

Appendix H

Amount of Civil Penalty to Cure Alleged Violation of Proposition 65 for Failure to Provide Certain Warnings (Health & Saf. Code, § 26249.7(k))

Formula

Under Health and Safety Code section 26249.7(k), the amount of civil penalty per facility or premises that an alleged violator may agree to pay within 14 days of service of a notice of violation under that section will be computed and adjusted as follows:

$$\text{Adjusted penalty amount} = \left[\frac{\text{annual CCPI (Dec. 2018)} - \text{annual CCPI (Dec. 2013)}}{\text{annual CCPI (Dec. 2013)}} + 1 \right] \times \text{Previous dollar amount}$$

Definition

“CCPI” means the California Consumer Price Index for All Urban Consumers, as established by the California Department of Industrial Relations.

Calculation and adjustment

Effective April 1, 2019, the amount of civil penalty that an alleged violator may agree to pay within 14 days of service of a notice of violation under Health and Safety Code section 26249.7(k)(2)(B)(ii) is \$565 per facility or premises where the alleged violation occurred.

The calculation is as follows:

$$\$563.92 = \left[\frac{272.51 - 241.623}{241.623} + 1 \right] \times \$500$$

Under Health and Safety Code section 26249.7(k)(2)(B)(ii), the adjusted penalty amount is rounded to the nearest \$5, so the dollar amount of the adjusted limit is rounded to \$565.

Appendix H adopted effective April 1, 2019.