June 12, 2014

Monet Vela  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
1001 I Street  
Sacramento, CA 95812-4010

SUBJECT: PROPOSITION 65 WARNING REGULATION

Dear Ms. Vela:

The California Hospital Association (CHA), which represents approximately 400 hospitals and health systems, thanks the Office of Environmental Health Hazard Assessment (OEHHA) for holding a public meeting on April 14 regarding potential amendments to Article 6, Clear and Reasonable Warnings, and extending the public comment period on the amendments. We also appreciated the opportunity to meet with OEEHA staff and other health care association representatives regarding the prescription pharmaceutical and the prescription medical device issue on May 14.

CHA concurs with the proposal discussed at the May 14 meeting regarding Title 27, California Code of Regulations, Section 25603.3 (c) and (d). We concur that section (c) should now read:

“(c) For prescription drugs and prescription medical devices, the labeling approved or otherwise provided under federal law and the prescribers accepted practice of obtaining a patient’s informed consent shall be deemed to be a clear and reasonable warning.”

Section (d) language should remain as currently written.

Hospital representatives concur that OEHHA should revert back to existing language for prescription pharmaceuticals and include prescription medical devices with prescription pharmaceuticals. CHA concurs with OEHHA that the current language, with prescription medical devices added, does not substantially reduce public health protections.

Hospitals are complex organizations and are very vulnerable to frivolous Prop 65 lawsuits. Hospitals provide food services, operate fleets of motor vehicles, operate garages, and store oil, fuel and cleaning chemicals. Therefore, we have joined other members of the California Chamber of Commerce in expressing concern, as delineated in the Chamber’s coalition letter, submitted to you under separate cover, that the proposed Clear and Reasonable Warning Regulations, as drafted, will actually lead to more frivolous Prop 65 lawsuits.
Again, CHA thanks you for making the pre-regulatory process very open and we look forward to working with you in the development of fair and equitable Prop 65 regulations which are aligned with the Governor’s overall goals to improve Prop 65.

If you have any questions, please contact me at (916) 552-7570 or rrichter@calhospital.org.

Sincerely,

Roger Richter
Senior Vice President, Professional Services

RR:bd