



HOSHIZAKI AMERICA, INC.

January 21, 2022

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>

SUBJECT: COMMENTS TO PROPOSED AMENDMENTS TO ARTICLE 6, CLEAR AND REASONABLE WARNINGS SHORT-FORM WARNINGS

Dear Ms. Vela:

Hoshizaki America and distributors of Hoshizaki America products in California thank you for the opportunity to submit comments regarding the December 17, 2021, Notice of Modification to Text of Proposed Regulation, Title 27, California Code of Regulations Proposed Amendments to Article 6 Clear and Reasonable Warnings Amendments – Short Form (“Proposed Rulemaking”). Hoshizaki America manufactures commercial refrigeration products including commercial ice makers and commercial refrigerators/freezers. Our products are introduced into the California market for use in varying locations such as restaurants, hospitals, schools, hotels, and other food service locations.

Hoshizaki America has substantial concerns with the Proposed Rulemaking because it seeks to upend the Article 6 warning requirements that just went into effect a mere three years ago. The repeal and replacement of the Article 6 warning requirements were some of the most substantial amendments to the Prop 65 regulations in more than a decade. Both the plain language of the amendments and direct statements from OEHHA promised the business community “more certainty and confidence” in the new warning requirements. Hoshizaki America invested significant time and capital to research and properly label its products to bring them into compliance with the new regulations.

Hoshizaki America does not agree with the change to the short form warning requirement. Based on the language of Article 6 and the publication Proposition 65 Clear and Reasonable Warnings Questions and Answers for Businesses (revised May 2019), OEHHA assured businesses that there were no size limitations for which products could utilize short form warnings. A change to warning requirements involves a significant investment in time and capital. This is a significant burden after complying to the current standard that was just implemented three years ago. To ask a company to change the warnings with no justification as

to why the warnings specified by OEHHA were not sufficient does not give confidence to manufacturers that they will not have future changes imposed on them without ample reason.

If OEHHA moves forward with this proposed rulemaking, Hoshizaki America requests a minimum five-year transition period. A large amount of research and redesign is required for this change. Due to supply chain issues, part shortages, and COVID-19 closures, it will be challenging to get responses on thousands of parts from hundreds of suppliers in a timely manner concerning their materials. Hoshizaki America would need ample time to make sure that the new labels would be legally accurate to the chemicals related to each individual model we manufacture.

Thank you for the opportunity to comment on the proposed amendments for Article 6. Hoshizaki America strongly requests that the proposed rulemaking amending the short-form requirement under Article 6 be withdrawn.

Sincerely yours,

Stephen Schaefer