May 14, 2014

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Subject: Public Comment – P65 Warning Regulation

The Business and Institutional Furniture Manufacturers Association (BIFMA) is the not-for-profit trade association for business and institutional furniture manufacturers. Since 1973, BIFMA has been the voice of the commercial furniture industry and currently has over 250 member companies.

Our industry’s service to our customers – providing healthy, comfortable, and productive workspaces – rests on an infrastructure of engineering and materials standards. These standards, founded on centuries of craft and enhanced by ever-advancing science, embody the best of our knowledge on safety, ergonomics, and sustainability.

It is our understanding that OEHHA is seeking public comment by May 14, 2014 regarding proposals to California Proposition 65 as presented in the recent OEHHA workshop. On behalf of the membership of BIFMA, we want to thank you for the opportunity to comment on the proposals.

Members of BIFMA offer the following comments to the OEHHA proposals:

1. We are concerned about the potential burden on manufacturers of providing the state of California with information on every product containing one of the Prop 65 listed chemicals. Furniture is a complex product with a large variety of materials often with multiple accessory options. For example, two types of arm pads on the same type of chair could generate two different warnings. Providing information on ‘classes’ of chemicals would be more reasonable and informative.

2. We are concerned that the State of California will be receiving redundant information from numerous manufacturers with potentially conflicting determinations. To facilitate accuracy, the state should require the determination be made by the original manufacturer of the material.

3. Given the inconsistent make up of recycled materials, it is difficult at best to identify specific chemical exposures of those materials; therefore, we request that the specific chemical content requirement for the twelve (12) chemicals proposed not apply to products with recycled materials. A standard label/warning is sufficient.

4. Given our preference, the pictogram (health hazard symbol) would be the sole warning with the link to the Prop65 website.

5. We recommend that the State of California consider additional clarifying language to the scope of the regulation that exposure is based upon ‘intended’ use of the product; not ‘any’ conceivable use of the product.

We appreciate your consideration of our comments. Should you proceed with the proposals, we appreciate being at the table as a stakeholder to offer additional input on our industry’s experiences in
this area and our concerns. Additionally, we appreciate the opportunity to explore the possibility of tailored warnings.

Please contact us with any questions.

Sincerely,

Brad Miller
Director of Government Affairs

David Panning
Director of Technical Services