



February 1, 2023

Sent via electronic mail

Dylan Lomanto
Legislative Manager
California Department of Food and Agriculture
1220 N Street, 4th floor
Sacramento, CA 95814
Dylan.Lomanto@cdfa.ca.gov

Re: Clarification Request

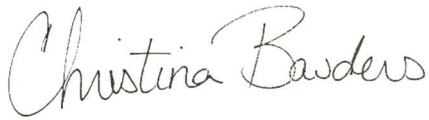
Dear Mr. Lomanto:

Thank you again for meeting with us in November. We're looking forward to working through the administrative rulemaking process this year regarding transmission fluid labeling and other lubricant labeling issues raised by AB 808. Pursuant to our recent discussion, the undersigned organizations respectfully request a clarification regarding CDFG's authority to promulgate regulations under California Business & Professions Code §13710(b), §13711(c), and §13404.5. Specifically, is there any state law, CDFG policy, or caselaw that prohibits CDFG from taking into consideration an authorizing code's legislative history, including publicly known circumstances impacting the drafters' choice of language, when promulgating regulations involving statutorily undefined terms? We are not aware of any such limitation and believe the clarification of this issue is critical to giving effect to the Assembly's intent and avoiding unintended anticompetitive impacts on consumers.

We very much appreciate your time and attention to considering the impact of taking legislative history into consideration for your upcoming rulemaking process.

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Sincerely,



Christina Bauders
Executive Director
Automotive Oil Change Association

Lisa Spooner Foshee

Senior Vice President, Government Affairs and
General Counsel
Auto Care Association



Roy Littlefield IV
Director of Government Affairs
Tire Industry Association



Rodney Pierini, President & CEO
CAWA - Representing the Automotive Parts
Industry



Holly Alfano, CEO
Independent Lubricant Manufacturers
Association



Johan M Gallo
Executive Director
California Automotive Business Coalition



Gloria Peterson
Executive Director
Automotive Service Councils of California

cc: Kevin Schnepf, Environmental Program Manager I, Division of Measurement Standards