

## Trish Gerken

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**From:** Robert Cerello <webmaster@doj.ca.gov>  
**Sent:** Tuesday, October 06, 2015 3:52 PM  
**To:** PIUWebform  
**Subject:** [WEB FORM] GENERAL COMMENT OR QUESTION

Below is the result of the feedback form.  
It was submitted by

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NEW\_TYPE:  
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TYPE: PL  
First Name: Robert  
Middle Initial:  
Last Name: Cerello  
Address Line: 8070 Orange Ave Apt 705  
Address Line 2:  
City: La Mesa  
State: CA  
Zip: 91942  
Zip4: 6473  
Area Code:  
Phone Number:

Comment Or Question Message: I was pleased to read your proposal for reforming the broken Prop 65 system and curbing the frivolous lawsuits brought as a result of Prop 65 violations. Unfortunately, your plan doesn't do nearly enough to fix the grievous problems that Prop 65, as currently written, has been generating all over the state. It is relatively simple to fix; it simply requires that corporation wrongdoers be stopped from committing crimes and pay their fines as wrongdoers.

You propose to cap "payments in lieu of penalties," when we really need to eliminate these forms of payments altogether. You propose attorneys and plaintiffs be required to better define and report how they spend certain kinds of settlement payments; but there really ought to be judicial scrutiny of ALL settlements.

And further you suggest raising the bar for determining when a settlement confers the "significant" public benefit that is a "prerequisite for obtaining attorney fees". But only a more drastic decrease in the money that goes to lawyers would eliminate incentives to file many frivolous lawsuits.

In other words, your proposals do not nearly go far enough to reduce the financial incentives for predatory trial lawyers and "bounty hunters." At the same time, California's Office of Environmental Health Hazard Assessment (OEHA) has proposed several reforms to Prop 65 which may actually INCREASE the number of frivolous lawsuits, making it even harder to do business in California and further impeding the law's ability to protect consumers. They officers in this Agency clearly have not defined the purpose of this reform well enough.

If you want to fix the current system and if you want to achieve the law's initial intent as I am sure you do, then obviously and unarguably you must dramatically and address and address decisively the financial incentives that keep Prop 65as just another way to line the pockets of the undeserving wealthy, with no benefit whatsoever to California's long-suffering and victimized non-wealthy citizens. Equality under the Legal system requires regulations to be written in such a way as not to hand unearned benefits to wrongdoers and their shady ;egal representatives. It's not rocket science. It's called lawmaking, regulation drafting, listening to scientists and not lobbyists, to clear thinkers not politicians.

Get this right and you become an important figure in the eyes of millions of reasonable persons. get it wrong and you lose a big opportunity to help citizens against wrongdoers and shady corporate types.

Affirm Information Accurate: Yes

Email:

Confirm Email:

Referrer:

[End of comment or complaint information]