

4/18/2022

**Re: Notice of Second 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 that OEHHA has modified the proposed regulation to eliminate the label size restriction for the use of the short form warning and removed the requirement for the font size to be the same as largest type size providing consumer information.

Idemitsu Lubricants America continues to believe the requirement to list specific chemicals will take up label space that has been otherwise used to provide more valuable consumer information regarding use, specific health effects, and treatment if exposed. We package approximately 350 different products in one liter size or less. Many liter or less bottles have a surface area less than 12 square inches and it can be a challenge to meet all CPSC and FSHA requirements without the requirement to list a name of a Prop 65 chemical. Many Prop 65 chemicals have long names, such as 2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole. The average consumer cannot find meaning in the long chemical names but can understand the plain English of the warnings required by CPSC and FSHA.

Additionally, many of our products require both Cancer and Reproductive warnings. In some cases, we will be required to list two chemical names. This situation will be further complicated for labels intended for sale in North America, which include English, Canadian French and Mexican Spanish to meet translation requirements. The inclusion of the name will add cost (due to translation requirements) and will utilize the space that otherwise would have been used to provide valuable information to the consumer. If we choose to keep all our marketing and use information, we will need to resort to more complicated and expensive booklet style labeling to accommodate the revised short form warning. If we must switch to a booklet style label to accommodate the proposed short 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.

We respectfully ask that OEHHA consider removing the requirement to list a chemical and retain the verbiage current short form warning. If a consumer is interested in the chemical name causing the warning, they should consult the SDS or contact the manufacturer directly.

Robin Hutchens

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