

FINAL STATEMENT OF REASONS

Title 27, California Code of Regulations

Proposed Amendments to Article 6

Clear and Reasonable Warnings

Adoption of Sections 25607.36 and 25607.37:

Rental Vehicle Exposure Warnings

SUMMARY

The Office of Environmental Health Hazard Assessment (OEHHA) published the Notice and Initial Statement of Reasons for this action on March 8, 2019. The 45-day comment period closed on April 22, 2019, and no comments were received. No public hearing was requested for this regulatory proposal.

UPDATE OF INITIAL STATEMENT OF REASONS

An update of the Initial Statement of Reasons (ISOR) is not necessary because no changes from the originally proposed amendments have been made.

ALTERNATIVES DETERMINATION

In accordance with Government Code section 11346.9(a)(7), OEHHA has considered available alternatives to determine whether any alternative would be more effective in carrying out the purpose for which the regulations were proposed. OEHHA has also considered whether an alternative existed that would be as effective as, and less burdensome to, affected private persons than the proposed action. OEHHA has determined that no alternative considered would be more cost-effective, or as effective in implementing the statutory policy or other provision of law. An alternative would be to not adopt a regulation to specifically address rental vehicle exposure warnings under Proposition 65. This is not a reasonable alternative because it would continue to pose potential public safety concerns for rental vehicle consumers. At present there is a safe harbor warning method for passenger vehicles and off-highway motor vehicles that allows placement of a warning sticker on the driver's side front window that is oftentimes removed by the vehicle purchaser. These stickers usually remain on rental vehicles and can inadvertently call the attention of would-be burglars who may be targeting rental vehicles because of a higher likelihood of valuables being in the vehicle. The proposed alternative would address the public safety issue by identifying safe harbor methods for rental-vehicle exposures that would comply with the requirements of Proposition 65 and call less attention to would-be burglars who may be targeting rental

vehicles. This regulation furthers the “right-to-know” purposes of the statute and provides more specificity regarding alternate safe harbor warning methods for exposures to listed chemicals from rental vehicles.

LOCAL MANDATE DETERMINATION

OEHHA has determined this regulatory action will not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. Local agencies and school districts are exempt from Proposition 65. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action.