

Confidential

March 29, 2021

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

Via portal at: <https://oehha.ca.gov/comments>

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

Dear Ms. Vela:

Johnson Controls appreciates the opportunity to comment on the California Environmental Protection Agency Office of Environmental Health Hazard Assessment ("OEHHA") January 8, 2021 Notice, "Article 6 Clear and Reasonable Warnings Amendments Related to Short-Form Warnings for Consumer Product Exposures" (30-day notice).

JCI is a leading global provider of heating, ventilating and air conditioning equipment, building controls, security and fire/life safety solutions which includes brands such as York®, Metasys®, SimplexGrinnell®, and Zettler. Several of JCI's businesses are leaders in the fire / life safety arena. This knowledge and experience makes JCI uniquely qualified to address industry transitions such as the one being proposed by OEHHA. The company has ~104,000 employees and ~2,000 locations across six continents. Since JCI first set sustainability goals in 2002, the company has reduced greenhouse gas emissions from our global operations by 51%. JCI is one of the most highly rated sustainability companies in the world (MSCI AAA; Ethisphere Institute's Most Ethical Companies, FTSE4Good Index). JCI is proudly a leading member of "We are Still In"; we fully support the Paris Climate accord and publicly advocate for and urge action. We have met and exceeded our emission reduction targets and offset 100% of our US plant emissions in the U.S. with renewable energy. JCI has also been engaged in the California Air Resources Board rulemaking regarding the reduction of Short Lived Climate Pollutants known as HFC's and is supportive of efforts to meet statutory obligations as outlined in SB 1383.

JCI supports and is in alignment with the joint comments provided by the California Chamber of Commerce (Cal Chamber), the Consumer Brands Association, Air-conditioning, Heating and Refrigeration Institute (AHRI) and the National Association of Manufacturers (NAM) and incorporate them here by reference. JCI has serious concerns with the proposed amendments to the Proposition 65 (Prop 65) Article 6 Clear and Reasonable Warnings Amendments Related to Short-Form Warnings for Consumer Product Exposures and urges OEHHA to withdraw its proposal for the following reasons detailed below.

JCI rarely knows in which states any specific product will be installed once it leaves the factories

The distribution channel for most heating, ventilation and air-conditioning (HVAC) manufacturers involves multiple entities and steps. The typical selling channel within California includes manufacturers selling products to independent distributors, those distributors selling products to independent contractor and then those contractors selling to home or business owners. As such HVAC manufacturers like JCI have distributors and contractors moving products back and forth across state lines as a normal part of doing business. As such manufacturers such as JCI are forced to assume that any of our products could eventually end up in California through a distributor or contractor. Therefore we were required to label all products and parts in our factories to comply with Prop 65 not just simply products that are sold to California to ensure complete compliance coverage.

JCI previously expended a substantial amount of time and resources to comply with the prior 2018 provisions and the proposed amendment would create an undue burden on JCI

JCI manufacturers in excess of a million finished product units a year as well as several million service parts which will all need to have their packaging and literature updated due to the proposed changes. To also speak to the magnitude of the effort, some of our larger finished products will have in excess of 1,000+ bill of material items per unit. For the recent August 30, 2018 mandate, JCI incurred significant cost and devoted substantial resources in reviewing the Proposition 65 list of 1,000+ substances (<https://oehha.ca.gov/proposition-65/proposition-65-list>) that might be potentially be included in our bill of material components; all of these millions of items would have to be revisited again should the proposed proposal pass. Requiring the proposed updates again so quickly imposes additional financial and resource burdens that will negatively impact JCI's business as well as its California distributors and contractors who will also be forced to update their facilities and products.

In our efforts to be more helpful to consumers in identifying, specific, potential substance risk; JCI created a public webpage which is accessible from our various product webpages so that consumers can easily access the page and research JCI's products and ultimately make buying decisions. This webpage can be accessed via the following link: <https://www.johnsoncontrols.com/proposition65>. JCI also has technical support processes in place via email and phone by which end users are able to inquire about any questions or concerns they might have with JCI products. The installing contractor and their supporting distributor are typically their first point of contact however end users do have an avenue to speak directly with the factory should they feel a need to do so. JCI believes the combination of our website with the incorporated long form warnings and its customer support processes provide a reasonable alternative to revising all of the existing short form warnings.

As stated above, it is critical to understand that the consumer purchasing of HVAC equipment does not follow a traditional retail buying process such as those associated with TV's, dishwashers and other appliances whereby consumers go to a store and review product on display before making a purchasing decision. In our industry unique process, consumers typically review equipment websites or printed literature at the kitchen table and often make a purchasing decision without ever seeing the equipment until it is installed in their home or business. Many consumers may never see their actual indoor HVAC equipment even when ultimately installed in an attic or garage closet as their interface is limited to a thermostat mounted on an interior wall. Therefore, JCI believes that its website provides adequate warning notice to consumers versus that of placing a label on the actual equipment. Please note that JCI is open to potential revisions of its Prop 65 website and would be glad to discuss potential changes OEHHA might want to propose as this is the most cost effective medium in which to address the noted concerns.

JCI also respectfully request that the existing short form warnings be allowed to continue as is for its service parts business. The vast majority of these parts are shipped in small boxes or packages similar to what one might see from similar mail order businesses. JCI does not feel the arbitrary five square inch criteria should apply to such parts as their content and potential chemical risk vary wildly depending on the part being shipped. By allowing the use of the current generic short form, manufacturers like JCI are able reduce part proliferation due to the potentially unique warnings which would require unique packaging based on the part type.

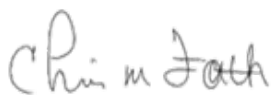
OEHHA must provide a five-year transition period

If OEHHA chooses not to withdraw the proposal, we strongly agree with our trade associations and urge OEHHA to provide at least five-year transition period. We need this time to evaluate our products and parts and to identify the appropriate chemical for the label. Additionally, we will have to work with our engineers to redesign and implement labels on potentially hundreds of thousands of packages. This is both a time consuming and resource-intensive process. Five years is the minimum time necessary to conduct the research, implement the changes, and absorb the associated costs. This is especially important as many businesses are already suffering due to the current pandemic.

While JCI does oppose the proposed rule for the reasons noted above, JCI is appreciate of OEHHA's proposal in that it grandfathers existing short form wording for products built prior to any future effective date. We are also especially appreciative of the proposed one-year phase-in period as given the millions of finished goods and parts JCI produces annually such time will be needed to comply should the rule move forward.

JCI is happy to discuss any aspects of this letter with OEHHA should you wish to discuss further.

Respectfully,

A handwritten signature in black ink that reads "Chris M Forth".

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