



September 8, 2026

California Office of Environmental Health Hazard
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814-2828

Re: Proposition 65: Omnibus 2026 Pre-Rulemaking

Dear Director Thayer:

The American Cleaning Institute (ACI) appreciates the opportunity to provide comments on the Office of Environmental Health Hazard (OEHHA)'s [Proposition 65 Omnibus 2026 Pre-Rulemaking](#). In these comments, we: (1) urge the agency to more clearly align the naturally occurring exemption regulatory text with its intended scope and application, (2) express support for modernization of the regulations through QR codes.

ACI is the home of the U.S. Cleaning Products Industry® and represents the \$60 billion U.S. cleaning product supply chain. ACI members include the manufacturers and formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and chemical distributors. ACI promotes industry growth, stewardship, and innovation; to this end, ACI's members conduct extensive research to ensure that the products they market are safe and effective.

Best Regards,

Jamie Logan
Director, State Government Affairs

Introduction

OEHHA has requested public feedback on several potential amendments to the Proposition 65 (Prop 65) regulatory text, addressing topics such as the naturally occurring exemption, modernized approaches to warning labels, and other issues.

Cleaning products play an essential role in supporting health, hygiene, and the productive functioning of homes, workplaces, and public spaces. Consumer safety and transparency are top priorities for ACI and the cleaning products industry, and we share OEHHA's goal of providing consumers with the resources needed to make informed decisions. To that end, our member companies rely on regulatory requirements that are clear, consistent, and practical to implement.

Although OEHHA characterizes several of the proposed amendments as clarifications or streamlining measures, some would result in substantive policy changes that could create uncertainty, impose new compliance burdens, or alter longstanding regulatory expectations. In particular, the proposed changes to the naturally occurring exemption could result in significant, substantive modifications to the underlying policy, resulting in regulatory uncertainty and increased costs.

- 1. The regulatory text with respect to the naturally occurring exemption should be clear and consistent with OEHHA's intent to avoid inadvertently creating regulatory uncertainty for cleaning product manufacturers and confusing consumers.**

The cleaning products industry relies on numerous raw material inputs derived from naturally occurring sources that routinely undergo processing, purification, concentration, blending, or other manufacturing steps before incorporation into finished products. These processes are essential to ensuring product quality, safety, efficacy, and consistency. Many cleaning products contain naturally sourced fragrance ingredients, which do not contribute directly to cleaning performance but can enhance the user experience and encourage product use; these emotional and functional benefits have been demonstrated in published research. Importantly, fragrance ingredients are already subject to extensive safety review through the Research Institute for Fragrance Materials (RIFM)'s safety assessment program, which considers both hazard and real-world exposure (including through cleaning products).

27 CCR § 25501 Subsection (b) expressly preserves the naturally occurring exemption where a naturally occurring chemical in food is carried into a consumer product through "manufacture, production, or processing." The regulation therefore already contains a considered judgment that post-harvest processing does not, by itself, destroy naturally occurring status. The proposed language change in subsection (a) and subsection (b) conflict with each other. That conflict is acute for non-food consumer products. Subsection (b) exists only because naturally occurring chemicals in food are carried into consumer products through "manufacture, production, or processing," which necessarily includes the extraction and concentration steps the proposed sentence would now treat as disqualifying "human activity." Read together, the amendment would withdraw through subdivision (a)(3) the very exemption that subsection (b) grants, an

internal contradiction that leaves cleaning and other consumer product manufacturers with no way to reconcile the two provisions.

ACI appreciates OEHHA's interest in providing additional clarity regarding the naturally occurring exemption. However, OEHHA should ensure that any regulatory amendments clearly reflect the agency's intended scope and application. Ambiguity in the regulatory text, or modifications that limit the scope of the naturally occurring exemption with respect to consumer products, could create unnecessary confusion regarding ingredients that have been thoroughly evaluated and safely used for decades, and have long been considered exempt under OEHHA's longstanding guidance—potentially leading to inconsistent interpretations and increased compliance obligations throughout the supply chain. Similarly, such changes could expose cleaning products manufacturers to significant cost and liability given the frequent use of Prop 65's private right of action, which can result in substantial litigation costs and create pressure for companies to resolve claims irrespective of their underlying merits.

Clear regulatory language that narrowly tailors any final amendments to avoid unintended substantive policy changes impacting consumer products companies will help ensure that consumers can continue to benefit from essential cleaning products while maintaining confidence in the safety oversight that supports their formulation.

2. Changes that limit the scope of the naturally occurring exemption would depart from decades of established precedents and create significant regulatory uncertainty for the cleaning products sector.

If the final amendments have the effect of subjecting consumer products to a more limited naturally occurring exemption, such a change would represent a significant departure from the framework that OEHHA established and has maintained over the past two decades through agency guidance. Manufacturers of cleaning products, ingredient suppliers, and formulators have built compliance systems, product stewardship programs, and Prop 65 assessments around that framework. A proposal with such an effect should be viewed as a substantive policy change rather than a clarification—and ACI encourages OEHHA not to impose such a significant and novel burden on the sector. Our industry has operated under the principle established by OEHHA that the relevant inquiry is whether a listed chemical was introduced through human activity, rather than whether naturally occurring constituents were later subjected to common manufacturing, refining, extraction, concentration, or processing steps. Changes to the regulatory text aligned with the proposed amendment could introduce a fundamentally different analytical framework by raising questions about whether routine processing activities could negate the exemption even when the constituent originated from naturally occurring sources. Such a shift would create substantial uncertainty regarding how the exemption applies across a wide range of products and supply chains, potentially resulting in inconsistent interpretations and enforcement outcomes.

Beyond the interpretive concerns, such a change could impose substantial new compliance obligations on businesses that have reasonably relied on OEHHA's prior interpretation for decades. Products and ingredients previously considered exempt could require new exposure

assessments, reformulation reviews, warning evaluations, and supporting scientific analyses specific to Prop 65's requirements, including the development of new no significant risk levels (NSRLs). These activities would require significant investments of time and resources and would effectively force companies to reassess longstanding compliance determinations based on an entirely new regulatory framework.

As OEHHA works to finalize the proposed amendment, it should take care to avoid these significant unintended consequences. Ambiguity and uncertainty around the scope of the proposed changes could subject the cleaning products sector and consumers to confusion and increased costs, so ACI encourages OEHHA to proceed only with language that appropriately tailors the scope of the amendment and avoids substantive policy changes that could impact the sector.

Conversely, if OEHHA *intends* to impose such significant and novel burdens because it believes a different policy approach is warranted, it should acknowledge that it is proposing a substantive policy change rather than a clarification of existing regulations—and give the industry an opportunity to provide robust feedback to illustrate the downsides of such an approach. Given the decades of reliance on OEHHA's previous interpretation, any departure from the framework established through OEHHA's own determinations should be supported by a clear policy rationale, robust stakeholder engagement, and a transition period sufficient to allow affected businesses to evaluate and address compliance implications.

3. QR codes provide an effective and modern tool for communicating Prop 65 warning information.

ACI supports OEHHA's proposal to authorize QR codes as a Prop 65 warning option. QR codes are a practical modernization that can provide consumers with timely access to warning information while granting manufacturers greater flexibility to update warning content as scientific assessments, product formulations, or regulatory requirements evolve. A QR code-based approach can also help address the space limitations that many product labels face while ensuring consumers can readily access relevant information.

To fully realize these benefits, the QR code should serve as the primary vehicle for communicating the substantive warning. The on-package signal should simply alert consumers that Proposition 65 warning information is available through the QR code, while the detailed warning content remains on the linked webpage. This approach preserves flexibility for businesses while continuing to provide consumers with clear access to warning information.

Conclusion

ACI supports regulatory approaches that provide consumers with meaningful information while also maintaining clear, predictable, and practical compliance obligations for manufacturers of essential cleaning products. We encourage OEHHA to advance modernization efforts, such as QR-code warnings, while preserving the clarity and certainty that stakeholders have long relied upon when applying the naturally occurring exemption.