



OEHHA Issues Notice of Modification of Proposed Amendments to California Proposition 65 Short Form Warning

California's Office of Environmental Health Hazard Assessment (OEHHA) has provided notice of changes to the previously proposed amendments to California Code of Regulations, Title 27, Section 25602, Consumer Product Exposure Warnings – Methods of Transmission, Section 25603, Consumer Product Exposure Warnings – Content, and Section 25607.2 Food Exposure Warnings – Content. The proposed changes to the safe harbor warning regulations are meant to improve the short-form warnings to provide consumers with more specific information, and to limit the use of the short form warning to only small products.

Background:

OEHHA published a Notice of Proposed Rulemaking on January 8, 2021, which proposed changes to the short form warning. The notice was followed by a 60-day public comment period, which was later extended to March 29, 2021. One hundred sixty comments were received during the comment period. Also, OEHHA held a public hearing on March 11, 2021, during which OEHHA received 21 oral comments.

Proposed Modifications:

After a review of the comments received, OEHHA has modified the proposed revisions, as summarized below:

- Increase the maximum label size for short-form warnings from the originally proposed 5 square inches to 12 square inches and allow for use on packages which, due to their shape or size, cannot accommodate the full-length warning. This change will limit the use of the short-form warnings to packages with little available label space for consumer product information.
- Allow the use of short-form warnings on the internet or in catalogs, when the short form warning is used on the product label. OEHHA had initially proposed to remove this allowance, but now plans to keep this allowance as in the original, to provide consistent labeling along supply and distribution chains.
- Provide the following additional signal word options "**CA WARNING**" or "**CALIFORNIA WARNING**" to allow companies to clarify that the warning is being provided as required by California law. Note that companies would still have the option to use the signal word "**WARNING**".
- OEHHA is also providing additional warning options on the short form labels that are meant to directly address exposure to carcinogens or reproductive toxicants, as follows:

For exposures to listed carcinogens, the words:

"Cancer risk from exposure to [name of chemical] - www.P65Warnings.ca.gov.", or:
"Exposes you to [name of chemical], a carcinogen - www.P65Warnings.ca.gov."

For exposures to listed reproductive toxicants, the words:

"Risk of reproductive harm from exposure to [name of chemical] - www.P65Warnings.ca.gov.", or:
"Exposes you to [name of chemical], a reproductive toxicant - www.P65Warnings.ca.gov."

For exposures to both listed carcinogens and reproductive toxicants, the words:

"Cancer risk from [name of chemical] and of reproductive harm from exposure to [name of chemical] - www.P65Warnings.ca.gov.", or:
"Exposes you to [name of chemical], a carcinogen, and [name of chemical], a reproductive toxicant - www.P65Warnings.ca.gov."

For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words,

"Cancer risk and reproductive harm from [name of chemical] exposure - www.P65Warnings.ca.gov.", or:
"Exposes you to [name of chemical], a carcinogen and reproductive toxicant - www.P65Warnings.ca.gov"

Comment Period:

OEHHA is requesting comments on the proposed modifications. Written comments must be received by OEHHA no later than January 14, 2022. For details on how to submit comments, please refer to the OEHHA website: <https://oehha.ca.gov/proposition-65/crn/notice-modification-text-proposed-regulation-title-27-california-code-3>

Additional Information:

For full detail and a download of the proposed modified text, please reference the OEHHA website: <https://oehha.ca.gov/proposition-65/crn/notice-modification-text-proposed-regulation-title-27-california-code-3>

Recommended Action:

No action is needed at this time. Bureau Veritas will issue further updates as needed.

Bureau Veritas Assistance:

If you have any comments and/or questions, please contact your customer service representative or email: info@us.bureauveritas.com

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