

March 26, 2021

**VIA ELECTRONIC SUBMISSION:** <https://oehha.ca.gov/comments>

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street, 23<sup>rd</sup> Floor  
P.O. Box 4010  
Sacramento, California 95812-4010

Dear Ms. Vela,

**Re: Amendments to Article 6, Clear and Reasonable Warnings Short-form Warnings**

The Truck and Engine Manufacturers Association (“EMA”) hereby submits comments on the notice of proposed rulemaking (“NPRM”) titled Proposed Amendments to Article 6 – Clear and Reasonable Warnings published in the California Regulatory Notice Register on January 8, 2021 (Z-2020-1229-01). The Office of Environmental Health Hazard Assessment (“OEHHA”) proposes to amend certain sections of Article 6 of Title 27 of the California Code of Regulations related to short-form warnings.

EMA represents worldwide manufacturers of internal combustion engines and on-highway medium and heavy-duty trucks (greater than 10,000 pounds gross vehicle weight rating). EMA member companies design and manufacture internal combustion engines that are used in a wide variety of applications, including: trucks and buses; farm, construction, and industrial equipment; marine vessels; locomotives; lawn, garden and utility equipment, and electric generators and other stationary applications. Many of our members utilize the short-form warnings and changes to the content and use of the label as detailed in the proposed amendments would impose significant compliance burdens.

The NPRM includes changes to the content and form of the warning, now requiring the inclusion of at least one listed chemical within the text of the warning as well as amendments that introduce new parameters to control and restrict the use of the short form label, based on a new prescriptive space limit. To achieve compliance with the proposed amendments, manufacturers would need to review all products utilizing the short-form label to first determine if they fall within the newly prescribed space constraint parameter. Products not meeting the newly prescribed parameters would require a new label design as they would no longer be permitted to use the short-form label. Even those products meeting the new space parameter would need a revised label, to include the new requirement for chemical name content. In addition, the NPRM eliminates the use of short-form warnings for internet and catalog warnings, necessitating a complete reconstruction of that regime. These changes have far reaching implications, not only for original equipment sales, but also for parts and service.

Notably, these amendments are being proposed just two years after the option for the short-form warning became available. Manufacturers directed significant resources to achieve compliance with the warning requirements that became effective in 2018. The proposed amendments would necessitate a duplication of that effort to maintain compliance.

We appreciate the allowance for unlimited sell-through for products that had compliant warnings when they were manufactured. Despite that provision, manufacturers are concerned that the limited phase-in of one-year is not sufficient time for manufacturers to complete the work required to achieve compliance with the proposed amendments. The current constraints on operational abilities related to COVID-19 only magnify the challenge, which would be significant, even in the absence of a global pandemic.

Accordingly, EMA requests that OEHHA provide a three year transition period, recognizing that the current requirements were only recently implemented, the proposed amendments will require time and resources to achieve compliance and the current global situation creates additional challenges and resource constraints.

We appreciate the opportunity to provide these comments. Please do not hesitate to contact Dawn Friest at (519) 735-4480 (or at [dfriest@emamail.org](mailto:dfriest@emamail.org)) if you have any questions.

Respectfully submitted,

TRUCK & ENGINE  
MANUFACTURERS ASSOCIATION