

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
PROPOSITION 65**

**NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATION  
TITLE 27, CALIFORNIA CODE OF REGULATIONS**

**PROPOSED AMENDMENTS TO ARTICLE 6  
CLEAR AND REASONABLE WARNINGS  
SECTIONS 25602, 25607, 25607.1, AND 25607.3**

**SEPTEMBER 18, 2020**

As required by Government Code section 11346.8(c), and Title 1, section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of changes to the proposed regulatory action to amend Title 27, California Code of Regulations, sections 25602, 25607, 25607.1, and 25607.3, which originally was intended to clarify certain provisions of the regulations addressing consumer product exposure warnings, specific product, chemical and area exposure warnings, food exposure warnings, and alcoholic beverage exposure warnings.<sup>1</sup>

The proposed regulation was the subject of a Notice of Proposed Rulemaking published on January 31, 2020, in the California Regulatory Notice Register (Notice File No. Z-2020-0117-01), which initiated a 45-day public comment period. The record was augmented on March 13, 2020 by adding a copy of the Consent Judgment in *People v. 1800Flowers.com et al.*, San Diego County Superior Court case No. 37-2020-00009417-CU-TT-CTL, regarding warnings for exposures to alcoholic beverages, and the comment period was extended. One written comment was received during the extended comment period that closed on March 31, 2020.

After carefully reviewing the comments received, OEHHA is withdrawing certain proposed changes to the regulation at this time. The proposed amendments to Sections 25602 subsections (a)(2), (b), and (c) are withdrawn. The renumbering of existing Section 25607 subsection (b), and the addition of new subsections (b), (c), and (d) are also withdrawn. OEHHA will consider proposing these or other amendments in a future rulemaking. The proposed non-substantive changes to Section 25602 subsection (a), Section 25607 subsections (a) and (b), and Section 25607.1 subsection (a) remain; and the proposed substantive and non-substantive changes in Section 25607.3 remain. OEHHA is also proposing a non-substantive, grammatical change to Section 25602 subsection (b).

The full regulatory text with the additional amendments provided in double underline and double strikeout format is available on request from Monet Vela in the OEHHA Legal Office at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or (916) 323-2517.

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<sup>1</sup> All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

OEHHA is requesting comments on the modifications to the regulatory text. In order to be considered, **OEHHA must receive comments by October 5, 2020, which is the designated close of the comment period.** All comments will be posted on the OEHHA website at the close of the public comment period.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form may still be mailed but delays may occur if staff are unable to timely access them.

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OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.