



April 08, 2021

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Monet Vela
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Re: Comments on Proposed Rulemaking (Marijuana) Smoke and Delta-9-THC
California Code of Regulations, Title 27 Article 6
California Office of Environmental Health Hazard Assessment

Ladies and Gentlemen:

On March 19, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) published proposed amendments for exposure and clear and reasonable warnings for Cannabis (Marijuana) Smoke and Delta-9-THC. We are responding to the OEHHA's request for public comments.

Shryne Group Inc. is a Los Angeles-based cannabis holding company with a fully, vertically integrated asset and license portfolio covering the breadth of California, the largest legal cannabis market in the world. The enterprise is the result of the synergetic integration of profitable cannabis assets and veteran professionals who have come together for the opportunity to shape this industry. Our vision is informed by an intimate understanding of cannabis culture, its history and the collective expertise of decades of experience in diverse fields.

With the foregoing in mind, we respectfully submit the following comments:

New Sections 25607.38 – 25607.47

We do not see the necessity or any benefits of the proposed regulation. Furthermore, the frequent changes to the Prop 65 program have created an unnecessary burden on the cannabis industry. Over the past few years there have been several changes to the Prop 65 requirements. Marijuana Smoke, Cannabis (Marijuana) Smoke and finally Delta-9-THC are all included on the Prop 65 list. Effective January, 2021 all warnings must list both carcinogenic and reproductive harm. Now, the proposed regulations seek to change the requirements yet again.

As a result of the proposed change, cannabis producers will again be obligated to redesign and purchase new packaging to remain in compliance. Ordering new packaging is a lengthy process and adds significant costs to the supply chain. Producers are handicapped in their ability to order in volume, receive bulk discounts and optimize their supply chain due to ever-changing regulatory requirements. Also, the creation of 4 unique warning statements



inhibits producers' ability to use the same packaging design for different cannabis product types.

The proposed regulations create 4 new and unique versions of the warning statement. For delta-9-THC exposures, the warning language is nearly identical for vapes, topicals and ingestible cannabis products. The only difference between the warnings is the method of application or use. The delta-9-THC warning statement should be uniform regardless of the product type and state:

"Using this product during pregnancy exposes your child to delta-9-THC, which can affect your child's behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis"

"Using this product" is sufficient information for the consumer to understand the risk regardless of whether the product is applied topically, inhaled or consumed orally.

Exclusion of Short Form Warnings for Cannabis Smoke and delta-9-THC Exposures

The suggestion to exclude the use of the short-form warning provided in Section 25602(a)(4) for cannabis smoke and delta-9-THC is unreasonable and will create unnecessary burden on the cannabis industry. Many cannabis products including pre-rolls and concentrates are packaged in very small containers. Most cannabis packaging does not contain enough real estate to include the new proposed warnings which are several sentences long. The short form warnings currently in effect allow the cannabis industry to comply with OEHHA requirements without compromising the integrity of the product branding. It is important to note that the vast majority of cannabis products sold today use the short form warning.

The recommendation that if the product packaging is too small to accommodate the proposed warning, other warning methods, such as posted signs and shelf tags is unfeasible. Cannabis dispensaries have limited retail space and are frequently unable to have segregated shelves per product type. The proposed regulations introduce 4 new and unique product specific long form warnings. It is unreasonable to expect a retailer to post 4 different signs to cover all possible cannabis product exposure types.

Sources:

[Public Notice](#)

[Proposed Text](#)

[Initial Statement of Reasons](#)

Shryne Group appreciates the opportunity to comment publicly on the above and encourages the OEHHA to give full consideration to the above recommendations. If the OEHHA has any questions or requires additional information, please contact Andrew Hopkins (email: andrew@shrynegroup.com, phone: 480.747.3428).

Sincerely,

Andrew Hopkins

Andrew Hopkins, LCB