

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment

NOTICE TO INTERESTED PARTIES

PROPOSITION 65
PRE-REGULATORY WORKSHOP FOR POTENTIAL AMENDMENTS TO

TITLE 27, CALIFORNIA CODE OF REGULATIONS
**SECTION 25821, LEVEL OF EXPOSURE TO CHEMICALS CAUSING
REPRODUCTIVE TOXICITY**

AUGUST 28, 2015

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for implementation of Proposition 65.¹ As part of its duties, OEHHA has authority to adopt, amend and repeal regulations related to the Act, including safe harbor levels for listed chemicals.²

OEHHA is considering adopting amendments to existing regulations in Section 25821 concerning the calculation of the concentration of listed chemicals in foods. Certain provisions of the existing regulations lack clarity. In particular, subsection (a) of the regulation has been interpreted to allow for averaging of samples from various lots of products that were gathered over extended time periods and geographic areas. This is contrary to the intent of the regulations and OEHHA has determined that clarification is necessary in order to ensure that the regulation furthers the purposes of the Act.

As a starting point for discussion, OEHHA is providing draft regulatory language and explanatory information for a possible new regulation on its website at www.oehha.ca.gov/prop65. *These are pre-regulatory documents that could change substantially prior to the commencement of a formal rulemaking.* Additional opportunities for public comment will be provided during the formal rulemaking process.

The workshop will be held on **October 19, 2015 from 1p.m. to 4 p.m.** in the Auditorium at the Elihu Harris State Building at 1515 Clay Street in Oakland, California. Interested parties are encouraged to attend the workshop and participate in the discussion. Comments should be submitted in writing to the address noted below by **5:00 p.m. on November 2, 2015**. Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period. Electronic files submitted should not have any form of encryption.

All submissions should be directed to:

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5, et seq., and commonly referred to as Proposition 65; hereafter referred to as "Proposition 65" or "the Act".

² See Health and Safety Code section 25249.12 and Title 27, Cal. Code of Regs., sections 25102(o) and 25801

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If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov by September 30, 2015.