



November 9, 2015

Trish Gerken  
Senior Legal Analyst  
Office of the Attorney General  
2550 Mariposa Mall, Rm. 5090  
Fresno, CA 93721  
Via email: [trish.gerken@doj.ca.gov](mailto:trish.gerken@doj.ca.gov)

Re: Proposed Revisions: Proposition 65 Private Enforcement

Dear Ms. Gerken:

On behalf of our nearly 25,000 member dentists, the California Dental Association (CDA) appreciates the opportunity to provide comments on the Attorney General's proposed changes to Proposition 65 regulations regarding private party enforcement.

CDA is committed to the success of our members' service to their patients and the public. CDA is the recognized voice for California dentists and their patients in promoting oral health and the profession of dentistry. We constantly strive to be a resource to our members in all aspects of regulatory compliance including, but not limited to, Proposition 65 compliance and liability. While we remain focused on the safety of our members' patients and the public, we also seek to protect our members from abuses of the legal system and unjustified penalties sought without due process or judicial protections.

The proposed changes to the Proposition 65 Regulations will ensure that the penalties designated by the voters to fund enforcement of Prop 65 by the Office of Environmental Health Hazard Assessment (OEHHA) will not be diverted to private parties in the form of Additional Settlement Payments, and that any awarded payments will have both a clear nexus to the violation alleged and provide for true public benefit. Requiring all settlements, whether they occur after a judgment or merely after a complaint is filed, to be recorded with the Attorney General's office will ensure fairness and transparency. And finally, the proposed changes ensure that excessive attorney's fees will not be awarded without a showing, by the claimant of the attorney's fees, that they have conferred a significant public health benefit through their lawsuit or settlement. These and the other changes being proposed by the Attorney General better reflect the intent of the voters in passing Prop 65.

CDA and our members appreciate the efforts of the Attorney General in bringing together the stakeholders on this critical issue and ensuring a fair process, while still allowing for litigation that genuinely benefits the public while protecting businesses across the state from those who might utilize the court system for purely personal gain under the shield of regulatory enforcement.

Please do not hesitate to contact me at 916.554.7340 or [Brianna.pittman@cda.org](mailto:Brianna.pittman@cda.org) with further questions, and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna Pittman", is written over a light blue horizontal line.

Brianna Pittman  
Legislative Director