

April 22, 2013

Assembly Member Bob Wieckowski, Chair  
Assembly Judiciary Committee  
California State Assembly  
State Capitol  
Sacramento, CA 95814

Dear Assembly Member Wieckowski,

Consumers Union, the advocacy arm of Consumer Reports, opposes AB 227 (Gatto). This bill would undermine the accountability of companies found to be in violation of Proposition 65, the [Safe Drinking Water and Toxic Enforcement Act of 1986](#), which protects California citizens and the State's drinking water sources from chemicals known to cause cancer, birth defects or other reproductive harm, and to inform citizens about exposures to such chemicals.

AB 227 would provide that before an enforcement action can be taken, a 14-day grace period be given between the notification from a citizen enforcer of failure to label a chemical that exceeds a safe harbor level, and the company's compliance with Prop 65. However, the bill also affords companies complete amnesty from accountability for the period of time that their product was not in compliance with Prop 65. In other words, if testing showed that the company was not in compliance for a year before the notification, the company would be given 14 days to rectify the problem by simply posting a warning sign and then be absolved of any illegal action prior to the two-week period. Given that Prop 65 can fine companies up to \$2500 per day of non-compliance, AB 227 would undermine this important accountability arm and deterrent to corporate wrongdoing.

Consumers Union shares the concerns raised by Center for Environmental Health that AB 227 would eliminate incentives for businesses to comply with Prop 65 in the first place. Prop 65 was created to protect the public and to give companies a compelling reason to take proactive measures to eliminate exposures to chemicals known to cause cancer and/or reproductive harm. We urge the Assembly Judiciary Committee to uphold Prop 65's important consumer protection enforcement mechanisms by voting NO on AB 227.

Sincerely yours,



Elisa Odabashian, Director  
West Coast Office & State Campaigns  
Consumers Union



Urvashi Rangan, Ph.D., Director  
Consumer Safety and Sustainability  
Consumer Reports