

Ms. Kristi Morioka
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P.O. Box 4010
Sacramento, CA 95812-4010

Re: OEHHA - Proposition 65: Pre-rulemaking Workshop

Dear Ms. Morioka,

The Association of Equipment Manufacturers (AEM) appreciates the opportunity to comment to the Office of Environmental Health Hazard Assessment (OEHHA) concerning *Proposed Adoption of New Sections 25607.54-25607.55*. We look forward to sharing the expertise and technical knowledge of our industry sectors. We believe it is critically important when developing regulations that the interests of all stakeholders be considered and understood.

AEM is the North American-based international trade group representing off-road equipment manufacturers and suppliers, with more than 1,000 member companies and over 200 product lines in the construction, agriculture, mining, forestry, and utility industries. The equipment manufacturing industry in the United States supports 2.8 million jobs and contributes roughly \$288 billion to the economy every year. Our industries remain a critical part of the U.S. economy and represent 12 percent of all manufacturing jobs in the United States. Our members develop and produce a multitude of technologies in a wide range of products, components, and systems that ensure off-road equipment remains safe and efficient while also reducing carbon emissions and environmental hazards. Finished products have a life cycle measured in decades and are designed for professional recycling of the entire product at the end of life. Additionally, our industry sectors strive to develop climate-friendly propulsion systems and support robust environmental stewardship programs around the world.

On July 30, 2026, OEHHA hosted the Proposition 65 Pre-rulemaking Workshop. The off-road equipment manufacturing industry would like to use this opportunity to reiterate key issues that are crucial to our industry. AEM strives to be a key stakeholder in these policymaking discussions. To ensure that new rules meet their objectives with accurate and complete data, AEM requests that OEHHA take into consideration the following points:

1. Extend the language of 25607.54(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)," to include "NRSMM and other powered equipment"; NRSMM means non-road stationary and mobile machinery.
2. Update the language of 25607.54(b), "For purposes of Sections 25607.54 and 25607.55, 'off-road vehicle part,' 'off-road equipment part,' or 'NRSMM part' means any part offered for sale or transferred to a consumer for installation in or service on an off-road vehicle, off-road equipment, or NRSMM, 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," to read "means any part to which an individual may be exposed during the installation of an off-road vehicle..."

Definitions:

OEHHA introduced the Pre-Regulatory Workshop Omnibus 2026 on July 30, 2026. The proposed slide deck listed Topic 1 as "Add new tailored warning option for off-road vehicle parts," with a goal of providing flexibility for manufacturers of parts for off-road vehicles and different types of equipment, including construction, mining, agriculture, non-road, off-road, and forestry equipment. AEM and its members' goal is to tailor the newly

proposed sections, 25607.54 and 25607.55, to broadly yet concisely cover the necessary areas of the non-road equipment manufacturing industry.

OEHHA introduces new section 25607.54(a) and defines “off-road vehicle” or “off-road equipment” through California Code of Regulations, title 13, section 2401(a)(37):

(37) "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.

For purposes of this letter, AEM recommends that OEHHA recognize “Non-Road Stationary and Mobile Machinery” or “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. This machinery includes, but is not limited to, excavators, tower cranes, wheel loaders, compact track loaders, skid steer loaders, tractors, telehandlers, forklifts, aerial work platforms, compactors, sweepers, utility vehicles, mobile generators, pumps, compressors, and other self-propelled, mobile, or powered equipment used to perform specialized work in non-road environments and should be included in the prior definition.

OEHHA also introduces new section 25607.54(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 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.

The use of the term “consumer” in the definition of “off-road vehicle part” or “off-road equipment part” does not reflect the commercial channels through which AEM members manufacture and supply off-road vehicles, off-road equipment, and related parts. AEM members do not sell these products in the same manner as ordinary consumer products. Rather, these products are manufactured, distributed, installed, serviced, and maintained through business-to-business, dealer, rental, fleet, distributor, governmental, agricultural, construction, mining, forestry, utility, and other professional or commercial channels.

AEM also requests clarification that stationary non-road equipment, including but not limited to stationary generators, stationary pumps, compressors, power units, handheld power tools and equipment, and similar powered equipment used in non-road applications, is included within the scope of the tailored safe harbor warning language where an exposure may occur during the purchase, handling, installation, service, repair, or maintenance of parts. Although stationary equipment and hand-held power tools may not be designed to propel, move, or draw persons or property, these products are commonly powered equipment used in non-road environments and are serviced through the same professional, commercial, dealer, rental, fleet, governmental, and industrial channels as mobile off-road equipment. Without clarification, the reference to “non-stationary” devices in California Code of Regulations, title 13, section 2401(a)(37) could unintentionally exclude stationary powered equipment and related replacement or service parts from the proposed tailored warning option, despite presenting similar exposure scenarios and supply chain practices.

AEM further requests clarification that hand-held powered equipment and related replacement or service parts manufactured by AEM members are included within the scope of the proposed tailored warning language where exposures may occur during purchase, handling, installation, service, repair, or maintenance. These products may include, but are not limited to, hand-held or portable powered tools and equipment used in non-road applications. Because these products may not clearly fall within the proposed references to “off-road vehicle,” “off-road equipment,” or NRSMM, additional clarification is needed to avoid unintentionally excluding hand-held powered equipment that is distributed, serviced, and maintained through similar professional, commercial, dealer, rental, fleet, governmental, and industrial channels.

Recommendations:

1. AEM recommends, based on the reasons listed in this section, that OEHHA update the language of 25607.54(a) to read: “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), and other NRSMM powered equipment.”
2. Furthermore, AEM recommends that OEHHA update 25607.54(b) to read: “For purposes of Sections 25607.54 and 25607.55, ‘off-road vehicle part’ or ‘off-road equipment part’ means any part to which a consumer may be exposed during the sale, transfer, handling, installation, service, repair, or maintenance of an off-road vehicle or 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.”

AND/OR

3. AEM recommends that OEHHA add a definition of “Non-Road Stationary and Mobile Machinery” or “NRSMM” to ensure the tailored warning language covers the full range of machinery and equipment used across the non-road equipment manufacturing industry. AEM recommends defining NRSMM to include 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.

Requests for Clarification

1. AEM recommends that OEHHA clarify that stationary non-road powered equipment, including stationary generators, stationary pumps, compressors, power units, and similar equipment, and the parts used to install, service, repair, or maintain such equipment, are included within the tailored safe harbor warning language where exposures occur during purchase, handling, installation, service, repair, or maintenance. This clarification is necessary to ensure that stationary powered equipment used in non-road environments is not unintentionally excluded solely because it is not designed to propel, move, or draw persons or property.
2. AEM also recommends that OEHHA clarify that hand-held powered equipment and related replacement or service parts are included within the tailored safe harbor warning language where exposures occur during purchase, handling, installation, service, repair, or maintenance. This clarification is necessary to ensure that hand-held and portable powered equipment used in non-road applications is not unintentionally excluded because it may not clearly fall within the proposed cross-reference to “off-road vehicle” or “off-road equipment.”

Conclusion:

AEM supports OEHHA’s effort to develop tailored Proposition 65 safe harbor warning language for off-road vehicles, off-road equipment, and related parts, and respectfully urges OEHHA to ensure the final language reflects the full scope of the non-road equipment manufacturing industry. This includes recognizing business-to-business and professional service channels, covering modern powertrain technologies and other powered equipment, and clarifying that stationary non-road equipment, hand-held powered equipment, and related service parts are not unintentionally excluded where similar exposure scenarios may occur.

AEM appreciates your consideration of these comments and requests.

Please feel free to contact me at epaz@aem.org if you have any questions or require any further information.

Best regards,

A handwritten signature in black ink, appearing to read 'Eric Paz', with a long horizontal flourish extending to the right.

Eric Paz
Technical Manager– Safety & Product Leadership
Association of Equipment Manufacturers (AEM)