



January 3, 2024

Monet Vela
CalEPA Headquarters Building
1001 I Street
Sacramento, CA 95814

RE: Amendments to Article 6 of CCR Title 27, Clear and Reasonable Warnings Safe Harbor Methods and Content

Dear Monet,

The Home Ventilating Institute (HVI) is an ISO 17065 compliant certification body and a trade association representing over 100 manufacturers located in North America, South America, Asia, and Europe. Our manufacturer members provide the residential and light commercial ventilating products that deliver essential indoor air quality (IAQ) to homes and businesses throughout California. HVI promulgates the development of codes and standards to support the specification of certified, energy-efficient ventilation systems.

HVI respectfully submits these comments to the California Environmental Protection Agency Office of Environmental Health Hazard Assessment (OEHHA) in response to the Notice of Proposed Rulemaking on Clear and Reasonable Warnings: Short-form Warnings – Amendments to Title 27 California Code of Regulations § 25601, 25602, 25603, 25607.2 and New Sections 25607.50, 25607.51, 25607.52, And 25607.53; Clear And Reasonable Warnings, Safe Harbor Methods and Content (“Prop 65”) on October 27, 2023. HVI requests that the OEHHA address our comments and provide clarity regarding our concerns below.

HVI does not support the proposed changes to the short form warnings because the existing short form warnings provide sufficient notice to alert consumers of potential harm to a chemical known to cause cancer or reproductive harm. The existing short form warning places the consumer on sufficient notice to gather any additional information that may be necessary to decide how to proceed. HVI recommends keeping the current short form warning label requirements for Prop 65.

A concern for manufacturers is that the addition of a requirement to identify a specific chemical on product labels will create confusion for consumers. By adding a chemical to the warning label for equipment or products that are already on the market, consumers may think that the chemical was recently added to the equipment or product.

Additionally, manufacturers will be required to have multiple versions of the Prop 65 warning labels to accommodate the various products. Most manufacturers preprint labeling material to support the cost effectiveness of building goods for the consumer. The added complexity will increase costs to the consumers with no added benefit. Therefore, HVI recommends that the short form warning label requirements be kept as currently written in the regulations.

Advancing the Value of Residential Ventilation for Healthier Living®

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Thank you for the opportunity to collaborate with the OEHHA through the provision of these comments. Please contact Josh Lynch, HVI Engineering Director, at compliance@hvi.org with any questions.

Kind regards,

A handwritten signature in black ink that reads "Matt Matheny". The signature is written in a cursive style with a long, sweeping tail on the "y".

Matt Matheny, COO