



# HONGCAI TESTING

Consumer Products Safety

HCT-202102-01




## Proposition 65 short-form warning may be restricted

On January 8, 2021, the California Office of Environmental Health Hazard Assessment (OEHHA) proposed to amend short-form warning requirements of California Proposition 65 because the label was excessively abused. The public can submit their comments to OEHHA in written or electronic form by March 8, 2021.




Because the current short-form warning do not need to list the existing hazardous substances, and there is no label space size requirement, so a large number of manufacturers in order to avoid risks, even if the products will not expose users to chemicals known to cause cancer or reproductive toxicity, a short warning label is also attached to the product, which is obviously inconsistent with the original intention of California 65 to provide a clean and reasonable warning and cannot protect consumers' right to know and choose. Therefore, OEHHA has proposed the following amendments to the short-form warning:

- The short-form warning may only be used if the total surface area of the product label available for consumer information is 5 square inches or less, and the package shape or size cannot accommodate the full-length warning described.
- Eliminate use of short-form warnings for internet and catalog warnings.
- Clarify how short-form warnings can be used for food products.
- Require that the name of at least one chemical be included in the short-form warning.

Examples of current short-form warning:

Reproductive harm	 <b>WARNING:</b> Reproductive Harm– <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .
Cancer	 <b>WARNING:</b> Cancer – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .
Cancer and Reproductive Harm	 <b>WARNING:</b> Cancer and Reproductive Harm – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .





Examples of short-form warning proposed for revision:

Reproductive Harm	 <b>WARNING:</b> Risk of Reproductive Harm From Toluene Exposure – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .
Cancer and Reproductive Harm	 <b>WARNING:</b> Risk of Cancer and Reproductive Harm From Benzene Exposure – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .
Cancer and Reproductive Harm	 <b>WARNING:</b> Risk of Cancer From Formaldehyde and Reproductive Harm From Toluene Exposure – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .



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Examples of current full-length warning:

cancer	 <b>WARNING:</b> This product can expose you to chemicals including Benzene, which is known to the State of California to cause cancer. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .
reproductive harm	 <b>WARNING:</b> This product can expose you to chemicals including Toluene, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .
cancer and reproductive harm	 <b>WARNING:</b> This product can expose you to chemicals including Benzene, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .”
cancer and reproductive harm	 <b>WARNING:</b> This product can expose you to chemicals including Formaldehyde, which is known to the State of California to cause cancer, and Toluene, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a> .

## HCT Solution:

If the amendment is finally passed, the revised short-form warning will be officially implemented one year after the amendment takes effect. Products that use the current short-form warning within one year of the amendment's entry into force can continue to be sold until the inventory is emptied.

HCT reminds relevant enterprises to investigate whether their products will cause users to be exposed to chemicals known to cause cancer or reproductive toxicity. If not, there is no need to attach warning labels. On the contrary, they should strictly follow the full-length or short warning label requirements, and do not provide warnings in order to avoid risks.

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