ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

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Dr. Kris Thayer
Director
Office of Environmental Health Hazard Assessment
P.O. Box 4010
Sacramento, CA 95812-4010

By Electronic Submission at https://oehha.ca.gov/comments

Re: AHAM Comments On Proposition 65 Omnibus 2026 Pre-Rulemaking

Dear Dr. Thayer:

The Association of Home Appliance Manufacturers (AHAM) appreciates the opportunity to comment on the draft regulatory text discussed at the Office of Environmental Health Hazard Assessment's (OEHHA) July 30, 2026 pre-regulatory workshop on Proposition 65 Omnibus 2026 amendments. AHAM represents more than 150 member companies that manufacture home appliances sold in California and across the United States, many of which distribute spare parts, including sealed internal components such as motors, control boards, and compressors, through business-to-business service and distributor channels. AHAM submits the following comments regarding the treatment of appliance spare parts under Article 6, and regarding proposed Topic 7 of the Omnibus 2026 draft.

AHAM's comments address related requests concerning appliance spare parts and the Omnibus 2026 draft. OEHHA should adopt a category-based safe harbor for appliance spare parts, modeled on the existing motor vehicle and marine vessel parts framework. Additionally, if a dedicated safe harbor is not adopted in this rulemaking, OEHHA should confirm that an electronic warning provided through a distributor or service portal satisfies the requirement for business-to-business spare parts sales. Finally, AHAM supports adding QR codes as an approved warning method and OEHHA should allow a generic physical warning paired with a more specific digital warning.

I. OEHHA Should Establish A Category-Based Safe Harbor for Appliance Spare Parts.

OEHHA finalized amendments to the Article 6 short-form warning content requirements in 2024, and set a compliance date of January 1, 2028 for products manufactured before that date to transition to the amended requirements. Effective January 1, 2028, OEHHA's amended short-form warning must name at least one chemical per applicable endpoint (carcinogen and/or reproductive toxicant), replacing the prior short-form option, which allowed a generic reference to 'chemicals known to the State of California to cause cancer' or reproductive harm without naming any specific chemical.

Applied at the component level, this requirement will reach thousands of low-volume spare-part SKUs, including sealed internal parts that consumers have little or no occasion to touch and that are typically installed by a technician.[1] No existing safe harbor addresses appliance parts, and the general Article 6 framework assumes retail shelf sale, which is a poor fit for the service and distributor channel through which most appliance spare parts move. In some cases, on-product labeling is not merely impractical but physically infeasible, since affixing a label to certain parts could compromise the part's function, tolerances, or safety performance.

OEHHA should address this gap in this rulemaking, while the regulatory text is still being shaped, given the compliance lead time our members will need before the 2028 effective date. Furthermore, if OEHHA does not finalize safe harbor guidance for appliance spare parts at least six months before the compliance date, OEHHA should extend enforcement discretion for appliance spare parts until the guidance is finalized. If the safe harbor is finalized less than six months before the compliance date, OEHHA should extend enforcement discretion for an additional period after finalization to give manufacturers time to comply.

OEHHA has already applied a tailored safe harbor to two comparable equipment categories in the past two years: the passenger and off-highway motor vehicle and recreational marine vessel parts safe harbor (Sections 25607.50 through 25607.53, effective January 1, 2025), and the off-road vehicle and equipment parts safe harbor proposed in this same Omnibus 2026 rulemaking (new Sections 25607.54 and 25607.55). Appliance internal parts fit the same rationale that supported both of those safe harbors given that sealed components such as motors, control boards, and compressors are installed by technicians and should not be handled by the end consumer. OEHHA should adopt a parallel safe harbor for appliance spare parts.

In proposing the existing motor vehicle and marine vessel parts safe harbor, OEHHA selected lead and phthalates as the named chemicals based on two factors: the likely exposure pathways for those parts (lead from batteries and other components, phthalates from cable and wire coverings), and the fact that both chemicals are already familiar to the general public, which OEHHA reasoned would make the warning more effective for consumers.[2] OEHHA also built a substitution mechanism into that framework: Section 25607.55(b) fixes the named chemicals only for the point-of-sale sign method, and allows substitution for every other warning method. That structure, a default chemical determined by OEHHA paired with a substitution right, reflects a workable approach OEHHA has already developed for this exact kind of problem, and OEHHA should extend the same approach to appliance spare parts.

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[1] OEHHA, Initial Statement of Reasons, Clear and Reasonable Warnings – Safe Harbor Methods and Content (Oct. 27, 2023), p. 7 ("[S]ome businesses are providing short-form consumer product warnings for chemicals that are inaccessible to consumers. The chemical may be present in an internal component like an appliance motor, to which the consumer will never be exposed.")

[2] *Id.* at p. 36 (explaining that lead and phthalates were selected because handling of some vehicle parts may cause significant exposure to those chemicals and because they are likely familiar to the general public, and citing OEHHA's Motor Vehicle Parts fact sheet, which similarly identifies lead and phthalates as example chemicals).

Consistent with that approach, OEHHA should make a determination of the chemical or chemicals appropriate to appliance components, structured with the same substitution mechanism. AHAM is available to work with OEHHA and provide relevant technical information to assist with its determination.

The existing motor vehicle and marine vessel parts safe harbors are not limited to inaccessible or internal components. The definitions of covered parts in Sections 25607.50(b) and 25607.52(b) extend to any part offered for sale or transferred to a consumer for installation in or service on the vehicle or vessel, subject only to a narrow list of exclusions, without regard to the degree of consumer contact. AHAM believes certain appliance accessories may warrant comparable treatment and intends to provide further comment as this rulemaking proceeds to help identify the specific categories of accessories for which such treatment may be appropriate.

II. OEHHA Should Allow Electronic Warnings For Spare Parts Sold Outside Retail Stores.

If OEHHA is not prepared to adopt a dedicated safe harbor category in this rulemaking, AHAM requests confirmation of an alternative. A distributor or service portal could provide an electronic warning at the time of purchase. AHAM requests that OEHHA confirm this approach satisfies the warning requirement for appliance spare parts sold through the business-to-business service channel and through direct-to-consumer sales on a manufacturer's own website, without requiring individualized on-part labeling.

This approach is particularly well suited to small components, where label space is most constrained, and gives that channel a tailored warning framework appropriate to how these parts are distributed and installed, rather than one built around retail shelf sale. If manufacturers are allowed this route, they should be allowed to remove Proposition 65 warning content from packaging and on-product labels for parts that are not available at physical retail stores. It also builds directly on methods OEHHA already endorses in this same rulemaking, including the addition of QR codes as an approved warning method under proposed Topic 7.

III. AHAM Supports the Addition of QR Codes as an Approved Warning Method (Topic 7).

AHAM supports proposed new Section 25602(a)(2)(B), which would allow a QR code on a posted sign, shelf tag, shelf sign, or label to satisfy the warning method requirement. This addition improves consumers' access to accurate and complete warning information while allowing product-specific information to be updated as new information becomes available. This proposal would also reduce label space burden for appliances and appliance parts, if AHAM's recommendations above are accepted, and reflects a broader concern with how the short-form warning content requirement interacts with a manufacturer's ability to change a product's chemical profile over time.

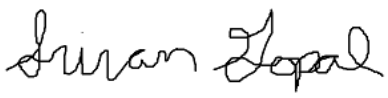
OEHHA should also consider allowing a single, standardized disclosure webpage, searchable by product or model, rather than requiring a unique QR code correlated to the specific chemicals listed on each individual label. This approach would parallel the disclosure model already required for cookware under California's Safer Food Packaging and Cookware Act (Health & Safety Code §§ 109000–109014, "AB 1200"), which similarly requires a QR code linking to a webpage where consumers can access chemical-specific product information. AHAM believes a comparable searchable-database approach would meaningfully reduce the operational burden of managing distinct QR codes across a large and changing catalog of parts and labels, and, where feasible, would allow manufacturers to use the same webpage already maintained for AB 1200 disclosures for this purpose as well. AHAM recognizes that the two disclosure regimes are administered by different agencies and differ in scope, but would welcome the opportunity to discuss with OEHHA how such an approach might be implemented for Proposition 65 purposes.

The amended short-form warning requirement in Section 25603(b) requires a physical label to name a specific chemical for each applicable endpoint. Appliance manufacturers may reformulate products or components in ways that reduce or eliminate the presence of a listed chemical. Under that requirement, a physical label naming a specific chemical can become inaccurate once a product is reformulated to no longer expose consumers to that chemical, and manufacturers should not be required to physically relabel a product line each time a formulation change removes a Proposition 65 exposure. This issue applies broadly across appliance products, not only to the spare parts addressed in Section I, and OEHHA should develop a mechanism to address it wherever a chemical-specific safe harbor warning applies.

AHAM believes a generic Proposition 65 warning provided on the product, at the point of sale, or on a shelf sign, paired with a more specific digital warning accessible through a QR code, would better serve consumers. This approach ensures consumers receive an immediate warning at the point of purchase while also providing access to more comprehensive and current information than can reasonably fit on a physical label. Because digital content can be updated when a product formulation changes, consumers are less likely to encounter outdated chemical information and are more likely to receive information that accurately reflects the product they are purchasing. The QR-code approach would also enable manufacturers to provide consumers with fuller disclosures regarding all applicable Proposition 65 chemicals, exposure pathways, and other relevant contextual information, promoting transparency and informed consumer decision-making.

AHAM appreciates the opportunity to submit these comments and would be glad to discuss these matters in more detail should you so request.

Respectfully Submitted,



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About AHAM: AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly $200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than $50 billion.