

25 June 2024

To: Dr. Zeise, Director and Dr. Edwards, Chief Deputy Director

From: Dianne Woelke, MSN

Subject: Proposed regulatory action to amend, Title 27 of the California Code of Regulations, Article 6, Clear and Reasonable Warnings – Safe Harbor Methods and Content

I am writing you today to applaud your commitment to the protection of Californians and the protection of the soil, water and air that are critical to human and environmental health.

As a retired Advanced Practice Nurse, Public Health Nurse and an informed consumer, I say with authority it is critical that the agency's mission remain focused on consumers and the environment "*through scientific evaluations that inform, support and guide regulatory and other actions*" and not be beholden to those whose interest is driven by stakeholders, financial profit, hiding behind Confidential Business Information (CBI), delaying or avoiding development of safer alternatives, avoidance of litigation and fighting regulation and legislation.

Contrary to the opinion of those opposed to the changes in regulation, consumers will benefit tremendously from enhanced labeling. Less informed consumers may not read labels, know how to contact OEHHA with questions regarding chemicals that are not identified on labels or operate under the assumption that because a product is available for purchase, that it has passed rigorous testing and standards for safety. Others are unable to read or understand labels in English or the exceedingly small print. Allowing consumers to benefit from enhanced labeling is a form of education that will support consumers right to make informed choices about the products they purchase and mitigate social injustice under current labeling practices. It will also drive manufacturers to make necessary changes to improve product safety, which will ultimately improve their bottom line.

Consumers have a right know what is in the products they purchase. They should be afforded the opportunity to know what they are being exposed to, the potential risks to themselves, their children and pets as well as the environment. Consumers vote with their dollars. I, personally, have returned products because of ambiguous labeling and refusal by manufacturers to clarify the chemicals used in their products when asked. As a healthcare provider, "informed consent" to chemical exposure(s) is a right and should not be withheld. It is the failure to provide informed consent that drives litigation.

Chemicals add disease burden and health care costs in the United States. For 2018, the attributable cost of plastics to disease and health care related costs was \$249 billion; for [PFAS](#)

[alone, it was \\$22.4 billion](#). The societal cost globally is estimated at [\\$16 trillion USD](#) annually for PFAS clean ups and health care for impacted individuals.

If manufacturers were truly on the front lines of product quality and safety, they would not swap one toxic chemical for another as has been seen in some industries. They would have self regulated. As such, it is incumbent on agencies formed for the protection of human health and the environment to bring manufacturers under regulation and to work with legislators to bring meaningful and enforceable legislation with strict, enforceable timelines and penalties, which this proposed regulation is missing.

Further, manufacturers are not purchasing and amassing packaging stock three years in advance. Their desire for a three-year allowance is nothing more than kicking the can down the street, at which time the argument will be that yet more time is needed to comply and that now compliance will cost them \$XYZ,000. All the while, consumers will continue to be exposed to unknown and un- or inadequately regulated toxins and carcinogens that are costing them their health, increasing healthcare costs and burden, contaminating soil, air and water...all of which brings additional expense to taxpayers, particularly in the case of vulnerable populations and those living in social, environmental and redlined communities.

Additionally, while pop-up notices and Q-R codes draw attention to consumer warnings and can provide a link to additional information, permalinks must be provided. Also, not all consumers have access to the internet and not all are able to read English. Consideration must be made for other than English speaking consumers.

**I urge you to use two years after the effective date of the 2023 amendments, not three as, in all areas in the proposed draft.**

**§ 25603. Consumer Product Exposure Warnings – Content:**

- (a), 2, section (D) is redundant and not substantively different from (C).
- Inclusion of (E) is unnecessary and only adds confusion.

**§ 25607.2. Food Exposure Warnings – Content:**

- (a), section (6) is unnecessary and only adds confusion.
- (c), (2) consider shortening by removing “Many factors affect your cancer risk, including the frequency and amount of the chemical consumed.”

**§ 25607.50 Passenger or Off-Highway Motor Vehicle Parts Exposure Warnings – Methods of Transmission:**

(b) For purposes of Sections 25607.50 and 25607.51, “passenger or off-highway motor vehicle part” means any part offered for sale or transferred to a consumer for installation in or service on a passenger or off-highway motor vehicle as defined in subsection (a) but *shall not include packaged service chemicals, tires, parts containing asbestos, carpeting, upholstery including fillings and coverings, textiles, or fabrics.*

- **Service chemicals:**

With the exceedingly long list of toxic and carcinogenic chemicals in motor oil, brake and transmission fluids, lubricants and antifreeze, it is unacceptable to exclude Proposition 65 notification on packaging. Workers and consumers, many of whom perform their own maintenance, have a right to be informed to exposure and potential risks to their own health, that of their family members and the environment.

<https://blog.amsoil.com/more-than-you-ever-wanted-to-know-about-motor-oil-additives/>

<https://www.poison.org/articles/brake-fluid>





**BEFORE AFTER**

**FOULED INJECTORS CAN CAUSE:**

1. LOSS OF FUEL ECONOMY
2. LOSS OF POWER
3. BURNED PISTONS
4. PREMATURE OVERHAULS

Cleans and lubricates carburetors, injectors and valve seats.

**Lubricates Rings For Longer Cylinder Life**

**DIRECTIONS:** Pour entire contents of bottle into fuel tank before or after fueling. **TWIST LEFT TO REMOVE FROM TANK.**

*Environmentally Friendly*

\*This diesel fuel additive complies with the federal low sulfur content requirements for use in diesel motor vehicles and nonroad engines.\*

**KEEP OUT OF REACH OF CHILDREN.**

**UPPER CYLINDER Lubricant**

and  
**Injector Cleaner**

**TREATS ONE TANK UP TO 25 GALLONS**

**GASOLINE OR DIESEL**

USE EVERY FILL UP FOR **"MAXIMUM"** POWER & FUEL ECONOMY **ELIMINATES NEED FOR HIGHER OCTANE FUEL SAFE FOR ANY ENGINE**

MADE IN USA  
**5.25 FL OZ (155 mL)**

**BEFORE AFTER**

**CARBON IN THE COMBUSTION CHAMBER CAN CAUSE:**

1. PRE-IGNITION (PINGING)
2. LOSS OF POWER
3. BURNED VALVES
4. BROKEN RINGS

Burns thoroughly for more MPG and fewer emissions.

**NON-SOLVENT**

**EXCELLENT FOR USE IN MARINE APPLICATIONS**

0 49807 10020 89

Lucas Oil Products, Inc.  
3199 Harrison Way NW  
Corydon, IN 47112  
USCAR/INEX (800) 342-2512  
LucasOil.com

ISO 9001:2015

Inclusion of service fluids in the proposed regulatory draft should be obvious and non-negotiable.

• **Tires:**

Tires are known to contain hundreds of toxic and carcinogenic materials, including, but not limited to:

- [Lead](#)
- [Benzene](#)
- [Arsenic](#)
- [Formaldehyde](#)
- [Phthalates](#)
- [Coppe](#)
- [Polycyclic Aromatic Hydrocarbons](#)
- [Mercury](#)
- [6PPD/6PPD-quinone](#)
- [Hexamethoxymethylmelamine \(HMMM\)](#)
- [BenzeneBenzothiazole \(BT\)](#)
- Short and Long Chain [chlorinated paraffins](#) (SCCP; LCCP)
- [2- Mercapto- benzothiazole \(MBT\)](#)
- [Zinc](#)
- [1,3-Diphenylguanidine \(DPG\)](#)
- [1,3 Butadiene](#)
- [Cadmium](#)
- [Carbon Black](#)

Consumers have a right to know what chemicals they are being exposed to that may increase their health risks, those of their children and the environment.

Inclusion of tires in the proposed regulatory draft should be obvious and non-negotiable.

- **Parts containing asbestos:**

*“Exposure to asbestos is known to cause lung cancer, mesothelioma, ovarian cancer, and laryngeal cancer, and it is linked to more than 40,000 deaths in the U.S. each year.”*

With asbestos, finally, after more than 50 years, under regulation by the US EPA and the looming potential reversal of environmental protections should there be a change in the federal administration, why would OEHHA willfully choose to continue to expose Californians to asbestos in passenger and off highway motor vehicles?

Inclusion of parts containing asbestos in the proposed regulatory draft should be obvious and non-negotiable.

<https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-ban-ongoing-uses-asbestos-protect-people-cancer>

- **Carpeting, upholstery including fillings and coverings, textiles, or fabrics**

Carpeting, foam inserts, textile and fabric upholstery may contain multiple toxic and carcinogenic chemicals. Consumers, including vulnerable populations, are exposed to these chemicals unknowingly often daily and for prolonged periods of time in enclosed space without adequate ventilation. Research has shown that:

*“99% of all cars contain tris (1-chloro-isopropyl) phosphate (TCIPP), a flame retardant under investigation by the U.S. National Toxicology Program as a potential **carcinogen**, researchers said. Most cars also had two other flame retardants considered carcinogenic in California, tris (1,3-dichloro-2-propyl) phosphate (TDCIPP) and tris (2-chloroethyl) phosphate (TCEP)... These and other identified flame retardants also have been linked to neurological and reproductive health concerns.”*

<https://www.usnews.com/news/health-news/articles/2024-05-07/that-new-car-smell-could-be-toxic-carcinogens>

<https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/transportation/air-pollution-in-your-car>

<https://pubs.acs.org/doi/10.1021/acs.est.3c10440>

Off gassing of Volatile Organic Compounds (VOCs), benzene, formaldehyde, phthalates, per- and polyfluoroalkyl substances (PFAS), polyvinyl chloride and more in carpets, upholstery, leathers, vinyl and more are of high concern.

The California Department of Toxic Substances Control (CA DTSC) is working to regulate PFAS at the parts per quadrillion (ppq) level. They have already brought PFAS

in residential and commercial carpets under regulation and will hopefully extend this regulation to include carpets in cars, boats, planes and trains: enclosed transportation where exposure, particularly in high temperatures that cause off gassing to increase, can't be ignored.

Inclusion of "carpeting, upholstery including fillings and coverings, textiles, or fabrics" in the proposed regulatory draft should be obvious and non-negotiable.

I ask that you include the above changes in the proposed draft as a matter of urgency in protecting Californians and the environment...and to spur manufactures to improve their products without continued prorogation.

Respectfully submitted,

*Dianne Woelke, MSN*