

## CA OEHHA Modified Draft of Proposed Amendments for Clear and Reasonable Warnings Regulation under Prop 65

On March 25, 2016, the California Office of Environmental Health Hazard Assessment (OEHHA) provided a notice of changes to the proposed regulation to repeal and add a new Article 6, Clear and Reasonable Warnings, under Proposition 65.

OEHHA previously published a draft amending this regulation on November 27, 2015. During its public comment period, OEHHA received 45 written comments and verbal comments as well at a public hearing on the proposed regulation held on January 13, 2016. After careful consideration of these comments from the public, OEHHA made a number of changes from its previous proposal to Article 6, Clear and reasonable Warnings, including but not limited to:

- Clarify that any one of the listed chemicals for which the person has determined a warning is required can be included in the warning and that if the warning is for more than one endpoint (cancer and reproductive toxicity), then one or more chemicals for each endpoint must be included in the warning unless the named chemical is listed for both endpoints
- Clarify that for products sold on the Internet the warning must either be included on the product display page or provided as a clearly marked hyperlink on the product display page or otherwise displayed "prior to completing the purchase".
- Remove font size requirement and add language to clarify that if the product has an on product label, the catalog warning can use the same warning content.
- Require the warning in a foreign language, if any consumer information for a product is provided in a foreign language other than English

Written comments on the updated amendments are due to OEHAA on April 18, 2016.

### **Link**

**Title 27, California Code of Regulations, ARTICLE 6, Clear and Reasonable Warnings, March 25, 2016**

[http://oehha.ca.gov/prop65/CRNR\\_notices/WarningWeb/pdf/Art%206\\_Modified\\_Text\\_Clear\\_032516.pdf](http://oehha.ca.gov/prop65/CRNR_notices/WarningWeb/pdf/Art%206_Modified_Text_Clear_032516.pdf)

**Notice of Modification to text of proposed regulation - Clear and Reasonable Warnings**

[http://oehha.ca.gov/prop65/CRNR\\_notices/WarningWeb/Mod\\_Article6NPR032516.html](http://oehha.ca.gov/prop65/CRNR_notices/WarningWeb/Mod_Article6NPR032516.html)

No.198 April 2016