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

Re: Comments on Proposition 65 Omnibus 2026 Pre-Rulemaking

Dear Office of Environmental Health Hazard Assessment Staff:

On behalf of the Consumer Technology Association (“CTA”), thank you for the opportunity to provide these comments on the regulatory text presented at OEHHA’s pre-regulatory workshop on July 30, 2026 (“Proposed Text”).¹ CTA is North America’s largest technology trade association. Our members are the world’s leading innovators – from startups to global brands – helping support more than 18 million American jobs. We appreciate OEHHA engaging with stakeholders during this pre-rulemaking process, and we welcome the opportunity to help inform the process before formal rulemaking. The Proposed Text outlines a number of regulatory changes to Proposition 65 in Omnibus 2026. Our comments are arranged to address Topics 7 and 5 plus additional general comments that follow.

Topic 7 – Adding QR Codes as a Warning Method

CTA supports the Proposed Text’s proposal to recognize QR codes as an additional, optional method for Proposition 65 warnings. Consumers are well-equipped to use QR codes to get digital information. CTA research shows that 97 percent of U.S. consumers own a smartphone.² Since 2017, every major smartphone manufacturer has embedded QR code scanning capabilities. The COVID-19 pandemic promoted widespread adoption of QR codes as a universal interface for menus, payments, and product information. With consumers ready and the technology in place, the moment has arrived to advance digital labeling policy.

CTA appreciates that the Proposed Text recognizes QR codes as one option among several. We encourage OEHHA to allow for flexibility in any future rulemaking rather than mandating any single warning method.

The Proposed Text states that a QR code should be accompanied by a statement that reads “Proposition 65 Warning for [name of one or more chemicals]. For more information, scan the QR code.” We recommend that any statement that accompanies a QR code should be limited to a

¹ OEHHA, Omnibus 2026 Draft Regulatory Text (July 30, 2026) https://oehha.ca.gov/sites/default/files/media/2026-07/Omnibus%202026%20Reg%20Text_2.pdf

² CTA 2026 U.S. Consumer Technology Ownership & Market Potential Study <https://www.cta.tech/research/2026-us-consumer-technology-ownership-market-potential-study>; CTA Labeling Policy https://www.cta.tech/media/gkni32hg/cta_labellingpolicy72.pdf?v=639201641450270000

brief, generic indicator such as “Proposition 65 Warning” rather than requiring the specific chemical name on the label. The space-saving and design benefits of a QR code are reduced if the accompanying text must still contain the language recommended in the Proposed Text.

CTA also recommends that the content mandated to be delivered upon scanning the QR code should be the same as the content that would otherwise be required on the product’s label. OEHHA should clarify that the QR code option is meant to offer an additional way to deliver the same required warning content and is not a mechanism for additional disclosures beyond what the physical label requires.

Topic 5 – Clarifying When Warnings Are Required for Internet Purchases

CTA does not support the proposed requirement that internet purchases carry both a pre-purchase online warning and a physical warning on or with the delivered product. The online warning gives consumers exposure information at the time of purchase to help inform their purchasing decisions. Requiring a second, physical warning is unlikely to provide benefit to consumers that justifies the increased compliance burdens for companies selling online.

General Comments

- **Implementation Timeline:** As OEHHA moves to its rulemaking stage, we respectfully ask that the Office build sufficient implementation time into any changes it may adopt. Consistent with OEHHA’s recent precedent, the 2024 amendments to the short-form warning requirements provided a three-year implementation timeframe and a sell-through period for already-manufactured products.³ We ask that any amendments include a comparable three-year implementation period with enforcement based on a product’s date of manufacture.
- **Spare Parts:** CTA respectfully asks that OEHHA establish a dedicated safe harbor for spare and replacement parts in electronic devices. Many internal components are installed by trained service technicians, with the end consumer having little to no direct contact with the part itself. The January 1, 2028 chemical-naming requirement would apply to many components where individual labeling offers minimal practical benefit to consumers who never see or handle the part in question. OEHHA has already incorporated tailored, part-specific safe harbors into this regulatory framework for motor vehicle and marine vessel parts, and the Proposed Text would add a comparable safe harbor for off-road vehicle and equipment parts. Electronic device components present a comparable case and should merit the same treatment.

Conclusion

CTA appreciates OEHHA’s continued engagement with stakeholders at this early pre-rulemaking stage. Please do not hesitate to contact us with any questions regarding our comments.

Sincerely,
Daniel Moyer
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Consumer Technology Association

³ OEHHA, Final Statement of Reasons, Clear and Reasonable Warnings Safe Harbor Methods and Content (Oct. 2024) https://oehha.ca.gov/sites/default/files/media/2025-01/fsor112624approval_0.pdf