



THE GORILLA GLUE COMPANY

FOR THE TOUGHEST JOBS ON PLANET EARTH®

January 19, 2021

RE: Proposition 65 - Notice of Proposed Rulemaking: Amendments to Article 6, Clear and Reasonable Warnings Short-form Warnings

To whom it may concern,

The Gorilla Glue Company has received the notice of proposed rulemaking: amendments to article 6, Clear and Reasonable Warnings Short Form Warnings. We respectfully submit the following comments for consideration:

The proposed amendments to article 6 seeks to limit the use of short form warnings to products with total surface area of less than 5 inches. This limitation would affect many products manufactured by the Gorilla Glue Company for sale in California.

The initial statement of reasons lists three concerns with use of the short-form warning. They are:

“1) Businesses are not required to identify a chemical or chemicals in the short-form warning, which significantly limits the usefulness of the warnings to consumers,

2) Businesses 2 Article 6 Clear and Reasonable Warnings, Initial Statement of Reasons (2015), p.31. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT INITIAL STATEMENT OF REASONS Page 5 TITLE 27, CALIFORNIA CODE OF REGULATIONS AMENDMENTS TO ARTICLE 6 use the short-form warning for products that can easily accommodate a longer warning, and

3) Businesses use the short-form warning prophylactically when no warning is required.”

Regarding point 1, we disagree to the limited usefulness of the warning with respect to providing critical information to consumers. The availability of technology, for seeking additional information on specific chemicals, should be considered for the additional requirements posed by the regulation. Specific chemical information should be available on a manufacturer’s website or via telephone contact with the manufacturer, which is consistent with the current warning’s requirement to include the P65Warnings website for chemical information. Furthermore, at time of purchase, the current short form warning would be sufficient in conveying the nature of the hazard to consumers as the risk criteria for causing cancer and/or reproductive harm does not change based on the chemical in question. Additionally, the inclusion of the triangle symbol to





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both the long and short form warnings already significantly aids the conspicuousness of the warning thereby allowing the consumer to easily find the warning along with additional resources such as websites.

Regarding point 2, we disagree that all products with a total surface area of 5 inches or more can easily accommodate the long form warning. Products such as adhesives may already contain significant warnings and regulatory information that limit the space necessary to include the proposed long form warning. For instance, several of our products require expansive label text addressing requirements under the Fair Packaging and Labeling Act, the Federal Hazardous Substances Act, the Labelling of Hazardous Art Materials Act, and California Air Resources Board's Consumer Product VOC regulation, in addition to the required directions for safe use, storage, and disposal. This content leaves little room for additional text. Therefore, we request OEHHA to reconsider the 5-inch label limitation in favor of the current guidance provided in the August 2016 revisions.

Regarding point 3, we as a business do not engage in the labeling of products as a prophylactic measure and have always labeled our products according to the necessary requirements. To this end, the August 2016 revisions must be taken into consideration. The Gorilla Glue Company performed an extensive labeling update across our product portfolio in response to the August 2016 clear and reasonable warning update. Our business incurred significant costs from labor, product scrapping, and labeling updates, which are likely to be repeated if the proposed amendments are enacted. Upon analysis, costs will be significant based on the large number of labels requiring update as well as the labor involved with making said changes. Furthermore, our business is unable to maintain separate labeling for California markets, which equates to a nationwide change in labeling based on an unnecessary change in regulation. This fact further compounds the cost of this proposed change and puts the Gorilla Glue Company at a disadvantage compared to larger manufacturers that can navigate the proposed changes more efficiently. Therefore, we request that the OEHHA reconsider the proposed revisions as the increase in costs will reduce the ability of the Gorilla Glue Company to competitively offer products for sale in California.

In conclusion, The Gorilla Glue Company appreciates the opportunity to work with the Office of Environmental Health Hazard Assessment (OEHHA). The proposed updates, as written, have ignored a reasonable alternative. We suggest sensible changes to the clear and reasonable warning regulations that preserve the intent of the warning while utilizing commonly available technology to improve the depth of information available to Californian consumers.

Sincerely,

The Gorilla Glue Company

