

# Proposition 65 Pre-Regulatory Workshop Omnibus 2026

July 30, 2026

Office of Environmental Health Hazard  
Assessment (OEHHA)



**OEHHA**  
SCIENCE FOR A HEALTHY CALIFORNIA



# Presentation Outline

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Welcome and General Overview – Omnibus 2026

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Proposed Draft Regulatory Text - Topics 1-8

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Public Comments

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# Introductions

- Kris Thayer - Director
- Kristi Morioka - Counsel
- Corey Friedman – Counsel
- Julia Dolloff - Proposition 65 Ombudsperson
- Kiana Vaghefi – Proposition 65 Implementation
- Esther Barajas - Proposition 65 Implementation



# Workshop Overview

- Present and explain the proposed regulatory amendments for Omnibus 2026.
- Receive feedback.
- Draft regulation text is available online.
- This meeting is being recorded.



Draft  
Regulatory Text





# Instructions for In-Person Public Comment

- For in-person attendees:
  - When the public comment period begins, please come to the front of the room and provide your comment when prompted.
- For Zoom Webinar attendees:
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  - Unmute yourself when prompted.
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- Comments are limited to three minutes or less per speaker.



# Instructions for Electronic Public Comment

- Submit comments electronically until September 7, 2026.
- Zoom Webinar attendees may submit a comment via the Zoom chat.



Submit a Public  
Comment  
Electronically

# Legal Disclaimer

- This is a pre-regulatory workshop **for discussion purposes only**. If any of these items are eventually included in a rulemaking, the text may be different. OEHHA does not promise any future rulemaking actions.
- Do not rely on these discussion drafts, which do not supersede existing laws and regulations.
- Although OEHHA provides guidance on Proposition 65 for the convenience of the public, OEHHA does not provide legal advice.



# Kris Thayer

OEHHA Director



# General Idea of an Omnibus Regulation

- Omnibus: “including many things at once”
- Once every year or every other year
- Pre-regulatory workshop
- Clearinghouse conference panel discussion



# Proposed Regulatory Amendments Omnibus 2026



# Topic 1 – Add new tailored warning option for off-road vehicle parts

- Goal is to provide flexibility for manufacturers of parts for off-road vehicles, and different types of equipment: construction, mining, agriculture, non-road, off-road, and forestry.
- Can use full-length, short-form, or tailored warning.



# Topic 1 – Questions for feedback

1. Choice of language - “a warning for exposures that occur during the purchase, handling, or installation of a part” or “during a consumer product exposure from a part”?
2. Covered parts - “off-road vehicle” or “off-road equipment,” as defined in California Code of Regulations, title 13, section 2401(a)(37)
3. Sales location - “placed at each retail point of sale or display of off-road vehicle or off-road equipment parts”



# Topic 1 – Questions for feedback contd.

- 4. Enough info to consumers?
- 5. Correct chemicals and advice to consumers?

## **Section 25607.55 - Content**

"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](http://www.P65Warnings.ca.gov/off-road-parts)"



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

### Goals

- Align the warning texts
- Clarify in the regulation text itself that businesses may warn for more than one chemical.

### Short-Form Warning text example

- Cancer risk from exposure to [name of one or more chemicals]. See [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

### Short-Form for Food Warning text example

- 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](http://www.P65Warnings.ca.gov/food).





## Topic 3 - Topic 3. Streamlining the voting requirements for committees.

- The quorum requirements for the Carcinogen Identification Committee (CIC) and the Developmental and Reproductive Toxicant Identification Committee (DARTIC) would be unchanged.
- Under this proposal, once the quorum requirement is met, an affirmative vote requires a majority of the members present.



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

- Existing law has an exception to the warning requirement for chemicals “naturally occurring” in food, not resulting from “human activity.”
- This proposal makes it clear that “human activity” *may* occur even if the CAS number of a chemical does not change during extraction or concentration of that chemical.
- Whether or not a chemical is present in a product as a result of human activity will continue to depend on the specific facts.

“...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.”



# Topic 5 - Internet Purchases

Goal: Clarify in the text warnings must be in two places – to purchaser and end-user.

Warnings must:

1. Be on the product display page.

- Provide a hyperlink to the warning.
- Be otherwise prominently displayed prior to purchase.

2. A warning must also be provided on or with the delivered product sold over the Internet.

 CA WARNING



 **CA WARNING:** Risk of cancer and reproductive harm from exposure to Di(2-ethylhexyl)phthalate (DEHP). See [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

 **WARNING:** This product can expose you to chemicals including lead, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).



# Topic 5 – Internet Purchases

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

(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.

- Overall responsibility for warnings is on manufacturers or packagers rather than retailers.
- Proposal uses more general language.
- Proposal helps to clarify that a warning must be given to consumers even if the retailer removes an item from its original packaging before sale or use. Example: a warning on a box of bulk items not intended for individual sale.

“(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



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

## **Section 25600.2. 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.

Goal is to modernize Prop 65 methods for warning.

Example:

Proposition 65 warning for lead. For more information, scan the QR code.



# Topic - QR codes - Section 25602(a)(2)(B)

## 1. “Automatically”

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

## 2. Definition of QR code

- 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

## 3. Where should the QR code be placed?

- The QR code shall be on a posted sign, shelf tag, shelf sign, or on a label or labeling.



# Topic - QR codes - Section 25602(a)(2)(B)

4. What webpage should the QR code go to? And what information be on that webpage, other than the warning?

- 25602(a) complies with the content requirements in Section 25603
- The product specific warning...
- The warning provided by a QR code shall be provided upon scanning the QR code.

5. What statement or instructions should accompany 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 - Update citation references

- Proposal amends references to section numbers that have changed and corrects formatting.



# Public Comments





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# Stay Tuned!

- Public comments accepted on or before Monday, September 7, 2026
- Submit written comments here:  
<https://oehha.ca.gov/comments>
- Subscribe to the Proposition 65 listservs:  
<https://oehha.ca.gov/about/listserv>



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