

Automotive Aftermarket Units in a Joint Letter to OEHHA Re: Prop 65 Regulations

ASCCA previously reported on association plan to attend a meeting on July 22 with the Office of Environmental Hazard Assessment (OEHHA) regarding Prop 65, Clear and Reasonable Warning Regulations. The meeting was a result of ASCCA providing comments regarding the Service Station and Vehicle, Repair Facilities Warnings (Environmental Exposures) signage requirement. OEHHA is proposing creating "safe harbor" regulations which would allow an auto repair shops to post a sign (created by the regulations) that will provide environmental exposure warnings and comply with Prop 65. ASCCA and the California Automotive Business Coalition (CalABC) expressed concerns that the proposed signs (in the regulations) were primarily designed for gas stations and not for automotive repair dealers.

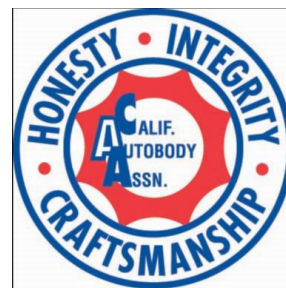
Since the meeting with OEHHA, the automotive aftermarket industry united in a joint letter that suggests the following language for a safe harbor sign specific to automotive repair facilities. (See the next page for the full content of the letter)

"Some areas in the vehicle repair facility can expose you to chemicals, solvents, heavy metals and motor vehicle exhaust that are known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to: www.P65Warning.ca.gov/VehicleRepair."

The OEHHA has been very open to recommendation, so the industry representatives are hopeful that they will adopt the recommended language. OEHHA plans on having a final draft ready this fall, so ASCCA will continue to monitor this and report on any new developments.



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August 22, 2015

To: Ms. Solomon Deputy Secretary, Mr. Hirsch Chief Deputy Director, Ms. Monahan Cummings Chief Counsel,
and Mr. Fernandez Staff Counsel

Reference: Prop 65-Clear & Reasonable Warnings- Meeting 7/22/2015 Follow up

On behalf of our respective organizations, noted above, we wish to thank you for meeting with the industry and the opportunity to provide follow up comments and suggestions to the Prop 65 Clear and Reasonable Warning Regulations. Again, we want to applaud your efforts to work on the Prop 65 reforms that will be a benefit to consumers, businesses and government.

With regard to Section 25608.24 & 25608.25 Service Station and Vehicle Repair Facilities Warnings, we believe that it would be more appropriate and beneficial for consumers to provide separate content warnings for vehicle repair facilities because repair facilities do not typically dispense gasoline or diesel at their locations. We propose the following Proposition 65 Warning Sign:

Proposition 65 Warning

“Some areas in the vehicle repair facility can expose you to chemicals, solvents, heavy metals and motor vehicle exhaust that are known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to: www.P65Warning.ca.gov/VehicleRepair “

The website would provide the consumer with a list of specific chemicals and environmental exposure information. During our meeting, you requested a listing of some of the more common chemicals used in the repair facilities. Attached to this joint letter is a list of some of these chemicals.

We wish to reiterate that the current “cure provision”, under Section 25600.2 (d) (5) (c), should also apply to environmental warnings. As we discussed in our meeting, we would like to see a business owner given written notice for



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failure to comply that affords them no less than 48 hours to post the required signage and become compliant. This allows for a reasonable opportunity to correct and cure an issue that may have been caused by an innocent mistake or oversight and thereby, avoiding unnecessary fines and frivolous lawsuits.

Finally, the definition of “retailer”, under Section 25600.1(i) should be clarified and amended to include vehicle repair facilities that sell products in conjunction with providing services.

Please do not hesitate to contact any of us, if you have any questions.

We look forward to continuing our work on the Prop 65 revisions with all of you.

Thank you for your time.

Sincerely,

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