



March 22, 2021

Ms. Monet Vela

Office of Environmental Health Hazard Assessment

1001 I Street, 23rd Floor

P.O. Box 4010

Sacramento, CA 95812-4010

Re: Proposed Amendments to Title 27, California Code of Regulations

On behalf of the National Association of Music Merchants (NAMMM), the trade association for the international music products industry, I write to convey our concerns regarding the proposed amendments to Title 27, California Code of Regulations, sections 25601, 25602, 25603 and 25607.1, which would amend certain provisions of the regulations addressing Proposition 65 short-form warnings.

NAMMM was founded in 1901, is headquartered in Carlsbad, CA and has more than 6,000 business members across the United States, 2,024 members in California itself, and over 3,000 members in 101 additional countries/regions.

NAMMM's members represent all segments of the music products industry, including manufacturers, distributors, and retailers, as well as all types of music products entities, including those involved in both instruments and accessories. The Association's membership includes small, mid-sized and large businesses and sole proprietor artisans producing hand-crafted instruments and other music products. As a result, NAMMM has a unique, wide, and deep perspective on issues facing the music products industry, its businesses, and entrepreneurs, of all types and sizes.

NAMMM supports the comments filed by the California Chamber of Commerce on behalf of its members and several dozen national and regional organizations and businesses. We believe that the proposed amendments are ill-advised at this time and we urge OEHHA to withdraw them and seek further input from affected parties.

Specifically, NAMMM believes that the proposed changes in the short form "safe harbor" disclosures will impose an undue burden on NAMMM's members who wish to utilize its protections from the increasing number of private plaintiff lawsuits and demands without providing a corresponding benefit to California consumers.

Many musical instruments and accessories do not have "labels" *per se* but are often sold with minimal packaging or may be accompanied by hang tags displayed at the point of sale. Any amendments should provide a more expansive definition of what constitutes a "label" for disclosure purposes.



The proposed five-square-inch limitation on label size is arbitrary and could easily lead to plaintiffs' suits based solely on non-compliant label size. Any limitation on label size should be larger and easier to compute, *e.g.*, an even number of square inches.

Elimination of the short form "safe harbor" from catalogs and internet websites will result in confusing disclosures, increase costs, and reduce available space for other consumer-facing information including product specifications, uses, warranty and care.

And, finally, a requirement to disclose at least one OEHHA listed substance on the short-form label will impose significant testing and research costs on distributors who import foreign-made musical instruments (of which there are thousands to choose from in the U.S.) and manufacturers who outsource components or parts to U.S. or offshore sources.

In conclusion, NAMMM believes that the current proposal should be withdrawn pending further study and consultation with affected parties.

Sincerely,

A handwritten signature in black ink, reading "Joe Lamond". The signature is written in a cursive, flowing style with a large, prominent "J" and "L".

Joe Lamond

NAMMM President and CEO