



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 445-5077
E-Mail: Scott.Lichtig@doj.ca.gov

March 12, 2014

TO: Proposition 65 Private Party Enforcers

RE: Proposition 65 Noticing Requirements Re: Appendix A Pursuant to Cal. Code Regs., tit. 27, § 25903

Dear Interested Parties:

I write to you in your capacity as a representative or legal counsel for an entity that has brought and/or settled private-party enforcement Proposition 65 cases pursuant to Health & Saf. Code § 25249.7(d), to clarify the procedures that must be followed when issuing a 60-day notice under the statute.

The 60-day notice sent to alleged violators pursuant to Proposition 65's private-party enforcement program must include a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986: A Summary," ("Appendix A" [see Cal. Code Regs., tit. 27, § 25903, subd. (b)(1)]). Appendix A provides the noticed party a brief overview of Proposition 65.

On December 19, 2012, Appendix A was amended to, among other things, clarify certain requirements and include links to the Office of Environmental Health Hazard Assessment (OEHHA) website where noticed parties can find the applicable Health and Safety Code, the relevant regulations, and additional guidance on complying with Proposition 65 (*see* Register 2012, No. 48-Z, p. 1749). Additional information on the 2012 amendments and a copy of the updated Appendix A can be found at: <http://oehha.ca.gov/prop65/law/crn121712.html>

It has come to our attention that numerous noticing parties continue to use out-of-date versions of Appendix A, omitting the changes and additions made in 2012. This letter serves as a reminder to all parties to include the most recent version of Appendix A with your 60-day notices and to ensure that future revisions of Appendix A are incorporated as necessary.

March 12, 2014

Page 2

Should you have additional questions, please contact me by phone at (916) 445-5077 or by email at scott.lichtig@doj.ca.gov.

Sincerely,

Handwritten signature of Scott Lichtig in black ink.

SCOTT LICHTIG
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

SF1994IN0809