

June 28, 2024

Ms. Monet Vela
Office of Environmental Health Hazard Assessment (OEHHA)
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, CA 95812-4010

Via portal at: <https://oehha.ca.gov>

SUBJECT: COMMENTS ON NOTICE OF 15-DAY MODIFICATION, PROPOSED AMENDMENTS TO PROPOSITION 65, ARTICLE 6 REGULATIONS, CLEAR AND REASONABLE WARNINGS, SAFE HARBOR METHODS AND CONTENT, CALIFORNIA CODE OF REGULATIONS

Dear Ms. Vela:

The Outdoor Power Equipment Institute (OPEI) and Outdoor Power Parts & Accessories Association (OPPAA) write to provide comments on the subject 15-day modification notice, in furtherance of our comments filed in January¹.

We appreciate and support all of the proposed modifications included in the subject notice as they appropriately respond to stakeholder comments, with particular emphasis on the extension of the transition period to three years. Unfortunately, OEHHA has not proposed modifications responsive to our January request for the expansion of the proposed sections § 25607.50. and § 25607.51 to include non-road equipment sectors.

While we recognize OEHHA's stated limitation to only address comments to this notice which are germane to the modifications therein, our organizations nonetheless write to request reconsideration of our comments from January requesting that the proposed new sections § 25607.50. and § 25607.51. be modified to include the products manufactured and distributed by our members, consistent with definitions already in the California Code of Regulations.

As our January comments explain and argue in further detail, our collective members manufacture and distribute non-road equipment (outdoor power, agricultural, heavy), including its replacement parts, which require the same tailored warnings proposed for the motor vehicle sector in sections § 25607.50. and § 25607.51. In alignment with the motor vehicle sector, our members share their supply chains, manufacture durable goods with long service lives, and distribute tens of thousands of replacement parts through established dealer/retailer networks, all important towards product performance, safety, repairability, circularity, and environmental protection.

For these reasons and justifications, shared with the motor vehicle sector, our members require the efficiency of the tailored warnings proposed in sections § 25607.50. and § 25607.51.

¹ OPEI_OPPAA letter on CA_OEHHA_Prop_65_rule_20240103

We welcome any feedback you can provide, including a possible meeting, especially if we are making erroneous assumptions about the justification for sections § 25607.50. and § 25607.51. as originally proposed.

Thank you for consideration of these comments, and we are available to provide additional information or answer questions as may be required.

Best regards,



Daniel J. Mustico
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About OPEI

OPEI is an international trade association representing the manufacturers and their suppliers of non-road gasoline powered engines, personal transport and utility vehicles, golf carts, and consumer and commercial outdoor power equipment (“OPE”). OPE includes lawnmowers, garden tractors, trimmers, edgers, chain saws, snow throwers, tillers, leaf blowers and other related products. OPEI member companies and their suppliers contribute approximately \$16 billion to US GDP each year. OPEI members ship approximately 35 million products in the U.S. annually, including millions sold in California.

The OPE industry’s products are ubiquitous to California’s households and businesses. They are sold across the state through a diversity of retail outlets, including national and regional home improvement chains, local hardware stores, e-commerce retailers, and independent dealers. Our member companies have invested significant resources to implement warnings consistent with OEHHA’s safe harbor guidelines, including those adopted approximately five years ago for short-form warnings. Current OEHHA regulations, including those for short-form warnings, are followed by our industry to warn where appropriate for whole-good products, accessories, and spare (service) parts, which together account for a significant diversity of products and a complex industry supply chain and retail network.

About OPPAA

For over 35 years, the Outdoor Power Parts and Accessories Association (“OPPAA”) has promoted quality of replacement parts and accessories as an equivalent and economical means for the maintenance and repair of outdoor power equipment. As a member-driven organization, representing outdoor power equipment parts and accessories manufacturers, suppliers, and distributors, with a purpose to facilitate the growth and availability of quality replacement parts and accessories to the outdoor power equipment industry.