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## OEHHA TO CONSIDER MODIFYING PROP 65 SAFE HARBOR LEVELS FOR LEAD

AUGUST 2015

### **Client Alert (August 2015)**

On July 2, 2015, the Center for Environmental Health (“CEH”) submitted a petition to repeal or amend the regulatory safe harbor established for lead under California Proposition 65 (“petition”). The petition is important to any business that sells products containing lead to California consumers. In its petition, CEH seeks to repeal the safe harbor (a/k/a “maximum allowable dose level” or “MADL”) for lead, claiming that the existing MADL of 0.5 microgram per day is too high. The petition also challenges the approach used to calculate the MADL, including the practice of averaging lead exposures over time. The current MADL for lead was established in 1989 and affirmed by the Office of Environmental Health Hazard Assessment (“OEHHA”) in 2013 when it changed the basis for listing lead as a chemical known to cause reproductive harm. CEH claims that the MADL was not based on any scientifically valid testing, and that current scientific studies show that there is no safe level of exposure to lead. Thus, CEH petitioned OEHHA to (1) repeal or amend the MADL for lead; and (2) promulgate a regulation establishing that the MADL should be assessed based on per-day exposures and that averaging over time is not permitted.

In a response dated August 3, 2015, OEHHA advised CEH that it will initiate a rulemaking to update the existing MADL for lead. OEHHA will hold a hearing on the petition on October 9, 2015 at 10:00 a.m. in Sacramento, California. [Click here to read the Client Alert.](#)

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