



Attention: Office of Environmental Health Hazard Assessment  
1001 I Street  
P.O. Box 4010, MS-12B  
Sacramento, CA 95812

December 19, 2023

View online submission at: <https://oehha.ca.gov/proposition-65/comments/comment-submissions-notice-proposed-rulemaking-and-announcement-public>

Re: Notice of Proposed Rulemaking and Announcement of Public Hearing: Amendments to Article 6, Clear and Reasonable Warnings Safe Harbor Methods and Content

To Whom it may Concern:

Diamond Sports would like to thank the California EPA Office of Environmental Health Hazard Assessment for the opportunity to provide comment on the Prop 65 "Notice of Proposed Rulemaking and Announcement of Public Hearing: Amendments to Article 6, Clear and Reasonable Warnings Safe Harbor Methods and Content." Diamond Sports appreciates OEHHA's willingness to engage with stakeholders on these types of matters, once again.

After we submitted comments back in March of 2021 in response to the "Notice of Proposed Rulemaking: Amendments to Article 6, Clear and Reasonable Short-Form Warnings," the new proposed amendment ("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"), was appreciated, as we felt our original comments were well received and considered.

We again submitted our comments in January 2022 to the Modified Proposed Rulemaking, as we still thought it posed significant challenges to manufacturers, without any substantive improvement from a consumer standpoint. We stated that, when the long form warning would be required in catalog/advertisement (cases in which the long form warning is required on products that have more than 12 square inches of space for consumer information) still posed a significant challenge in that, there's no direct relationship between the space available for consumer information on the product and the space available for that product's consumer information in a catalog.

After the Modified Proposed Rulemaking was unable to make it through the rulemaking/regulatory process in the allotted timeframe, we were notified that the rulemaking process would have to be restarted. We were hopeful that our comments were again considered, and that the next set of Proposed Rulemaking would again be a step in what we believe to be the right direction. We're very disappointed, as exactly the opposite is what has been proposed.

By requiring the warning to include a carcinogen and/or a reproductive toxicant on product labeling, catalog, web, and other advertisements, it would effectively wipe out the Short Form Warning as it was originally intended and created. To reiterate, this poses extremely significant (potentially impossible) challenges for manufacturers, as there's simply not enough room on certain products and advertising materials to include the carcinogen and/or reproductive toxicant. While this seems obvious, and it was effectively acknowledged by the OEHHA in the last round of proposed rulemaking (as there was an exception for products that didn't have adequate space for the information), it seems the Office has lost sight of this layer of the matter entirely.

Furthermore, we don't see any tangible benefit for the average California Consumer by requiring the carcinogen and/or reproductive toxicants on the warning; we say this as California Consumers, ourselves. The current short form warning provides the same level of notice, and the link to the Prop 65 website provide the consumer, should they wish, the opportunity to pursue more information on the warning.

To alleviate the significant challenges posed by the proposed rulemaking, Diamond Sports suggests that the original Short Form Warning, without a carcinogen and/or a reproductive toxicant listed, should be eligible for use on product, catalog, web, and other advertisements going forward.

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We thank you in advance for the review and consideration of our comments, once again. If there are any questions regarding our submission, please don't hesitate to contact us.

Sincerely,



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