



January 18, 2022

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

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

Re: Modifications to Proposed amendments to short form Proposition 65 warning  
[Notice of Rulemaking to Amend Article 6 dated January 8, 2021]

Dear Ms. Vela:

The Adhesive and Sealant Council appreciates the opportunity to comment on the modifications to proposed amendments to short form Proposition 65 warning as provided in the Notice of Rulemaking to Amend Article 6 dated January 8, 2021.

After carefully reviewing the modifications, we have concluded that they provide no meaningful improvement to or relief from the significant concerns that were raised on our behalf in a letter dated March 29, 2021 by Maureen F. Gorsen. Specifically, increasing the size from five square inches to 12 square inches has no impact. Therefore, we reiterate the reasonable arguments presented in our previous letter opposing this ill-timed rulemaking and once again strongly request that OEHHA abandon it altogether.

#### Who We Are

ASC represents the adhesive and sealant value chain in North America, which is valued at \$19 billion and consuming 9.5 billion pounds. ASC members represent the vast majority of the total adhesive and sealant market in this region and sell products in the state of California that help the state achieve its environmental policy goals. By their application, adhesives and sealants are energy savers. They enable the construction of more energy-efficient homes and commercial buildings, such as through air sealing. They also ensure vehicles meet or exceed strict government light-weighting standards, reducing the use of fossil fuels, by displacing heavier mechanical fasteners. Adhesives and sealants are often much stronger than mechanical fasteners, lengthening a product's life cycle and reducing waste and consumption of valuable natural resources.

#### Key Background Facts

Our members make very useful products that are packaged in various sizes, but many of which are in small packages, cylinders or tubes. There is only so much space on our product packaging to communicate to consumers. Furthermore, our members just spent multiple millions to revise all their

packaging barely four years ago when OEHHA changed the Prop 65 warning in 2018, which, for at least one member, required more than 3,000 hours at a price tag of approximately \$800,000 to implement.

The Adhesive and Sealant Council reiterates the reasons we oppose this rulemaking as explained in our previous letter dated March 29, 2021:

- The proposed rulemaking should be abandoned because it is unnecessary;
- The proposed rulemaking should be abandoned because it violates the Administrative Procedure Act standards;
- The proposed rule requires study under a full environmental impact report under the California Environmental Quality Act (CEQA); and
- The proposed rulemaking should be abandoned as the proposed size limitation is unworkable.

To once again underscore this last point, that the proposed rulemaking should be abandoned as the proposed size limitation is unworkable:

The short form warning adopted by OEHHA in 2018 adequately considered packaging size. The proposed revision to this rule is unworkable and OEHHA should stick with the 2018 solution.

As explained in our March 29, 2021 letter, there is very limited space on the standard package size for adhesives, caulks and sealants. Increasing the maximum label size for short-form warnings from 5 square inches to 12 square inches doesn't help as blister cards for many products are a minimum of 23 square inches (or larger) and bottles, cartridges, and sprays are all significantly larger.

Furthermore, members report that they receive no complaints from customers about the lack of clear and reasonable warnings on their labels. This is consistent with the fact that there was not a single commenter in favor of this proposed rulemaking at the public hearing OEHHA held. Indeed, there is an absence of any public outcry. On the contrary, ASC is concerned that the amendments could instead create confusion and impact readability.

This proposed solution in search of a problem would also require companies to mobilize resources across their enterprise to implement the changes at a significantly challenging time. As the state of California is abundantly aware, supply chain disruptions and labor shortages due to the Covid pandemic, among others, have massively upended commerce and added daily stress to manufacturers and consumers alike. This ill-timed and unnecessary proposal will only pile on additional stress through the supply chain, which is ultimately felt by consumers.

Sincerely,



William E. Allmond, IV  
President