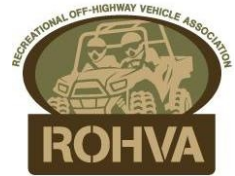




**MOTORCYCLE
INDUSTRY
COUNCIL®**



March 26, 2021

VIA: OEHHA Web Portal (<https://oehha.ca.gov/comments>)

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, CA 95812-4010

Re: MIC, SVIA and ROHVA's Comments in Opposition to Proposed Prop 65 Short-Form Warning Amendments

The Motorcycle Industry Council (MIC), the Specialty Vehicle Institute of America (SVIA), and the Recreational Off-Highway Vehicle Association (ROHVA) represent hundreds of vehicle, parts, accessory, garment, and other product manufacturers, distributors, dealers, and retailers in the powersport industry. We respectfully submit these comments to California's Office of Environmental Health Hazard Assessment (OEHHA) regarding its proposed Prop 65 Short-Form Warning amendments.

Executive Summary

Our members support existing Prop 65 requirements. We are concerned about OEHHA's proposed amendments and the significant impacts they will have on consumers, manufacturers and all California businesses. The proposed Prop 65 amendments:

- **Diminish the purpose and usefulness of short-form warnings for consumers**
- **Subject manufacturers to significant cost**
- **Generate unnecessary waste**

Industry recently invested significant resources to comply with the current Prop 65 requirements which provide consumers with useful information. Changing labels will cause consumer confusion for a system they just recently became familiar with. MIC requests OEHHA maintain the value of the current requirements and withdraw the proposed amendments.

Diminish the purpose and usefulness of short-form warnings

OEHHA's proposed amendments work against the benefits of the current short-form warning requirements, and create confusing messaging to consumers. By effectively doing away with short-form warnings, the proposed amendments compromise visibility of these important messages.

OEHHA's proposal to strike current language in Sections 25602(b) and (c) would result in different information being provided on package labeling, as compared to product websites and catalog pages. This would create consumer confusion.

Additionally, the proposed changes to the short-form warning make it too similar to the long-form warning. This essentially eliminates the short-form warning. Short-form warnings are essential on smaller packaging and labeling. Without them, important messages will be lost on crowded labeling with tiny font sizes, and thus not communicated effectively to consumers.

These proposals work against OEHHA's efforts to provide clear and reasonable warnings to consumers, and diminish the purpose and usefulness of short-form warnings. Additionally, the proposed maximum allowable label area of 5 square inches is arbitrary and excessively restrictive. A larger allowable minimum product label size (> 5 square inches) is preferred (see § 25602(a)(4)). Eligibility to use the short-form warning should be based on the absence of sufficient label space to use the long-form warning.

Subject manufacturers to significant cost

Contrary to OEHHA's findings, the proposed amendments subject industry to significant additional costs. Considerable resources were expended by industry to comply with the current requirements in place only a few years. Subjecting industry to additional substantial cost, especially during this time of difficulty and recovery due to the pandemic, and without opportunity for stakeholders to work with OEHHA in considering improvements to Prop 65 and timing is irresponsible.

OEHHA's proposals require industry to abandon or completely overhaul systems recently set in place at great expense. The overhaul cost would be staggering, especially for companies having global supply chains supporting numerous parts, garment, and accessory offerings across multiple business units. They also subject manufacturers to great expense to rework catalogs using the short-form labels (see § 25602(c)), update website to convert short-form warning to long-form warning (see § 25602(b)), make new short-form and long-form labels on packaging (see § 25603(b) and § 25602(a)(4)). OEHHA must continue to work with industry and not dismiss or minimize the significant investments made to comply with current requirements.

Generates unnecessary waste

Discarding and reworking scores of labels, packaging, catalogs, and other printed materials generates considerable waste and the unnecessary consumption of valuable resources which could be better utilized. Considering the products subject to OEHHA's proposed amendments are produced globally, and typically sold nationwide, significant unnecessary waste is not something OEHHA can ignore.

In conclusion, considering the concerns expressed above, we request OEHHA withdraw the proposed amendments to Prop 65 and work with industry and other stakeholders on timely improvements as they are needed. This will ensure Prop 65 warnings to consumers are clear and reasonable as intended.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Barnes', is centered below the word 'Sincerely,'. The signature is fluid and cursive.

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