

September 3, 2026

Ms. Monet Vela
Office of Environmental Health Hazard Assessment (OEHHA)
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, CA 95812-4010

Filed online on OEHHA website : [Comment Submissions - Draft Regulatory Language Omnibus 2026 - OEHHA](#)

SUBJECT: COMMENTS ON PROPOSED REGULATORY CHANGES IN OMNIBUS 2026, PROPOSITION 65, ARTICLE 6 REGULATIONS, CLEAR AND REASONABLE WARNINGS, SAFE HARBOR METHODS AND CONTENT, CALIFORNIA CODE OF REGULATIONS

Dear Ms. Vela:

The Outdoor Power Equipment Institute (OPEI) and Outdoor Power Parts & Accessories Association (OPPAA) write to provide comments on the Draft Regulatory Language Omnibus 2026, specifically “topic 1” and the proposed new § 25607.54 providing helpful improvements for off-road vehicle and equipment parts.

About OPEI

The Outdoor Power Equipment Institute (OPEI) is an international trade association representing more than 100 manufacturers and their suppliers of gas and electric-powered outdoor power equipment (OPE), golf cars, and personal transport and utility vehicles. OPEI member products are ubiquitous in U.S. households and businesses, including equipment such as lawnmowers, garden tractors, grass trimmers, chain saws, snow throwers, generators, utility vehicles and other similarly powered lawn and garden and vehicle applications. The industry currently contributes approximately \$16 billion to U.S. GDP, domestically ships over 40 million products each year, estimates as many 250 million legacy products in service across the U.S., and sells these products through a diverse network of retail channels.

The OPE industry’s products are equally ubiquitous and important to California’s households and businesses as well. They are sold across the state through a diversity of retail outlets, including national and regional home improvement chains, local hardware stores, e-commerce retailers, and independent dealers. Our member companies have invested significant resources to implement warnings consistent with OEHHA’s safe harbor guidelines, including those adopted previously for short-form warnings. Current OEHHA regulations, including those for short-form warnings, are followed by our industry to warn where appropriate for whole-good products, their implements, attachments, and accessories, and

all associated spare (service) parts, which together account for a significant diversity of products and a complex industry supply chain and retail network.

About OPPAA

For over 35 years, the Outdoor Power Parts and Accessories Association (“OPPAA”) has promoted quality of replacement parts and accessories as an equivalent and economical means for the maintenance and repair of outdoor power equipment. As a member-driven organization, representing outdoor power equipment parts and accessories manufacturers, suppliers, and distributors, with a purpose to facilitate the growth and availability of quality replacement parts and accessories to the outdoor power equipment industry.

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]

First, our members want to express their appreciation to OEHHA for the proposed amendment concerning off-road vehicle and equipment parts since the proposal is generally responsive to the comments and request outlined in our previous comment letter dated January 3, 2024.

As the basis for that request, we explained the synergies our industry shares with the automotive sector and thus the need for the newly proposed amendment clause which is consistent with § 25607.50. and § 25607.51 for motor vehicles. The outdoor power equipment industry shares a common supply chain with the motor vehicle industry, and with it, the challenge of thousands of disparate, and many times small, replacement and spare parts stocked and sold by a vast network of retailers and dealers. The OPE industry also, like the motor vehicle industry, manufactures products which are durable, have extended service periods, and are commonly serviced, repaired, and re-sold.

In our 2024 letter we included our recommendations on how the scope of equipment, and parts, covered by a new warning amendment could reference definitions already in the California Code of Regulations, including those referenced in the current proposal for “off-road vehicle” and “off-road equipment”.¹

¹ Title 13, § 2401(a)(37) which reads ““Off-road vehicle” or “Off-road equipment” means any non-stationary device, powered by an internal combustion engine or motor, used primarily off the highways to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to, any of the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Small Off-Road Engines, Off-Road Motorcycles, and Off-Highway Recreational Vehicles.”

We additionally recommended the California code definitions for “small off-road engine”², “small off-road equipment”³ and “zero-emission small off-road equipment”⁴ which are all products manufactured and distributed by our member companies. These references and terminology, including those already in the proposed amendment (Title 13, § 2401(a)(37)), are the combined basis of state regulation of our industry by the California Air Resources Board.⁵

Examples of products manufactured and distributed by our members and consistent with the referenced state definitions include:

- Lawn mowers – includes ride-on, stand-on, remote controlled, autonomous and robotic mowers, and walk-behind models.
- Handheld equipment – examples include trimmers, chainsaws, and blowers.
- Off-road vehicles – examples include all-terrain vehicles, utility vehicles, golf carts that are manufactured primarily for off-road use and generally cannot be used on public highways.
- Compact utility tractors – tractors with four wheels and a powertrain and chassis that perform primarily farming activities. These tractors typically have standard in-built mechanisms to power and attach implements for various farming activities including mechanical power take off (PTO) with rotating shafts, 3-point hitch for lifting and off highway towing, and hydraulic PTOs.
- Turf management equipment – includes, but is not limited to, aerators, seeders, brush cutters, de-thatchers, top dressers, groomers, debris blowers, turf vacuums, sweepers, power brooms, turf sprayers, bunker rakes and greens rollers.
- Construction equipment – includes, but is not limited to, excavators, horizontal directional drills, walk-behind and riding trenchers, surface miners, skid steers and compact utility loaders, vibratory plows, concrete and mortar mixers and material buggies.
- Tree care equipment – includes, but is not limited to, stump grinders, log splitters, chippers and shredders.

² CA Code of Regulations, Title 13, § 2401 (a) (45): “‘Small off-road engine’ means any engine that produces a gross horsepower less than 25 horsepower (at or below 19 kilowatts for 2005 and later model year), or is designed (e.g., through fuel feed, valve timing, etc.) to produce less than 25 horsepower (at or below 19 kilowatts for 2005 and later model year), that is not used to propel a licensed on-road motor vehicle, an off-road motorcycle, an all-terrain vehicle, a marine vessel, a snowmobile, a model airplane, a model car, or a model boat. If an engine family has models below 25 horsepower (at or below 19 kilowatts) and models at or above 25 horsepower (above 19 kilowatts), only the models under 25 horsepower (at or below 19 kilowatts) would be considered small off-road engines. Uses for small off-road engines include, but are not limited to, applications such as lawn mowers, weed trimmers, chain saws, golf carts, specialty vehicles, generators and pumps. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category. Any compression-ignition engine, as defined in Section 2421, produced during the 2000 and later model years shall not be defined as a small off-road engine.”

³ CA Code of Regulations, Title 13, § 2401 (a) (46): “‘Small off-road equipment’ means any off-road equipment powered by a small off-road engine, or comparable electric motor or other power source.”

⁴ CA Code of Regulations, Title 13, § 2401 (a) (61): “‘Zero-emission small off-road equipment’ means any small off-road equipment that produces zero emissions of any criteria pollutant (or precursor pollutant) under any and all possible operational modes and conditions.”

⁵ Final Regulation Order, Amendments to the Small Off-Road Engine Exhaust Emissions Regulations, California Code of Regulations, Title 13, Division 3, Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices, Article 1. Small Off-Road Engines – Small Off-Road Engine Exhaust Emission Regulations, Adopted August 2022, Section 2401 – Definitions, (a), (37), (45), (46) and (61).

We further noted in 2024 that there is regulatory precedent for the use of a broad definition of off-road equipment, which includes heavy, agricultural and outdoor power equipment. Examples we cited were the definitions used for qualified commercial clean vehicle tax credits included in the 2022 Federal Inflation Reduction Act⁶ and the U.S. Environmental Protection Agency's regulation of PIP 3:1 under the Toxic Substances Control Act.⁷

OEHHA should also consider that the European Union defines 'non-road mobile machinery' [NRMM] as any mobile machine, transportable equipment, or vehicle with or without bodywork or wheels, not intended for the transport of passengers or goods on roads, and includes machinery installed on the chassis of vehicles intended for the transport of passengers or goods on roads. See Article 3 – Definitions – of the EU Stage V emissions regulations (2016/1628). Thus, NRMM broadly applies to off-road machinery that includes small gardening and handheld equipment (lawn mowers, chainsaws, etc.), construction machinery (such as excavators, loaders, bulldozers, and others), agricultural & farming machinery (including harvesters, cultivators, and others), and to railcars, locomotives and inland waterway vessels.

While we believe that the current amendment proposal would clearly apply to many of the products described above, we also believe that increased clarity is required by way of the product definitions cited to provide clarity that such warnings apply to all outdoor power equipment, which we believe is OEHHA's intent.

The areas where the current proposal falls short or is lacking sufficient clarity, to clearly apply to all of the products shipped by OPEI members each year, include:

1. **Power Source:** While the current reliance on and future innovation of the internal combustion engine continues, today's OPE is mostly powered by lithium-ion battery powered motors, approaching nearly 70% of annual U.S. shipments. While the cited definition does include both internal combustion engine and motor, the latter implying the inclusion of battery-powered products, it is less than clear that this connotes the reality of battery-power in OPE and off-road products.
2. **Distinction between the "vehicle" and "equipment" portions of the OPE marketplace, and especially the prevalence of handheld products (e.g., chain saw, blower, trimmer) in the latter sector.** Handheld products constitute the majority of annual U.S. OPE shipments, exceeding 30 million per year, and are also the products which have largely transitioned to battery-power from internal combustion engine. We are concerned in this case that the cited definition from code is not reflective of the current marketplace in this respect, and not consistent with OEHHA's intent for this amendment.
3. **Stationary power products (e.g., portable generators, battery power sources).** These products are a sizable and growing portion of today's OPE market and yet are not adequately included in

⁶ 26 U.S. Code § 45W (c) (2) (B)

⁷ 87 Fed. Reg. 82287, 82301 (Nov. 24, 2023). "Lastly, as explained in the March 2022 PIP (3:1) final rule extending the PIP (3:1) compliance date, EPA generally interprets the term "motor vehicle" to mean a transport vehicle that is propelled or drawn by mechanical power, such as cars, trucks, motorcycles, boats, and construction, agricultural, and industrial machinery. EPA is proposing to include a reference to "heavy machinery" in the exclusion to clarify this."

the cited code definition for “equipment”, which again is counter to our understanding of OEHHA’s intent for this amendment.

To assure that the proposed new § 25607.54 clearly applies to all parts for outdoor power equipment as described above and consistent with our understanding of OEHHA’s intent, we request that § 25607.54 be revised to include references to CA Code of Regulations, Title 13, § 2401 (a) (45), (46), and (61), in addition to (37).

Additionally, or alternatively, we request that OEHHA adopt and include in an amended § 25607.54 the following broad definition for non-road equipment and vehicles which comprehensively addresses the requested clarity.

Non-Road Stationary and Mobile Machinery (NRSMM), to mean agricultural, construction, off-highway truck, mining, stationary power, generator, gravel and concrete mixer, crane, utility vehicle, mower, hand-held equipment, and any other non-road stationary or mobile machinery powered by an internal combustion engine or an alternative power source, including battery or solar power, that uses spare parts, accessories or attachments.

Effectivity Period

We request that a new 3-year effectivity date, from the date of these new amendments’ finalization, be granted. The breadth and substance of the proposed omnibus amendments, while applauded and helpful, require the same lead time afforded the original changes to short-form warnings, to allow for reconsideration of responsive warnings.

Thank you for consideration of these comments, and we are available to provide additional information or answer questions as may be required.

Best regards,



Daniel J. Mustico
Senior Vice President, Government & Market Affairs
(703) 678-2990; dmustico@opei.org