in order to minimize disputes in litigation, we believe that OEHHA should take the opportunity in the final statement of reasons to provide some contours to help the regulated community understand what is meant by the term.

Thank you for consideration of this comment.

Ms. Monet Vela
October 21, 2019
Page 2

Very truly yours,



Jeffrey Margulies

JBM

cc: Steve McCarthy
California Retailers Association