

OEHHA - Proposition 65: Pre-rulemaking Workshop

Topics of Proposed Regulatory Changes in Omnibus 2026

- Topic 1. Providing flexibility for manufacturers of parts for off-road vehicles, construction equipment, mining equipment, agriculture equipment, non-road, off-road equipment, and forestry equipment. New Sections - 25607.54 and .55.
- Topic 2. Technical fix aligning “short-form” warning chemical descriptor with full-length warning – chemicals “including.” Sections 25603(b) short-form, and 25607.2(b) food short-form.
- Topic 3. Streamlining the technical voting requirements for committees. For committee actions, for an affirmative vote, change from appointed members to members present. Section 25302(f).
- Topic 4. Clarifying when a chemical is naturally occurring in a product such that a warning is not required. Section 25501(a)(3).
- Topic 5. Clarifying when warnings are required for internet purchases. Sections 25600.2(b) and 25602(b).
- Topic 6. Simplifying language regarding retailers’ responsibility to give manufacturer warnings to the public. Section 25600.2(e).
- Topic 7. Adding QR codes as a warning method. Sections 25601(c) and 25602(a)(2).
- Topic 8. Rule 100 - Regulation text changes to update citation references and make technical changes. Sections 25205(e), 25302(a) and (d), 25502(b), 256049(a), 25607.32(d), 25607.35(a)(2), 25607.41(a)(3), and Appendix A.

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- Proposed additions to regulatory text will appear as underlined and proposed deletions will appear in strike-through format. Some text is highlighted to make it easier to track changes.

Topic 1. Providing flexibility for manufacturers of parts for off-road vehicles, construction equipment, mining equipment, agriculture equipment, non-road, off-road equipment, and forestry equipment.

New Section 25607.54. Off-Road Vehicle or Off-Road Equipment Parts Exposure Warnings — Methods of Transmission.

(a) Notwithstanding Section 25607(a), a warning for exposures that occur during the purchase, handling, or installation of a part for an “off-road vehicle” or “off-road equipment,” as defined in California Code of Regulations, title 13, section 2401(a)(37), meets the requirements of this subarticle if it:

(1) Complies with the content in Section 25607.55 and the methods in Section 25602, not including subsection (a)(4); or

(2) Complies with the content in Section 25603 and the methods in Section 25602; or

(3) Complies with the content in Section 25607.55 and is provided on a sign no smaller than 5 inches by 5 inches in no smaller than 20-point type, placed at each retail point of sale or display of off-road vehicle or off-road equipment parts.

(A) If other signage in the facility contains consumer information for passenger or off-highway motor vehicle parts in a language other than English, the warning must be provided in English and that other language.

(B) If the product is also sold on the internet or in a catalog then a warning that complies with Section 25602(b) or (c), respectively, must also be provided.

(b) For purposes of Sections 25607.54 and 25607.55, "off-road vehicle part" or "off-road equipment part," means any part offered for sale or transferred to a consumer for installation in or service on an off-road vehicle or on off-road equipment as defined in subsection (a) but shall not include packaged service chemicals, tires, parts containing asbestos, carpeting, upholstery including fillings and coverings, textiles, or fabrics.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

New Section 25607.55 Off-Road Vehicle and Off-Road Equipment Parts Exposure Warnings - Content

(a) Notwithstanding Section 25607(a), a warning for exposure to a listed chemical from off-road vehicle or off-road equipment parts, as defined in Section 25607.54(b), meets the requirements of this subarticle if it complies with Section 25607.54(a) and includes all the following elements:

(1) The symbol in Section 25603(a)(1);

(2) The words "**WARNING:**", "**CALIFORNIA WARNING:**" or "**CA WARNING:**" in all capital letters and bold print; and

(3) The words: "Handling off-road vehicle or off-road equipment parts can expose you to chemicals such as phthalates and lead, which can cause cancer and reproductive harm. To minimize exposure, service the vehicle or equipment in a well-ventilated area, wear gloves, and wash your hands. For more information see www.P65Warnings.ca.gov/off-road-parts."

(b) Notwithstanding Section 25607(b), for a posted warning sign using the method in Section 25607.54(a)(3), the chemicals identified in subsection (a)(3) may not be added to, removed, or substituted. For all other methods of providing the warning described in

subsection 25607.54(a)(1), the product manufacturer or importer may substitute a chemical name in the warning if the product will not expose a consumer to lead or phthalates at a level that requires a warning.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

Topic 2. Technical fix aligning “short-form” warning chemical descriptor with full-length warning - chemicals “including.”

Section 25603. Consumer Product Exposure Warnings — Content.

[. . .]

(b) A short-form warning may be provided on the label pursuant to Section 25602(a)(4) if it includes:

- (1) The symbol required in subsection (a)(1);
- (2) The word **“WARNING:”** or the words **“CA WARNING:”** or **“CALIFORNIA WARNING:”** in all capital letters, in bold print; and
- (3) One of the following:
 - (A) For exposures to listed carcinogens, the words:
 1. “Cancer risk from exposure to [name of **one or more** chemical**s**]. See www.P65Warnings.ca.gov.”; or
 2. “Can expose you to [name of chemical], a carcinogen. See www.P65Warnings.ca.gov.”
 - (B) For exposures to listed reproductive toxicants, the words:
 1. “Risk of reproductive harm from exposure to [name of **one or more** chemical**s**]. See www.P65Warnings.ca.gov.”; or
 2. “Can expose you to [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov.”
 - (C) For exposures to both listed carcinogens and reproductive toxicants, the words:
 1. “Risk of cancer from exposure to [name of **one or more** chemical**s**] and reproductive harm from exposure to [name of **one or more** chemical**s**]. See www.P65Warnings.ca.gov.”; or

2. “Can expose you to [name of chemical], a carcinogen, and [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov.”

(D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words:

1. “Risk of cancer and reproductive harm from exposure to [name of **one or more** chemical^s]. See www.P65Warnings.ca.gov.”; or

2. “Can expose you to [name of chemical], a carcinogen and reproductive toxicant. See www.P65Warnings.ca.gov.”

[. . .]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

Section 25607.2. Food Exposure Warnings – Content.

[. . .]

(b) A short-form warning may be provided on a food product label pursuant to Section 25602(a)(4) if it includes:

(1) The word “**WARNING:**” or the words “**CA WARNING:**” or “**CALIFORNIA WARNING:**” in all capital letters, in bold print; and

(2) One of the following:

(A) For exposures to listed carcinogens, the words:

1. “Cancer risk from exposure to [name of **one or more** chemical^s]. See www.P65Warnings.ca.gov/food.”; or

2. “Can expose you to [name of chemical], a carcinogen. See www.P65Warnings.ca.gov/food.”

(B) For exposures to listed reproductive toxicants, the words:

1. “Risk of reproductive harm from exposure to [name of **one or more** chemical^s]. See www.P65Warnings.ca.gov/food.”; or

2. “Can expose you to [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov/food.”

(C) For exposures to both listed carcinogens and reproductive toxicants, the words:

1. “Risk of cancer from exposure to [name of one or more chemicals] and reproductive harm from exposure to [name of one or more chemicals]. See www.P65Warnings.ca.gov/food.”; or
2. “Can expose you to [name of chemical], a carcinogen, and [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov/food.”

(D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words:

1. “Risk of cancer and reproductive harm from exposure to [name of one or more chemicals]. See www.P65Warnings.ca.gov/food.”; or
2. “Can expose you to [name of chemical], a carcinogen and reproductive toxicant. See www.P65Warnings.ca.gov/food.”

[. . .]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

Topic 3. Streamlining the voting requirements for committees. For committee actions, for an affirmative vote, change from appointed members to members present.

Section 25302. Science Advisory Board.

[. . .]

(f) A quorum of the Committee shall be a majority of the members appointed to the Committee. An affirmative vote of the majority of the appointed members present shall be required for any action of each Committee. A vacancy on a Committee shall not impair the right of the remaining members to exercise all powers of the Committee.

Topic 4. Clarifying when a chemical is naturally occurring in a product such that a warning is not required.

Section 25501. Exposure to a Naturally Occurring Chemical in a Food.

(a) Human consumption of a food shall not constitute an “exposure” for purposes of Section 25249.6 of the Act to a listed chemical in the food to the extent that the person responsible for the exposure can show that the chemical is naturally occurring in the food.

(1) For the purposes of this section, a chemical is “naturally occurring” if it is a natural constituent of a food, or if it is present in a food solely as a result of absorption or accumulation of the chemical which is naturally present in the environment in which the food is raised, or grown, or obtained; for example, minerals present in the soil solely as a result of natural geologic processes, or toxins produced by the natural growth of fungi.

(2) The “naturally occurring” level of a chemical in a food may be established by determining the natural background level of the chemical in the area in which the food is raised, or grown, or obtained, based on reliable local or regional data.

(3) A chemical is naturally occurring only to the extent that the chemical did not result from any known human activity. Where a food contains a chemical, in part naturally occurring and in part added as a result of known human activity, “exposure” can only occur as to that portion of the chemical which resulted from such human activity. For purposes of this section, “human activity” does not include sowing, planting, irrigation, or plowing or other mechanical preparation of soil for agricultural purposes; but does include the addition of chemicals to irrigation water applied to soil or crops. A listed chemical which has been extracted or concentrated from any source, such as a plant, may be present in a product as the result of human activity even if the extraction or concentration did not change the Chemical Abstract Services Registry Number.

(4) Where a chemical contaminant can occur naturally in a food, the chemical is naturally occurring only to the extent that it was not avoidable by good agricultural or good manufacturing practices. The producer, manufacturer, distributor, or holder of the food shall at all times utilize quality control measures that reduce natural chemical contaminants to the “lowest level currently feasible,” as this term is used in Title 21, Code of Federal Regulations, Section 110.110, subdivision (c) (2001).

(b) A person otherwise responsible for an exposure to a listed chemical in a consumer product, other than food, does not “expose” an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the chemical was a naturally occurring chemical in food, and the food was used in the manufacture, production, or processing of the consumer product. Where a consumer product contains a listed chemical, and the source of the chemical is in part from a naturally occurring chemical in food and in part from other sources, “exposure” can only occur as to that portion of the chemical from other sources.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

Topic 5. Clarifying when warnings are required for internet purchases.

Section 25600.2. Responsibility to Provide Consumer Product Exposure Warnings.

[. . .]

(b) The manufacturer, producer, packager, importer, supplier, or distributor of a product may comply with this article ~~either by providing a warning on the product label or labeling that satisfies Section 25249.6 of the Act, that complies with Section 25602~~ or by providing a written notice directly to the authorized agent for the business to which they are selling or transferring the product or to the authorized agent for a retail seller, so long as the business to which they are providing the notice is subject to Section 25249.6 of the Act. The written notice shall:

[. . .]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6, 25249.7 and 25249.11(f), Health and Safety Code.

Section 25602. Consumer Product Exposure Warnings – Method of Transmission.

[. . .]

(b) Internet purchases

~~(1) For internet purchases, a warning meets the requirements of this subarticle if it complies with the~~A manufacturer, producer, packager, importer, supplier, distributor, or retailer, selling or distributing a product on an internet website or digital application (including a Web application, mobile device application, or dedicated sales software application) must comply with the warning content requirements of Section 25603 and the warning must also be provided using one or more of the following methods: both of the following warning methods: (a) the warning method requirement(s) of Section 25602(a)(3) or (4), and one of the following:

(A) a warning on the product display page, or

(B) a clearly marked hyperlink using the word **"WARNING"** or the words **"CA WARNING"** or **"CALIFORNIA WARNING"** on the product display page that links to the warning, or

(C) an otherwise prominently displayed warning provided to the purchaser prior to completing the purchase. If the warning is provided using the short-form warning label content pursuant to Section 25602(a)(4), the warning provided on the website may use the same content. For purposes of this subsection, the warning is not prominently displayed if the purchaser must search for it in the general content of the website.

[. . .]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

- For ease of reading, proposed Section 25602(b) is below not in underline and strikethrough format.

(b) Internet purchases

(1) A manufacturer, producer, packager, importer, supplier, distributor, or retailer, selling or distributing a product on an internet website or digital application (including a Web application, mobile device application, or dedicated sales software application) must comply with the warning content requirements of Section 25603 and both of the following warning methods: (a) the warning method requirement(s) of Section 25602(a)(3) or (4), and one of the following:

[. . .]

Topic 6. Simplifying language regarding retailers' responsibility to give manufacturer warnings to the public.

Section 25600.2(e). Responsibility to Provide Consumer Product Exposure Warnings.

[. . .]

(e) The retail seller is responsible for providing the warning required by Section 25249.6 of the Act for a consumer product exposure only when one or more of the following circumstances exist:

- (1) The retail seller is selling the product under a brand or trademark that is owned or licensed by the retail seller or an affiliated entity;
- (2) The retail seller has knowingly introduced a listed chemical into the product, or knowingly caused a listed chemical to be created in the product;
- (3) The retail seller has partially or wholly covered, obscured, or altered ~~failed to provide the consumer with~~ a warning which was provided to the retailer ~~label that has been affixed to the product pursuant to subsection (b); or~~
- (4) ~~The retail seller has received a notice and warning materials for the exposure pursuant to subsections (b) and (c) and the retail seller has sold the product without conspicuously posting or displaying the warning; or~~
- (5) The retail seller has actual knowledge of the potential consumer product exposure requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the product who:

[. . .]

Topic 7. Adding QR codes as a warning method.

Section 25601. Safe Harbor Clear and Reasonable Warnings – Methods and Content.

[. . .]

(c) Notwithstanding any other provisions in this subarticle, consumer product exposure warnings must be prominently displayed on a label, labeling, or sign, electronic device or process, internet webpage, and/or catalog, and must be displayed with such conspicuousness as compared with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use.

[. . .]

Section 25602. Consumer Product Exposure Warnings – Method of Transmission.

(a) Unless otherwise specified in Section 25607 et seq., a consumer product exposure warning meets the requirements of this subarticle if it complies with the content requirements in Section 25603 and is provided using one or more of the following methods:

(1) A product-specific warning provided on a posted sign, shelf tag, or shelf sign, for the consumer product at each point of display of the product.

(2) (A) Except as provided in subsection (2)(B), a product-specific warning provided via any electronic device or process that automatically provides the warning to the purchaser prior to or during the purchase of the consumer product, without requiring the purchaser to seek out the warning. This subsection does not apply to internet purchases, which are subject to the provisions of subsection (b).

(B) A product-specific warning provided by a “Quick response (QR) code,” a machine-readable code, consisting of an array of squares, used for storing and accessing a web page containing a warning that complies with the content requirements in Section 25603. The QR code shall be on a posted sign, shelf tag, shelf sign, or on a label or labeling. The warning provided by a QR code shall be provided upon scanning the QR code. The QR code should be accompanied by a statement that reads: “Proposition 65 Warning for [name of one or more chemicals]. For more information, scan the QR code.”

[. . .]

Topic 8. Rule 100 - Regulation text changes to update citation references and make technical changes.

Section 25205. Lead Agency Website.

[. . .]

(e) If the lead agency requests information from a business pursuant to subsection (b) that the requester claims should not be available for public inspection as a trade secret

as defined in Civil Code section 3426.1, and that is exempt from disclosure under the Public Records Act (Government Code Section 62507920.000 et seq.), Evidence Code section 1040, or Evidence Code section 1060, the response shall specifically identify the information and the basis for the claim that the information should be designated a trade secret.

[. . .]

Section 25302. Science Advisory Board.

(a) There are created in the lead agency two Committees of the Science Advisory Board, the Carcinogen Identification Committee and the DART Identification Committee defined in paragraphs (1) and (2), respectively, of subsection (bc) of Section 25102, to advise and assist the Governor and the Director in the implementation of Section 25249.8 of the Act.

[. . .]

(d) [. . .]

(2) All correspondence to or from the Committees, or any subcommittee shall be available for public inspection as provided in the Public Records Act (Government Code Section 62507920.000 et seq.).

[. . .]

Section 25502. Exposure to a Listed Chemical in Drinking Water.

[. . .]

(b) For purposes of subsection (a), the amount of a listed chemical contained in drinking water shall be determined by sampling of the drinking water at the point of delivery and by testing pursuant to Section 259040.

[. . .]

Section 25604. Environmental Exposure Warnings — Methods of Transmission.

(a) Unless otherwise specified in Section 25607.4 et seq., a warning for an environmental exposure meets the requirements of this subarticle if it complies with the content requirements in Section 25605 and is provided using one or more of the following methods:

[. . .]

Section 25607.32. Hotel Exposure Warnings — Methods of Transmission.

[. . .]

(d) In addition to the warning specified in this section, hotels must also provide warnings that comply with Sections 25607.4, et seq., for designated smoking areas, alcoholic

beverages, food, enclosed parking facilities and consumer products, where such products are offered for sale at the facility.

[. . .]

Section 25607.35. Residential Rental Property Exposure Warnings — Content.

(a) A warning for exposures to listed chemicals at a residential rental property meets the requirements of this subarticle if it is provided using the methods required in Section 25607.34 and includes all the following elements:

- (1) The symbol required in Section 25603(a)(1).
- (2) The word “**WARNING**” in all capital letters and bold print.

[. . .]

Section 25607.41. Delta-9-THC in Ingested Products Exposure Warnings—Content.

(a)(3) The words:

(A) “Consuming this product during pregnancy exposes your child to delta-9-THC, which can affect your child's behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis,” or

[. . .]

Appendix A. Office of Environmental Health Hazard Assessment California Environmental Protection Agency the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.

[. . .]

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.-html>. [remove space]

[. . .]