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**Hach's Comments regarding Notice of Modification to Text of Proposed Regulation:
Amendments to Article 6, Clear and Reasonable Warnings Short-form Warnings**

Hach Company (Hach) is writing the Office of Environmental Health Hazard Assessment (OEHHA) to provide comments on the latest modified proposed amendments to Article 6 concerning clear and reasonable short-form warnings of California Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Prop 65), as published in the notice on April 5, 2022: <https://oehha.ca.gov/proposition-65/crn/notice-second-15-day-modification-text-proposed-amendment-clear-and-reasonable>.

Hach manufactures and sells water quality analysis instruments and related chemical reagents. These essential products are for industrial, laboratory, and workplace applications and are used by Californian municipalities, beverage manufacturers, consumers, chemical manufacturers, scientific institutions, and other various industries. Realizing that water is the world's most precious resource, our mission is ensuring water quality for people around the world. Our Vision is to make water analysis better—faster, simpler, greener, and more informative.

Hach's Recommendations for Modified Amendment

- We support most of the changes made to the short form warning, including the removal of label size and package shape limitations, modified font type size requirements, and modifying the language of the warning to “can expose you to” rather than the proposed language “exposes you to.”

- We acknowledge OEHHA's recognition that a longer implementation time was necessary than one year; however, the proposed two years are still insufficient. We strongly request considering extending to three years. In the proposed amendment, the operative date has been modified to be two years, rather than one year, after the effective date of the amendments in Subsections 25602(e) and 25607.2(c). We propose that this deadline be extended to three years after the operative date of the amendments. This will better give industry adequate time to comply fully with the clear and reasonable warning provisions required by OEHHA, thus better protecting California consumers from the mis- or under-labeling of products.

Hach recommends these changes because:

1. The transition period of two years is not feasible, particularly with current supply-chain and labor challenges.
2. Industry will have serious difficulties in changing product labels by the proposed deadline.
3. A transition period of three years will better help industry with changing manufacturing and operational processes necessary to satisfy OEHHA's proposed changes to Prop 65 short-form labeling.

Reasons for Hach's Recommendation

A. The new short-form warning requires extensive product label modifications that cannot be done in the proposed two-year timeframe.

Hach believes it is infeasible for businesses to fully comply in the allotted two-year timeframe. Company systems for IT (information technology), ERP (enterprise resource planning), and labeling processes will have to be updated to move from a single short-form warning for every affected SKU (stock keeping unit) or part number. These processes will require multiple updates to accommodate many custom labels necessary for various chemicals to be disclosed on the warning.

Companies will be forced to create new labels and re-label all affected products currently carrying a single short form, and many product labels will have to be changed. This change is necessary to meet the new requirement to identify one or more applicable chemicals. It will take great effort, and the two year deadline proposed by OEHHA is insufficient.

Changes made to comply with the last amendment, which only became effective less than four years ago, were expensive and burdensome. Omitting the current generic short-form warning to require naming specific chemicals will be even more burdensome and time-consuming. For example, Hach sells thousands of different products into California that carry a Prop 65 warning. The proposed regulation will potentially require generating a different process for printing

multiple labels, and a process to match each of these labels to their specific products. We estimate that these steps alone may take more than two years to implement. Due diligence for accessories and replacement parts from external vendors will be similarly time and cost-intensive.

B. The post-pandemic supply chain has created additional issues that make the two-year timeframe infeasible.

In the notice of the amended Prop 65 short-form warning, OEHHA argues that companies should be able to update short-form labels in two years since this amount of time was adequate for the 2016-2018 short-form amendment. Because companies were able to comply with this deadline in the past, OEHHA reasons that they can therefore do so again with the newest revision.

This is no longer the case. In the 2016-2018 modification to the short-form labels, companies were able to streamline the modification process by simply moving through SKUs and applying a single short-form warning to each product. This time, companies will need to apply a unique label to each product depending on the specific chemical listed under Prop 65 that is contained within the product.

Furthermore, the supply chain and labor situation faced by industry today is substantially different from that seen in 2016-2018. While the two-year period may have been adequate time for modification of product labeling in 2016-2018, the impact of the global COVID-19 pandemic, including supply chain disruption and labor shortages, render this time frame no longer feasible.

For Hach specifically, we have been struggling with supply chain issues associated with the inks necessary to print product labels. Hach depends on a complex supply chain to supply the inks for custom labels needed for some products covered by Prop 65. The pandemic has disrupted this complex system, and without these inks, it is not possible to print the modified labels. Increasing the allotted transition time from two years to three years will help Hach and other companies facing similar supply chain issues in obtaining the necessary materials to apply the new short-form warning to relevant products sold within California.

Hach appreciates the opportunity to provide input to this important process. Hach strongly supports OEHHA's efforts to protect health and safety of Californians. Should you have any questions or require any additional information, please contact me at jalee@hach.com or the phone number listed above.

With kind regards,



James Lee