



ETHICS & COMPLIANCE
LEGAL DEPARTMENT

September 2, 2026

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
PO Box 4010
Sacramento, CA 95812-4010

Submitted via Comment Submission Webpage

Re: Roseburg Forest Products Comments on Proposition 65 Omnibus 2026 Draft Regulatory Text

Dear Office of Environmental Health Hazard Assessment Staff,

Roseburg Forest Products Co. ("Roseburg") is a privately held, U.S.-based manufacturer of wood products, including plywood, lumber, engineered wood products, and medium density fiberboard. Roseburg supplies materials used in residential and commercial construction, as well as industrial and specialty applications.

Roseburg supports the objectives of Proposition 65 and the Office of Environmental Health Hazard Assessment's ("OEHHA") efforts to ensure that California consumers receive clear and meaningful information regarding potential exposures to listed chemicals. Roseburg also believes that warning requirements should provide regulated businesses with clear and workable compliance pathways and should avoid unnecessary requirements that do not provide a corresponding benefit to consumers.

Roseburg respectfully submits these comments on the Proposition 65 Omnibus 2026 Draft Regulatory Text, specifically the proposed amendments concerning web application warnings under 25602(b), retailer responsibility under Section 25600.2(e)(3) and the use of Quick Response ("QR") codes under Sections 25601(c) and 25602(a)(2).

Comment 1: Roseburg requests clarification of internet purchase requirements for business-to-business electronic ordering systems.

Roseburg supports OEHHA's goal of ensuring that consumers receive appropriate Proposition 65 warning information to make informed purchasing decisions but requests clarification regarding the application of proposed Section 25602(b) to business-to-business electronic ordering systems used for bulk commodity products.

OEHHA proposes revising Section 25602(b) to the following:

"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 both of the following



warning methods: (a) the warning method requirement(s) of Section 25602(a)(3) or (4), and one of the following:

The proposed language then requires one of the following electronic warning methods:

"(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."

Roseburg's sales model differs from traditional consumer e-commerce. Roseburg sells bulk building products through business-to-business transactions and does not sell products directly to individual consumers through an online storefront. Certain established customers use an electronic ordering system to submit orders directly for Roseburg's review and acceptance. These transactions commonly involve repeat customers ordering quantities of products they have previously purchased, rather than customers browsing, evaluating, and selecting products through an e-commerce platform.

The proposed inclusion of "dedicated sales software applications" raises questions regarding how Section 25602(b) is intended to apply to these types of business-to-business ordering systems. Unlike traditional e-commerce platforms, these systems may function primarily as a means for established commercial customers to submit orders for known products rather than as the point at which a purchasing decision is made. Additional clarity would help businesses determine when use of an electronic ordering system constitutes an "internet purchase" subject to the requirements of Section 25602(b).

Roseburg understands the purpose of providing a warning before an internet purchase to ensure warning information is available to help inform the purchasing decision. In the business-to-business ordering scenario described above, the commercial purchaser has already identified the product it intends to purchase before entering the order into the electronic system. Electronic order entry facilitates execution of an existing purchasing decision rather than serving as the point at which the purchaser evaluates and selects the product.

Roseburg encourages OEHHA to clarify the intended application of Section 25602(b) to business-to-business electronic ordering systems used for orders of bulk products, particularly where the system does not function as a consumer-facing product selection or e-commerce platform and the product includes the applicable Proposition 65 warning.

Comment 2: Roseburg supports the proposed amendment to Section 25600.2(e)(3) because it more clearly ensures that manufacturer-provided warnings reach consumers.

Roseburg supports OEHHA's proposed change to Section 25600.2(e)(3) to read:

"The retail seller has failed to provide the consumer with a warning which was provided to the retailer pursuant to subsection (b)."

The proposed amendment shifts the provision from determining whether a retailer has covered, obscured, or altered a manufacturer-provided warning to determining whether the retailer provided the manufacturer's warning to the consumer.

The proposed language better aligns retailer responsibility with Proposition 65's consumer-warning objective. Where a manufacturer has provided the required warning to a retailer, the relevant question should be whether that warning reaches the consumer, not whether the manufacturer can establish that the retailer affirmatively covered, obscured, or altered it. This distinction is particularly important for building materials that may be sold in bulk, separated from manufacturer labeling, or displayed differently at retail. In those circumstances, the manufacturer may have properly provided the warning but have little control over how the product is ultimately presented to the consumer.

The proposed language creates a clearer allocation of responsibility: the manufacturer provides the warning, and the retailer is responsible for communicating that warning to the consumer. This approach supports OEHHA's goal of ensuring consumers receive appropriate warnings while providing manufacturers with greater certainty regarding downstream responsibilities. Roseburg encourages OEHHA to ensure the final language clearly preserves the retailer's responsibility to communicate manufacturer-provided warnings, particularly when products are separated from bulk packaging or manufacturer labeling before sale.

Comment 3: Roseburg supports the use of QR codes with additional clarification.

Roseburg supports OEHHA's proposal to add QR codes as a method for providing Proposition 65 warnings but recommends additional safeguards and clarification.

OEHHA proposes adding Section 25602(a)(2)(B), which states:

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 proposed language further states that the QR code may be:

"located on a posted sign, shelf tag, shelf sign, label, or labeling, which provides the warning upon scanning the QR code."

The proposed language states that the QR code:

"should be accompanied by the statement 'Proposition 65 Warning for [name of one or more chemicals]. For more information, scan the QR code.'"

Roseburg supports providing businesses with additional flexibility to communicate Proposition 65 warning information through QR codes. This flexibility may be particularly useful for building materials that are sold in bulk, separated from manufacturer labeling, or displayed differently at retail.

However, Roseburg believes additional clarification is necessary to provide consumers with meaningful notice and regulated businesses certainty regarding use of the proposed safe-harbor method. Existing Section 25602(a)(2), which the proposal would redesignate as subsection (a)(2)(A), requires an electronic warning method 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."

Proposed subsection (a)(2)(B), in contrast, provides that the QR code *"provides the warning upon scanning the QR code."*

Despite the potential benefits, Roseburg believes the proposed language creates uncertainty regarding whether this method provides consumers with meaningful warning information before purchase. Unlike the automatic electronic warning described in subsection (a)(2)(A), the warning under proposed subsection (a)(2)(B) is provided only after the consumer takes the affirmative step of scanning the QR code. A consumer who does not or cannot scan the QR code therefore does not receive the warning contained on the linked webpage.

This distinction is particularly important because Section 25601(c) requires a warning to be provided in a manner likely to be "seen, read, and understood by an ordinary individual under customary conditions of purchase or use." Roseburg believes the proposed QR-code method should preserve that objective while also providing regulated businesses with a clear and reliable safe harbor. Roseburg therefore recommends that essential warning information accompany the QR code so that a consumer receives meaningful notice without being required to access an electronic resource. The QR code could then provide the complete warning or additional information for consumers who choose to access it. This approach would preserve the flexibility offered by QR codes while ensuring the essential warning is available to consumers before purchase.

This approach may be particularly useful for building materials that are sold in bulk or separated from manufacturer labeling at retail locations. A concise physical warning containing essential risk information, paired with a QR code providing access to the complete warning or additional information, could provide meaningful notice to consumers while reducing the burden associated with maintaining lengthy warnings on individual products or retail displays.

Roseburg encourages OEHHA to retain QR codes as an available warning method while providing additional clarity regarding their use. Specifically, Roseburg recommends that the final regulation establish clear requirements for the information that must accompany a QR code, clarify whether the accompanying statement identified in proposed Section 25602(a)(2)(B) is required, ensure that essential warning information is available to consumers without scanning the code, and clarify that compliance with the prescribed requirements satisfies the applicable safe-harbor warning obligation regardless of whether an individual consumer scans the QR code.

Requested Actions

Roseburg respectfully requests that OEHHHA:

1. Clarify the application of Section 25602(b) to business-to-business electronic ordering systems, particularly where web applications are used for order entry rather than to inform consumer's decision about a prospective purchase.
2. Retain the proposed amendment to Section 25600.2(e)(3) clarifying retailer responsibility to provide manufacturer-provided warnings to consumers, including when products are separated from bulk packaging or manufacturer labeling before sale.
3. Retain QR codes as an available warning method under Section 25602(a)(2)(B), with additional safeguards and clarification to ensure that consumers receive essential warning information without scanning the QR code and that regulated businesses have clear, objective requirements for satisfying the safe-harbor warning method.

Roseburg believes these changes would further Proposition 65's consumer-warning objectives while providing manufacturers and retailers with clear and practical compliance pathways.

Roseburg appreciates the opportunity to provide comments on the proposed amendments and OEHHHA's consideration of the recommendations above.

Sincerely,



Amanda Ragan
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