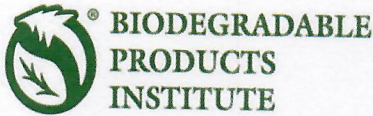




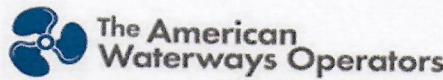
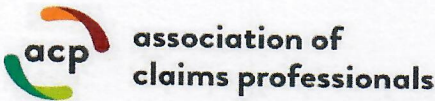
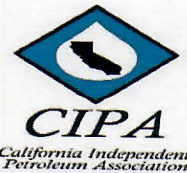
International Council of Shopping Centers



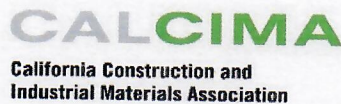
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April 10, 2020

**Via Electronic Delivery**

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

**Subject: Request for Postponement of Deadlines for Pending Policy and Regulatory Initiatives.**

Dear Governor Newsom,

The undersigned organizations thank you for your leadership in guiding California through the uncharted territory of the COVID-19 pandemic. We appreciate the open lines of communication your administration has maintained to address emerging problems in real time. This unprecedented public health crisis requires all parties to work together for the greater good of California and its citizens.

We write you now asking you to direct all state agencies to postpone near-term rulemaking and related deadlines to allow a reasonable period of time for meaningful public participation in decision making processes. We also ask that you direct state agencies to be judicious in exercising enforcement authority while businesses make unprecedented changes to their operations to help reduce the spread of the virus.

The business community has been working diligently to adapt to shelter in place orders. Businesses that are still in operation have reduced staffing levels to comply with social distancing guidelines and other health-related measures. Employee focus has necessarily been diverted from normal workload to COVID-19 response. A "business as usual" approach from state regulatory agencies conflicts with the administration's directives to focus limited resources on protecting employee health and safety while continuing to provide essential goods and services to the public.

Many rulemaking and policy development initiatives were either launched or already in process at the front end of the COVID-19 crisis. As the following few examples attest, several of the pending deadlines pertain to environmental and workplace-related initiatives:

- Cal-Recycle SB 1335 Implementation: Cal-Recycle is in the process of developing regulations for determining the types of food service packaging that are reusable, recyclable, or compostable. Cal-Recycle opened a formal comment period on March 13 which is scheduled to close on April 28.
- State Water Resources Control Board Economic Feasibility Guidance: The SWRCB issued a "White Paper" on Evaluation of Economic Feasibility as the first step in developing a new drinking water standard for hexavalent chromium. The White Paper was released on March 6 with a comment deadline of April 27. The SWRCB also announced three public workshops scheduled for mid-April. This guidance is expected to set precedents for all future state drinking water standards.
- Air Resources Board Transport Refrigeration Unit, Commercial Harbor Craft, and Vessels At-Berth Regulations: The public comment deadlines on these multiple



proposed amendments to existing regulations on our state's "essential service" supply chain were extended to April 27, April 30, and May 1, respectively. All the critical supply chain functions provided by these freight sectors are essential to the delivery of medical equipment, pharmaceuticals, fresh foods and other vital products currently in short supply.

- Cal-EPA Supplemental Vapor Intrusion Guidelines: This draft guidance, which could have significant negative impacts on in-fill development and affordable housing projects, was issued in mid-February. Public workshops originally scheduled for early April have been postponed until further notice and the public comment deadline extended by 30 days to June 1.
- Office of Environmental Health Hazard Assessment Public Health Goals: OEHHA announced on March 27 that it is initiating development of PHGs for 1,4 dioxane and NDMA in drinking water with a solicitation for scientific information on health effects. This notice indicates an April 27 deadline for public comments.
- Cal-OSHA Indoor Heat Illness Prevention Regulations: Cal-OSHA is nearing completion of work required by the Office of Administrative Law to approve a notice of proposed rulemaking, which would commence a 45-day public review and comment period. As currently drafted, this proposed regulation will impact thousands of businesses statewide.

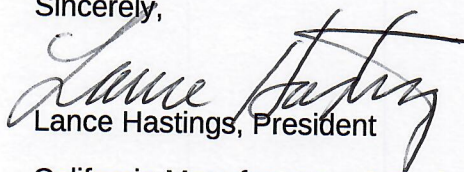
Continuing to advance new regulatory initiatives in the current environment will undermine public participation and lead to poorly informed decisions that may present unintended and undesirable consequences. While the extensions granted to date are appreciated, they are being issued on a piecemeal basis and are inadequate given uncertainty about the duration of the crisis. Therefore, in recognition of the overwhelming impact of the COVID-19 response effort, all pending regulatory proceedings including informal pre-rulemaking activities should be postponed for a reasonable period of time after shelter in place orders are lifted.

In addition to regulatory initiatives, some industries such as food production and processing, continue to receive 60-day notices of intent to sue under Proposition 65. The Attorney General should recognize that many businesses are uniquely vulnerable to predatory litigation practices while they focus on responding to the COVID-19 crisis and should prioritize these cases for state intervention.

The undersigned groups want to make clear that we are simply seeking a short-term stay in state regulatory agendas while we do our part to support California's response to this public health crisis. We remain committed to working with the state toward practical and sustainable regulations and to meeting existing regulatory requirements to the maximum extent feasible.

Thank you again for your time and continued leadership in these difficult times. We appreciate your consideration of our urgent requests. Please contact me if you have any questions at [lhastings@cmta.net](mailto:lhastings@cmta.net) or (916) 527-4334.

Sincerely,

  
Lance Hastings, President

California Manufacturers & Technology Association



Cc: Ann O'Leary, Governor's Office, Chief of Staff  
Jared Blumenfeld, Secretary, Environmental Protection Agency  
Joaquin Esquivel, Chair, State Water Resources Control Board  
Katrina Hagen, Director, Department of Industrial Relations  
Ken DaRosa, Acting Director, CalRecycle  
Lauren Zeise, Director, Office of Environmental Health Hazard Assessment  
Mary Nichols, Chair, Air Resources Board

American Chemistry Council  
American Coatings Association  
Association of Claims Professionals  
Association of Home Appliance Manufactures  
Association of Plastic Recyclers  
Biodegradable Products Institute  
Building Owners and Managers Association of California  
California Business Properties Association  
California Construction and Industrial Materials Association  
California Farm Bureau Federation  
California Food Producers  
California Fuels & Convenience Alliance  
California Independent Petroleum Association  
California Independent Petroleum Association  
California Railroads  
California Restaurant Association  
California Retailers Association  
CAWA - Representing the Automotive Parts Industry, and the Auto Care Association  
Chemical Industry Council of California  
Commercial Real Estate Development Association  
Consumer Brands Association  
Crowley  
Dart Container Corporation  
Foodservice Packaging Institute  
Fragrance Creators Association  
Industrial Environmental Association  
International Council of Shopping Centers  
National Elevator Industry, Inc.  
Official Police Garage Association of Los Angeles  
Pacific Merchant Shipping Association  
Pactiv, LLC  
Plastics Industry Association  
Representing Household and Commercial Products  
The American Waterways Operators



The California League of Food Producers  
The Western Plastics Association  
West Coast Lumber & Building Material Association  
Western Independent Refineries Association  
Western States Petroleum Association