



13 January 2021

(21-0427)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: UNITED STATES OF AMERICA If applicable, name of local government involved (Article 3.2 and 7.2): State of California
2. Agency responsible: Office of Environmental Health Hazard Assessment (OEHHA), State of California [1720] Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov
3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], other: Technical Regulation - Local Government (Article 3.2)
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Consumer product exposure warnings; Domestic safety (ICS 13.120), Food products in general (ICS 67.040), Prepackaged and prepared foods (ICS 67.230)
5. Title, number of pages and language(s) of the notified document: Amendments to Article 6, Clear and Reasonable Warnings Short-form Warnings (6 page(s), in English)
6. Description of content: Notice of proposed rulemaking - Proposes to amend certain sections of Article 6 of Title 27 of the California Code of Regulations. OEHHA adopted new Article 6 Clear and Reasonable Warnings regulations in August 2016, which became operative in August 2018. The Article 6 regulations adopted safe harbor warning methods and content for consumer product exposures that included provisions for a short-form warning. However, there has been widespread use of short-form warnings in ways that were not intended and do not further the purposes of Proposition 65.
7. Objective and rationale, including the nature of urgent problems where applicable: Consumer information, labelling; Prevention of deceptive practices and consumer protection
8. Relevant documents: <ul style="list-style-type: none">No. 2-Z, California Regulatory Notice Register 8 January 2021 (pages 28 to 31): https://oal.ca.gov/wp-content/uploads/sites/166/2021/01/2021-Notice-Register-Number-2-Z-Janaury-8-2021.pdfNotice of Proposed Rulemaking: Amendments to Article 6, Clear and Reasonable Warnings Short-form Warnings: https://oehha.ca.gov/proposition-65/cnr/notice-proposed-rulemaking-amendments-article-6-clear-and-reasonable-warnings-0

- [Initial Statement of Reason](#)
- [Proposed Amendments to Regulatory Text Related to Short-Form Warnings](#)
- [G/TBT/N/USA/1586 and G/TBT/N/USA/1586/Add.1](#) – State of California Office of Environmental Health Hazard Assessment (OEHHA), Consumer Product Exposure Warnings

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by California's OEHHA no later than 8 March 2021. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](#) by or before 4pm EST on 8 March 2021. Comments received within the comment period by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to <https://oehha.ca.gov/proposition-65/comments/comment-submissions-notice-proposed-rulemaking-amendments-article-6-clear> per OEHHA's instructions. Public comments submitted on this action will be accessible at <https://oehha.ca.gov/comments>.

- 9. Proposed date of adoption:** To be determined
Proposed date of entry into force: To be determined

- 10. Final date for comments:** 8 March 2021

- 11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

https://members.wto.org/crnattachments/2021/TBT/USA/21_0388_00_e.pdf

https://members.wto.org/crnattachments/2021/TBT/USA/21_0388_01_e.pdf

https://members.wto.org/crnattachments/2021/TBT/USA/21_0388_02_e.pdf

https://members.wto.org/crnattachments/2021/TBT/USA/21_0388_03_e.pdf