



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

June 27, 2024

View online submission at: <https://oehha.ca.gov/comments>

Re: Notice of 15-Day Modification: Amendments to Article 6, Clear and Reasonable Warnings Safe Harbor Methods and Content

To Whom it may Concern:

Diamond Sports would like to again extend our sincere gratitude to the California EPA Office of Environmental Health Hazard Assessment for the opportunity to provide further comment on the modifications to the ongoing proposed rulemaking regarding Clear and Reasonable Warnings Safe Harbor Methods. We appreciate OEHHA's willingness to engage with stakeholders on these types of matters, as the Office does.

We submitted comments on this ongoing rulemaking initially back in March 2021, again in January 2022, and a third time in December of 2023. Based on the first round of changes proposed after the comments submitted in March 2021, we felt our comments resonated and, while we still had some concerns with the proposed rulemaking, felt the issue was headed in the right direction.

We submitted our second round of comments in January 2022, as we still thought the proposed changes posed significant challenges to manufacturers without much improvement from a consumer standpoint. We stated that requiring the long form warning in catalog/advertisement uses posed a significant challenge in that there's not typically ample space in a catalog or advertisement for the long form warning.

The next update to the proposed language that came out in late 2023 was very disappointing, in that we don't feel our comments were considered much, if at all. In the comments we provided in December of 2023, we stated that our main concern: 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.

Furthermore, we noted that the proposal 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.

When we received the Notice of Modification to Text of Proposed Article Six Warning Regulation on 6/13/24, we saw the language "revert to the original regulation text for most of the internet and catalog warning content" and were initially optimistic that our comments were "heard" and we could continue to use a true short form warning on product as necessary.

However, that's clearly not the case, as the short form warning, just as it was in the prior round of proposed changes, has been redefined entirely and is no longer effectively the short form warning we've been using as necessary since August 2018.

We don't see any tangible benefit for the average California Consumer by requiring the carcinogen and/or reproductive toxicants on the "short form" warning; we say this as California Consumers, ourselves. The current short form warning provides the same level of notice to the average Californian, and the link to the Prop 65 website provides 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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