

1/21/2022

**Re: Notice of Modification to Text of Proposed Regulation Title 27, California Code of Regulations
Proposed Amendments to Article 6 Clear and Reasonable Warnings – Short Form**

Idemitsu Lubricants America appreciates the opportunity to provide comments on the modification of the Text of Proposed Regulation Title 27.

Idemitsu Lubricants America packages approximately 350 different products in one liter size or less bottles. Many of these package styles have a label with approximately twenty square inches of surface area, and many of these products have listed prop 65 chemicals. Under the current regulation, we use the short form warning to ensure we fit all necessary consumer warning and product use information. Even with the current short form warning, we are often faced with difficult decisions on what consumer use information must be eliminated to make room to accommodate the short form warning.

The proposed modification requires the listing of specific chemicals. However, we believe the proposed warnings will take up label space that has been otherwise been used to provide more valuable consumer information regarding use, specific health effects, and treatment if exposed. The restriction of use of the short form warning to a proposed twelve square inches of less total surface area of the product does not account for many factors that contribute to the space available on the label. There are many regulatory labeling requirements for hazardous products, products labeled with additional languages to be sold in other countries in addition to US, and products with required instruction for use. The average consumer does not understand the implications of a particular chemical listed in the proposed short form warning, nor can he/she understand the meaning of long, complicated chemical names, such as 2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole. However, they can understand the plain language of warnings for safe use and explanation of hazards as required by CPSC and FSHA.

It is difficult to meet existing regulatory requirements on labels that are twenty square inches even using the current short form warning. Restricting the use of the short form warning to labels twelve square inches or less will mean that manufacturers will have to remove more valuable information to the consumer to use the long form warning, or resort to more complicated and expensive pamphlet style labeling. If we must switch to a booklet style label to accommodate the proposed short form warning or if we are required to use the long form warning, the label the cost will increase 6 to 14 times our current cost. In addition to the per label increase, we will also be faced with longer lead times in the preparation of the labels, and slower filling speeds as we must decrease the speed of our machines to accommodate the increase in complexity. These factors will require us to increase our costs to avoid selling our product at a loss.

Additionally, Idemitsu Lubricants America is concerned the effective date of one year from adoption is too short. Revising labels is a complicated process requiring many approvals. As mentioned above we have hundreds of products that need to be check and revised due to this amendment. Current stock of

filled product is also a concern. Our products have a shelf life greater than one year. It is difficult, if not impossible, to assess inventory at retailers and distributors after it has left our facility. We have control of the inventory at our facility, but to rework existing product that has been produce prior to effective date is costly due to both the man hours and the purchase of specialty secondary labels.

We respectfully ask that OEHHA consider revising the maximum proposed surface area to twenty inches or greater, remove the requirement to list a chemical and increase the timeline for compliance to two years or more.

Idemitsu Lubricants America appreciates the opportunity to provide these comments. Thank you for your consideration.

Robin Hutchens

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