



# **What Guidance from OEHHA Would be Helpful to Stakeholders on Topics Such as Averaging, Measurements, and Background Levels**

**2022 Prop. 65 Conference**

**September 19, 2022**

# Session Overview



**Introduction  
to panelists**



**Goals/benefits  
of guidances**



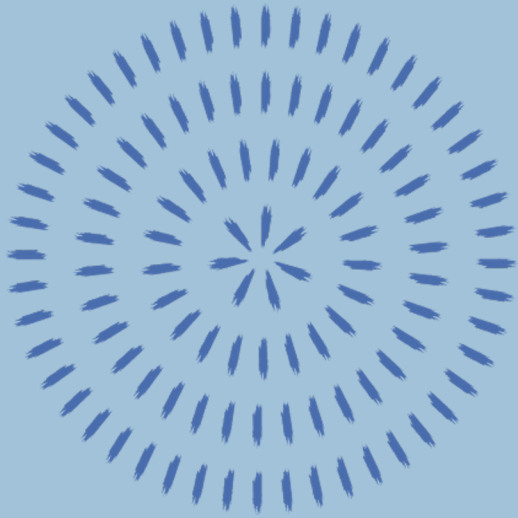
**Requested  
guidance items**



**Procedure  
for guidance  
requests**



**Questions**



# Panelists

Moderator:

**Margaret Whittaker**, Managing Director and Chief Toxicologist, ToxServices

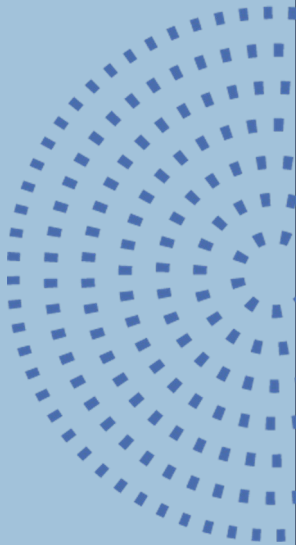
Panel:

**Caroline Cox**, Senior Scientist (*Retired*), Center for Environmental Health (Remotely presenting)

**Nathaniel Kane**, Executive Director, Environmental Law Foundation

**Trent Norris**, Partner, Arnold & Porter

**Rob Scofield**, Vice President and Principal Toxicologist, GSI Environmental



# Goals and Benefits of Establishing OEHHA Guidelines

Goals	Benefits	Costs
Avoid/Minimize over warning	Only products that pose health risk would be labelled	Guidance may be overly prescriptive and burdensome
Improve transparency of Prop 65 process	Provide technical basis to establish Prop 65 compliance	Companies may need to increase rigor of assessments
Improve public health	Standardized procedures would improve efficiencies and scientific rigor	Guidances may become outdated
Answer questions left open by AG, Consent Judgments	Address discrepancies	Guidance may be overly prescriptive and burdensome



# Requested Guidance Items

**Applicability of  
previous Consent  
Judgments to new  
notices**

**When do  
subpopulations  
need to be  
addressed  
explicitly?**

**Reaffirm safe harbor  
levels for reproductive  
toxics are based on  
single-day exposures**

**Averaging**  
**Across time, Lots**  
**Concentration  
estimates (arithmetic,  
geometric mean, 85<sup>th</sup>  
percentile)**

**Analytical Methods**  
**Clarification of “most  
sensitive LOD”**

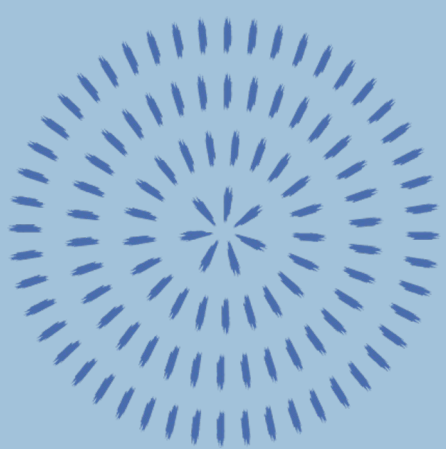
**Food  
Consumption  
Estimates**  
**What to do in the  
absence of NHANES  
data?**

**Practical ways to  
identify naturally  
occurring  
background levels  
in food**

**Testing to  
Support  
Exposure  
Estimation**

# Procedures for Guidance Requests





# Questions/Discussion

## **Moderator:**

**Margaret Whittaker**, Managing Director and Chief Toxicologist, ToxServices

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# Recap of Key Points



Goals	Benefits	Costs
<b>Avoid/Minimize over warning</b>	<b>Only products that pose health risk would be labelled</b>	<b>Guidance may be overly prescriptive and burdensome</b>
<b>Improve transparency of Prop 65 process</b>	<b>Provide technical basis to establish Prop 65 compliance</b>	<b>Companies may need to increase rigor of assessments</b>
<b>Improve public health</b>	<b>Standardized procedures would improve efficiencies and scientific rigor</b>	<b>Guidances may become outdated</b>
<b>Answer questions left open by AG, Consent Judgments</b>	<b>Address discrepancies</b>	<b>Guidance may be overly prescriptive and burdensome</b>



**Thank you!**