



LOS ANGELES AREA  
CHAMBER OF COMMERCE

November 6, 2015

Trish Gerken  
Senior Legal Analyst  
Office of the Attorney General  
2550 Mariposa Mall, Rm. 5090  
Fresno, CA 93721  
Fax: (559) 488-7387

**RE: COMMENT ON PROPOSED AMENDMENTS TO REGULATIONS CONCERNING  
PROPOSITION 65 ENFORCEMENT ACTIONS BROUGHT BY PRIVATE PARTIES**

Dear Ms. Gerken;

On behalf of the Los Angeles Area Chamber of Commerce, I am pleased to see that the Office of the Attorney General is willing to amend a law that has thus far led to frivolous lawsuits, higher costs of selling goods in California, and warnings that are so ubiquitous that they are generally ignored by California residents. The Chamber supports the Attorney General's proposed amendments to Proposition 65 and view them as a step in the right direction for California and its consumers.

With the rise of predatory lawyers and groups purporting to act for the public benefit, more and more frivolous lawsuits have been initiated with the goal of settling alleged Prop 65 violations for gain, with little or no money or benefit going to the state of California. We support the proposed amendments requiring that plaintiffs specify the activities to be funded as well as the amount of funding to be used from each settlement payment. Greater scrutiny will help to ensure that funds are used more appropriately and for the benefit of Californians.

The Chamber also supports limiting the amount of additional settlement payments to the amount of any non-contingent civil penalty. The amendment could go even further to ensure that the funds were used to benefit California and not just to enrich bounty hunter lawyers. As 75% of civil penalties are required to be provided to the OEHHA, a similar requirement for these additional settlement payments would serve the purpose and intent of Proposition 65 while at the same time discouraging the filing of frivolous, shakedown lawsuits.

The Chamber fully supports your proposed amendments and thanks you for your time and consideration. We look forward to a Proposition 65 that more closely matches its intended goals.

Sincerely,

A handwritten signature in cursive script that reads "Gary Toebben".

Gary Toebben  
President & CEO



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