

**From:** [Gary Valasek](#)  
**To:** [P65Public Comments](#)  
**Cc:** [Vela\\_Monet@OEHHA](mailto:Vela_Monet@OEHHA)  
**Subject:** "Clear and Reasonable Warnings" Comment #7  
**Date:** Thursday, June 02, 2016 8:50:23 PM

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## Office of Environmental Health Hazard Assessment

1001 I Street, 23rd Floor, Sacramento, California 95814  
P.O. Box 4010, Sacramento, California 95812-4010  
(916) 323-2625; 916-323-2517

June 2, 2016  
Comments due 5 pm June 6,

2016

### Dear Proposition 65 Associates of OEHHA:

[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)  [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov)

**Subject:** "Clear and Reasonable Warnings"

This Comment #7 is being furnished in response for comments requested from the general public (due June 6<sup>th</sup>) as referenced to your Pdf of proposed markups and revisions at weblinks [http://oehha.ca.gov/media/downloads/crn/05182016art\\_62ndmodtextmarked.pdf](http://oehha.ca.gov/media/downloads/crn/05182016art_62ndmodtextmarked.pdf) and <http://oehha.ca.gov/proposition-65/crn/notice-modification-text-proposed-regulation-proposed-repeal-article-6-and>, respectively.

Proposition 65 regulation is hereafter listed herein as Prop65.

Comment #7

The latest revision update still incorporates



the vague & ambiguous symbol  and seems to attempt to impose its use nearly everywhere. The non-uniqueness of this symbol as well as its implication to so many other common hazards associated with temporary construction/mechanical/electrical/boundary/penitentiary signs and admonitions in appliance and equipment user manuals makes it ludicrous to introduce its use for Prop65 chemical warnings and totally ignore the possibility of an improved symbol.

Furthermore, the urgency to bypass all logic about this topic and continue via the latest revisions to have selected, separate accompanying warning statements for nearly each and every possible different industry and facility in the State of California AND not change to a standard, uniform warning is apparently beyond comprehension and enforces an early dissolution of any further intelligent discussion. The businesses of California really must have to have great patience with adapting to the whims of this regulation.

Maybe instead of a sign that says "Welcome to California" as one enters by land from Mexico, Arizona, Nevada or Oregon, could there be a Prop65 6'x10' billboard with the warning statement?:

There is a possibility as you experience California that you may encounter chemicals which may cause cancer and/or reproductive harm. Contact website [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov) for all locations in the State where such possibilities may exist; such detailed listing is updated daily on our Prop65 App for your convenience and expediency to further enjoy beautiful California. Have a great day!

Respectfully submitted,

Gary Valasek, Staff Facilitator, Intercontinental Chemical Corporation

To: 'P65Public.Comments@oehha.ca.gov' Cc: 'monet.vela@oehha.ca.gov'  
Subject: "Clear and Reasonable Warnings" ☂ Comment#5

**Office of Environmental Health Hazard Assessment**

1001 I Street, 23rd Floor, Sacramento, California 95814  
P.O. Box 4010, Sacramento, California 95812-4010  
(916) 323-2625; 916-323-2517

May 25, 2016  
Comments due 5 pm June 6, 2016

**Dear Proposition 65 associates of OEHHA:**

[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov) ☂ [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov)

This Comment#5 is being furnished in response for comments requested from the general public as referenced to your Pdf of proposed markups at weblink

[http://oehha.ca.gov/media/downloads/cmr/05182016art\\_62ndmodtextmarked.pdf](http://oehha.ca.gov/media/downloads/cmr/05182016art_62ndmodtextmarked.pdf)

Proposition 65 regulation is hereafter listed herein as Prop65.

Comment#5

Let's consider the following statements and observations:

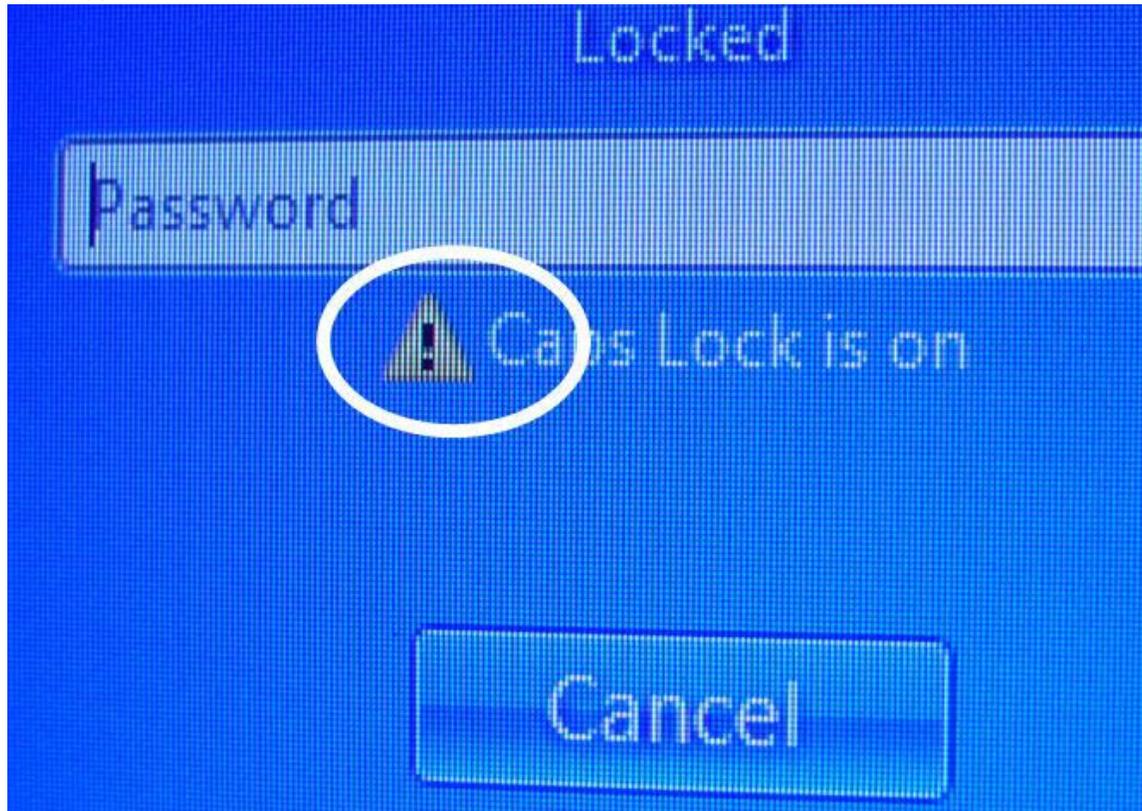
Many times referenced in the new proposal are the phrases

"The symbol required in Section 25603(a)(1)" or "The symbol described in Section 25603(a)(1)".

Such symbol is already used in the marketplace and industry to indicate altogether different messages.

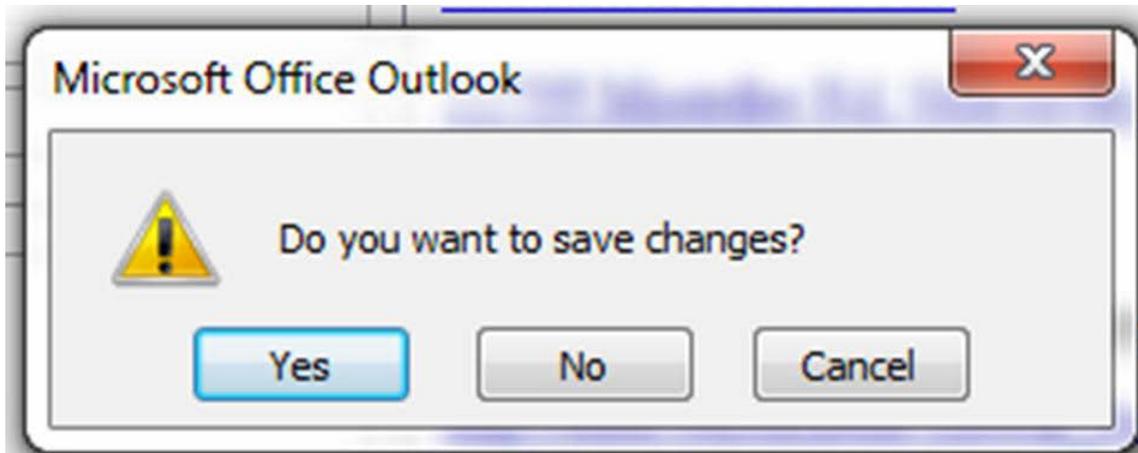
Look as these examples:

This snapshot is from Microsoft® software functions found on most computers upon user log in or other similar activities:



Notice the triangle symbol (within the white circle) has been in use for many years by Microsoft.

Another computer snapshot shows the following:



Such impositions (with or without any kind of border) should not be used as Prop65 Warning symbols. Do we need a computer-protégé'd Prop65 warning symbol that is already too familiar?

In any event, there are more examples of the triangle symbol elsewhere found, as shown below:



(sourced from unknown website)

As from website <http://www.cpsc.gov/PageFiles/87660/portgen.pdf> shown here, the triangle symbol below:

# **⚠ DANGER**

Using a generator indoors **CAN KILL YOU IN MINUTES.**

Generator exhaust contains carbon monoxide. This is a poison you cannot see or smell.



**NEVER** use inside a home or garage, **EVEN IF** doors and windows are open.



Only use **OUTSIDE** and far away from windows, doors, and vents.

Avoid other generator hazards.  
**READ MANUAL BEFORE USE.**

As shown from website <http://www.cpsc.gov/pagefiles/113779/colabel.pdf> here is another triangle:

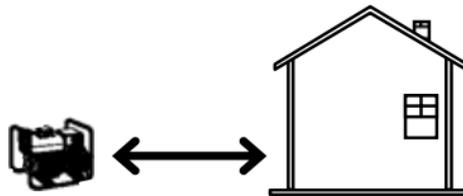
# **⚠ DANGER**

Using a generator indoors **WILL KILL YOU IN MINUTES.**

Exhaust contains carbon monoxide, a poison gas you cannot see or smell.



**NEVER** use in the home or in partly enclosed areas such as garages.



**ONLY** use outdoors and far from open windows, doors, and vents.

From website <http://www.cpsc.gov/pagefiles/119782/lrtgafin.pdf> , as shown below in part, these symbols were published in the Federal Register, page 67738, Vol. 73, No. 222, Monday, November 17, 2008, as part of their Final Rule:



**WARNING:**

**CHOKING HAZARD--Toy contains a marble.  
Not for children under 3 yrs.**

and



From website <http://www.cpsc.gov/pagefiles/103077/guide.pdf> , as shown below in part,

**Section 6: Presenting Safety Information ..... 45**



What Safety Messages Are Needed?	46
What Information Should Appear in the Messages?	47
Where Should Safety Messages Appear?	49
How Should Safety Messages Look?	50

And therein -

The above mentioned website, provides the October 2003 publication in digital format, and gives reference to American National Standards Institute ANSI Z535. This group of standards have been developed, formulated and updated by the ANSI accredited Z535 committee, originally formed in 1979. Note that the Prop65 regulation was only established in 1986.

Lastly, this portion of the Comment #5 can be considered as a complement to earlier comments because it becomes the first time that the proposed Prop65 symbol is being discredited in the sense that it's format is too common and otherwise, its content would be conflicting other multi-use admonitions or warnings already long-established.

Consequently, this comment recommends that various prior other-usages of the proposed Prop65  symbol portends its use as NOT THE DESIRED SYMBOL for ANY Prop65 application.

This suggests adoption of a more unique and informative symbol like  and  Triangled Silhouettes as the new Prop65 Warning symbols.

Respectfully submitted,  
Gary Valasek, Staff Facilitator, Intercontinental Chemical Corporation



Triangled Silhouettes were developed by INTERCONTINENTAL CHEMICAL CORPORATION 4660 Spring Grove Avenue, Cincinnati, Ohio 45232 in response for public comments on related Proposition 65 regulation.

**From:** [Gary Valasek](#)  
**To:** [P65Public Comments](#)  
**Cc:** [Vela\\_Monet@OEHHA](mailto:Vela_Monet@OEHHA)  
**Subject:** "Clear and Reasonable Warnings" Comment#6  
**Date:** Thursday, June 02, 2016 12:08:13 PM

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**Subject:** "Clear and Reasonable Warnings"

This Comment#6 is being furnished in response for comments requested from the general public as referenced to your Pdf of proposed markups at weblink

[http://oehha.ca.gov/media/downloads/cnr/05182016art\\_62ndmodtextmarked.pdf](http://oehha.ca.gov/media/downloads/cnr/05182016art_62ndmodtextmarked.pdf)

Proposition 65 regulation is hereafter listed herein as Prop65.

Comment#6

Many times referenced in the new proposal are the phrases

"The symbol required in Section 25603(a)(1)" or "The symbol described in Section 25603(a)(1)".

(Most agencies, for example, the U.S. Department of Transportation posterize and actually show their DOT labels in their regulations.)

Such a similar symbol as the Prop65 proposed one has already shown in an advertisement to indicate an altogether different message.

Look as this example:

Dr. Arash Bereliani MD, Board Certified Cardiologist, has a recent website video found at

[http://princetonhealthusa.com/video47\\_160525.php#tid#](http://princetonhealthusa.com/video47_160525.php#tid#) ;

His warning symbols dramatizes and emphasizes what he calls "The Cardiac Killer" and seems to be quite similar to the proposed Prop65 symbol.

Does this symbol appear to be useful when proposing admonitions for chemicals that are known to the State of California to cause cancer or reproductive toxicity?



**Dr. Bereliani**  
Board Certified Cardiologist,  
Director at Beverly Hills Institute of  
Cardiology & Preventative Medicine  
Dr. Bereliani is double board certified in  
cardiovascular diseases & internal  
medicine and the Director of Beverly  
Hills Institute of Cardiology &  
Preventative Medicine. He attends at  
both UCLA and Cedars-Sinai Hospital  
Medical centers where he cares for his  
patients, and is actively involved in  
teaching medical students, residents  
and fellows in training.

It would seem to be beneficial to actually provide a picture in the actual regulation of a better, more explanatory symbol at Section 25603(a)(1).

(A agency, for example, the U.S. Department of Transportation posterizes and actually shows examples of their DOT labels in their regulations.)

Respectfully submitted,  
Gary Valasek, Staff Facilitator, Intercontinental Chemical Corporation