

March 29, 2021

Ms. Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
Sacramento, CA 95812

Re: Comments on Proposed Amendments to Article 6, Clear and Reasonable Warnings
Short-Form Warnings

Dear Ms. Vela,

The Consumer Technology Association (CTA) appreciates the opportunity to provide these comments regarding Office of Environmental Health Hazard Assessment's (OEHHA) Notice of Proposed Rulemaking: Proposed Amendments to Article 6 Clear and Reasonable Warnings. CTA is North America's largest technology trade association. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million jobs. CTA's members have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design.

CTA has serious concerns with the Proposed Rulemaking and believe they should not be implemented. Manufacturers have designed their warning labels into fit the newest Prop 65 regulations which were made operative only in August 2018. OEHHA should carefully consider the cost for companies to have to overhaul their product labeling just a few short years after implementing the most recent regulations. Manufacturers will have to change product packaging and websites as well as modify information provided to downstream and retail partners. Companies that carry replacement parts and accessories would also have to alter their labels. These create real, significant costs for businesses selling in California and across the country.

Restricting the short-form to products labels of five square inches would force many manufacturers in the electronics and tech sector to change their labeling. OEHHA has yet to provide sufficient explanation and evidence to support this specific size and should do so before prohibiting the short-form on all larger labels. The current short-form warnings are clear and easy to understand for consumers. The new requirements and restrictions proposed unnecessarily complicate the existing warning format. Longer warnings do not necessarily help the consumer understand the actual level of risk involved in handling or consuming the product.

Thank you again for the opportunity to provide these comments expressing our concern with the proposed changes along with the dozens of other industry groups who share similar concerns. We respectfully ask that the proposed amendments be withdrawn.

Sincerely,

Dan Moyer
Sr. Manager, Environmental Law & Policy Initiatives
Consumer Technology Association