



Ms. Kristin Stauffacher  
Deputy Secretary for Legislative Affairs  
California Environmental Protection Agency  
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P.O. Box 2815  
Sacramento, CA 95812-2815

**Via E-Mail To:** *kristin.stauffacher@calepa.ca.gov*

Dear Kristin:

On behalf of the Grocery Manufacturers Association (GMA), I want to thank the Governor and his staff for initiating this process and for involving voices from the food and beverage industry in the stakeholder meetings and other discussions that have occurred over the last two months.

As you know, representatives of GMA and others in the food and beverage industry have expressed our recommendations and concerns in the course of this process. We look forward to reviewing the next draft of the legislative language that the Governor's office is preparing, and we anticipate having more detailed comments on that proposal.

GMA supports the general goals articulated in the Governor's initial press statements on reform of Proposition 65. We think it is beyond debate that Proposition 65 has been abused by private enforcers and that these abuses needed to be addressed. GMA and its members also have a long history of providing consumers with relevant information so that they can make informed choices, and we participated actively in efforts to create a safe harbor warning program for foods that would have provided consumers with more information than most Proposition 65 warnings provide.

As you know, we think food is different from other consumer products, and of course it is different from occupational and environmental situations covered by Proposition 65. The proponents of the original ballot initiative did not have food in mind, but the law has increasingly been used to sidestep other regulatory programs that ensure the safety of foods and beverages, facilitate consumer education, and promote nutrition. For reasons we have articulated previously, we believe foods and beverages need to be treated differently, and we look forward to continuing our discussions with the Administration about ways to effectuate that goal within the broader context of Proposition 65 reform.

At this point in the process, it is difficult for GMA or any of the participants in the stakeholder process to evaluate the proposed legislative package apart from the regulatory changes that OEHHA proposes to undertake as well as other possible actions

**GROCERY MANUFACTURERS ASSOCIATION**

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by the Administration. We therefore look forward to reviewing the Administration's next draft, which we understand will encompass all the areas discussed to date, and to understanding the Administration's plans for other actions.

We note that there is little if anything in the current proposals that addresses the major challenges that Proposition 65, in its current form, presents to the food and beverage industry. It would not affect the wholesale listing of chemicals, the setting of warning trigger levels that are much lower than any other regulatory standard, the conflicts presented by warning of insignificant risks for safe and nutritious foods and beverages, and the difficulty inherent in using the current naturally occurring and cooking provisions of the Proposition 65 regulations.

That said, we look forward to continuing to work toward the goal of a package of administrative, regulatory, and legislative proposals that is balanced and furthers the purposes of Proposition 65, lessens the burdens on the food and beverage industry, and promotes the interests of our consumers.

In closing, I want to express our appreciation for your personal leadership of this process and the support you've provided to all of us in ensuring efficient communication and consideration of all viewpoints.

Sincerely,

A handwritten signature in blue ink, appearing to read "JH TN".

John Hewitt  
Western Region Director, State Affairs