September 8, 2026

Kristina (Kris) Thayer, Ph.D., Director
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P.O. Box 4010
Sacramento, California 95812-4010
Submitted electronically via OEHHA's public comment portal

Re: Comments of the Household & Commercial Products Association on the Proposition 65 "Omnibus 2026" Potential Regulatory Amendments

Dear Dr. Thayer,

The Household & Commercial Products Association[1] (HCPA) appreciates the opportunity to comment on the potential amendments to the Proposition 65 regulations presented at the Office of Environmental Health Hazard Assessment's (OEHHA) July 30, 2026, pre-regulatory workshop (the "Omnibus 2026" package)[2]. HCPA is the trade association representing companies that manufacture and sell products used to clean, protect, maintain, and disinfect homes and commercial environments. HCPA member companies employ hundreds of thousands of people in the United

[1] The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell $227 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ more than 300,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives. HCPA represents products including disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for pets, home, lawn, and garden; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

[2] See https://oehha.ca.gov/proposition-65/comments/comment-submissions-draft-regulatory-language-omnibus-2026

States, and their products are found in most American households and workplaces.

HCPA commends OEHHA for engaging stakeholders before initiating a formal rulemaking, and for its stated intention to conduct omnibus regulatory reviews on a recurring basis. Early, structured engagement of this kind produces better regulations, and HCPA looks forward to participating constructively in each cycle. Our comments below address Topics 2, 3, 4, 5, 6, and 7 of the eight-topic package, in the order of the workshop materials. HCPA is also participating in the multi-industry coalition being coordinated by the California Chamber of Commerce and the Consumer Brands Association and expects to join the coalition's comment letter; the comments below supplement that effort with considerations specific to household and commercial products. Three principles inform HCPA's comments throughout this letter, and on Topic 4 in particular: regulatory decisions should follow exposure science, not descriptions of process; extraction and concentration are common manufacturing operations that do not inherently increase risk; and amendments should not unintentionally penalize the sustainable, natural, and renewable ingredient platforms that regulators and consumers alike seek to encourage.

Topic 2 - Short-Form Warning "Technical Fix" (§§ 25603(b), 25607.2(b))

HCPA supports the proposed clarifying amendments adding "one or more" and the plural "chemical[s]" to the short-form warning content options. The change aligns the short-form text with the full-length warning and confirms, in the regulation itself, what OEHHA has long acknowledged: that a business may elect to name more than one chemical. As drafted, the amendment requires no relabeling and imposes no new compliance burden. HCPA asks that OEHHA:

- Keep the amendment narrow. This topic should remain a technical, non-substantive fix. HCPA would oppose the addition of new restrictions, such as font-size minimums, label-size thresholds, or placement mandates, that were suggested

by some workshop commenters. Any such restrictions would convert a clarifying edit into a costly re-labeling exercise affecting products that are compliant today, and should be taken up, if at all, only in a separate rulemaking with its own economic analysis.

- Confirm that the short-form warning remains an optional compliance pathway. The regulation should continue to make clear that naming one chemical, naming several, or using the full-length warning are equally valid safe-harbor choices, at the business's election.

Topic 3 - Streamlining Committee Voting Requirements (§ 25302(f))

OEHHA proposes to amend § 25302(f) so that, once a quorum of the Carcinogen Identification Committee (CIC) or the Developmental and Reproductive Toxicant Identification Committee (DARTIC) is present, an affirmative vote of a majority of the members present, rather than a majority of the appointed members, would suffice for committee action. HCPA urges OEHHA not to advance this change. Listing decisions carry significant and immediate consequences for businesses and consumers, and under the proposal a chemical could be added to the Proposition 65 list on the affirmative votes of a small fraction of a committee's full appointed membership. OEHHA has not identified any instance in which the current voting requirement has prevented the committees from conducting their business, and absent a demonstrated problem, this safeguard on the deliberative quality of listing decisions should be retained.

Separately, and whether OEHHA proceeds with this amendment, HCPA joins the coalition in requesting that, following a vote to list a chemical, the committees issue a concise written statement identifying the principal studies or evidence relied upon, the cancer or reproductive toxicity endpoint or endpoints determined to apply, and any material respect in which the committee's determination differs from the analysis in OEHHA's hazard identification document. Stakeholders today must reconstruct a committee's reasoning from meeting transcripts. A short-written rationale accompanying each decision would improve transparency, help businesses evaluate their compliance obligations, and strengthen the administrative record supporting each listing.

Topic 4 - Naturally Occurring Exemption (§ 25501(a)(3))

HCPA's members have significant concerns with the proposed addition to § 25501(a)(3), which would provide that a listed chemical "which has been extracted or concentrated from any source, such as a plant, may be present in a product as the result

of human activity even if the extraction or concentration did not change the Chemical Abstract Services Registry Number.[3]"

HCPA respectfully urges OEHHA not to include this sentence in any formal rulemaking. Any modification to the naturally occurring exemption should be grounded in clear evidence of altered exposure, not in the mere fact of processing: standard operations such as extraction, concentration, purification, drying, and distillation do not automatically increase risk, and regulatory changes that increase the burden of compliance without a clear corresponding benefit to consumer protection would not serve Proposition 65's public health goals. Although presented as a clarification, the sentence would substantively narrow a longstanding exemption on which manufacturers of products formulated with food-derived ingredients have reasonably relied for more than two decades, including through § 25501(b), which extends the exemption to consumer products manufactured with food-derived ingredients. The consequence would be sweeping because herbs, spices, and other food-derived botanical raw materials must ordinarily be extracted or concentrated before they can be incorporated into a finished product at all—steps necessary to ensure product quality and stability—the proposed sentence would, as a practical matter, read the naturally occurring exemption out of existence for products formulated with extracted or concentrated food-derived ingredients. Because the business bears the burden of showing that a chemical is naturally occurring, language that makes that showing categorically harder to make for any extracted or concentrated ingredient will predictably generate new private-enforcer litigation against products positioned as natural or plant-derived, without any corresponding change in actual exposures or public health benefits. The practical sweep of the change would be extraordinary. Essential oils and other flavor and fragrance materials derived from herbs, spices, and other foods are by definition

[3] The quoted text follows OEHHA's draft; the correct term is "Chemical Abstracts Service (CAS) Registry Number".

extracted or concentrated from a food source. Basil, for example, naturally contains methyleugenol, the very constituent OEHHA addressed in its January 8, 2002, letter discussed below, and basil oil carries that constituent, chemically unchanged, into the products in which it is used. Read literally, the new sentence could be invoked to demand warnings on products as commonplace as air care and cleaning products scented with herb- and spice-derived essential oils, and cleaning products formulated with food-derived solvents, surfactants, and other ingredients, all within the scope of § 25501(b), even where the finished product presents no greater exposure than the food source itself.

The concern is not limited to food-derived ingredients, because the proposed sentence is not so limited: it reaches a chemical extracted or concentrated "from any source, such as a plant." Many fiber- and cellulose-based consumer products, including paper and absorbent hygiene products, are manufactured from renewable, plant-derived raw materials that undergo routine processing to achieve required absorbency, strength, cleanliness, consistency, and safety characteristics. These manufacturing operations are intended to standardize product quality and functionality; they do not add listed chemicals to the material or change consumer exposure to constituents naturally present in it. The proposal does not explain what work the phrase "from any source" is intended to do with respect to materials of this kind, whether OEHHA intends the sentence to reach them, or how it would apply if so, and it would create substantial uncertainty for the many products that rely on naturally derived fiber materials. As elsewhere, any modification to the exemption should remain grounded in demonstrated changes in consumer exposure rather than in the fact of processing.

The proposed sentence is also indeterminate in ways that invite dispute rather than resolve it:

- No line between ordinary processing and "extraction or concentration." The

regulation already provides that "human activity" does not include sowing, planting, irrigation, or mechanical soil preparation. The proposal does not say where commonplace steps such as pressing, drying, milling, grinding, or juicing end and "extraction or concentration" begins. Read literally, nearly any step of food or ingredient processing could be characterized as extraction or concentration. Orange juice concentrate, for example, is produced from fresh oranges by squeezing, sieving, and simmering; under the proposed language it is unclear whether that concentrate would remain "naturally occurring." Extraction or concentration alone should not automatically or presumptively defeat the naturally occurring status.

- No materiality threshold. The sentence contains no requirement that the extraction or concentration meaningfully increase exposure relative to the natural background exposure level of the chemical in the source. A process step that leaves the chemical's exposure effectively unchanged compared to exposure from natural sources should not, by itself, defeat the exemption.
- Unexamined downstream impacts. The workshop materials do not address the practical consequences of narrowing the exemption: relabeling and reformulation costs across large numbers of currently compliant products, higher prices for California consumers, and a predictable expansion of private-enforcer litigation. OEHHA should evaluate and quantify these impacts, and consult further with affected industries, before including any version of this language in a formal proposal. The impacts would fall with particular force on renewable and naturally derived ingredient platforms, botanical extracts and essential oils among them, because processing necessary for quality, consistency, and performance could reclassify constituents as no longer "natural," discouraging sustainable ingredient technologies without any corresponding public health benefit.

HCPA's primary recommendation remains that OEHHA make no modification to the exemption, and HCPA joins the multi-industry coalition's request that the proposed sentence be withdrawn. If OEHHA nonetheless proceeds over that objection and determines that clarification of the exemption is warranted, HCPA, responding to OEHHA's express request for alternative language, recommends that any formal proposal at minimum: (1) avoid codifying new definitions of "extraction" or "concentration." Definitional line-drawing of this kind would itself become a new source of dispute, and it would not cure the underlying problem, which is the premise that extraction or concentration of an unchanged chemical constitutes "human activity"; (2) incorporate a materiality standard under which human activity defeats the exemption only to the extent it increases the exposure of the listed chemical above the exposure naturally occurring in the source, with the increase assessed on the basis of consumer exposure from the finished product as sold rather than an abstract comparison of the extracted or concentrated material to its source; and (3) confirm that the amendment operates prospectively and does not disturb the existing treatment of § 25501(b) consumer products. HCPA would welcome the opportunity to work with OEHHA staff on specific regulatory text.

Separately, HCPA supports the multi-industry coalition's request that OEHHA rescind its December 16, 2025, letter concerning the naturally occurring exemption and expressly reaffirm the interpretation reflected in OEHHA's January 8, 2002, letter. Essential oils and other food-derived flavor and fragrance ingredients used in household and commercial products have been formulated for more than two decades on the understanding reflected in that letter, namely that separating or concentrating a naturally occurring constituent without creating, adding, or chemically altering it does not cause the constituent to "result from" human activity, and regulated businesses should be able to continue to rely on that interpretation unless and until § 25501 is lawfully amended.

Topic 5 - Internet Purchase Warnings (§§ 25600.2(b), 25602(b))

HCPA opposes the proposed requirement that, as a condition of safe-harbor protection, warnings be provided both online before purchase and on or with the delivered product. Proposition 65 requires a clear and reasonable warning before a consumer is exposed to a listed chemical; it does not require a warning before purchase. The statute likewise directs that warning obligations be implemented so as to "minimize the burden on retail sellers of consumer products" (Health & Safety Code § 25249.11(f)), and a mandatory dual-warning condition does the opposite. A consumer who receives a compliant on-product warning before any exposure occurs has received what the statute contemplates, and requiring the warning in two places converts a single statutory obligation into two independent opportunities for technical noncompliance. Enforcement experience already shows website-display technicalities generating litigation against businesses whose products bear fully compliant warnings, and the proposed rewrite would make the safe-harbor protections materially harder to use. The confusion OEHHA seeks to resolve stems not from the text of § 25600.2(b), which already provides that a manufacturer or supplier may comply either by providing an on-product warning or by giving written notice to its downstream customers, but from statements in OEHHA's 2016 Final Statement of Reasons and subsequent guidance suggesting that an online warning is required in every case. HCPA therefore joins the coalition in asking OEHHA not to proceed with the proposed rewrite and instead to conform its guidance to the existing regulatory text. If OEHHA nonetheless proceeds over that objection, HCPA asks OEHHA to address the following in any formal proposal:

- Define the covered platforms precisely. The phrase "internet website or digital application (including a Web application, mobile device application, or dedicated sales software application)" should be defined so that businesses can determine objectively whether a given channel, including business-to-business ordering

portals and third-party marketplace applications, is covered.

- Allocate responsibility on marketplaces. Where a product is sold through a third-party platform, the regulation should clearly state how the warning obligation is allocated among the platform operator, the seller of record, and upstream suppliers, and confirm that a manufacturer that has provided a compliant warning and notice to its downstream customer has satisfied its obligation. Brand owners frequently have no control over how a marketplace platform displays product listings.
- Preserve the existing content standard. HCPA would oppose proposals raised by some workshop commenters to require online warnings to name additional chemicals beyond those required by § 25603. Symmetry between the on-product and online warning content keeps compliance administrable and avoids consumer confusion. Consumers purchase the same products in stores and online and should receive consistent warning information regardless of where they purchase a product. Requiring greater warning detail online than appears on the product itself would create inconsistency across communication channels, and differences in warning content based on point of purchase are more likely to confuse consumers than to improve comprehension.

Topic 6 - Retailer Responsibility (§ 25600.2(e))

HCPA appreciates OEHHA's stated intent to simplify the allocation of responsibility between suppliers and retail sellers. HCPA's guiding principle is that responsibility should follow control: the party that controls whether a warning reaches the consumer at the point of sale is the party best positioned to ensure that it does. Consistent with that principle, HCPA agrees that where a compliant warning was provided to a retailer and the retailer covered, obscured, or failed to pass it on, responsibility for that failure should rest with the retailer. The direction of the revised § 25600.2(e)(3) is consistent

with that principle. HCPA nonetheless has two concerns:

- The change is more than a simplification. The revised trigger "partially or wholly covered, obscured, or failed to provide the consumer with a warning which was provided to the retailer" combined with the deletion of existing subsection (e)(4), represents a meaningful revision of the allocation framework that stakeholders have relied on, including OEHHA's prior interpretive guidance on retailer responsibility. OEHHA should acknowledge the change's substantive character and confirm expressly that warning programs built on written notice and sign- or shelf-based display under § 25600.2(b) remain effective, and that the deletion of (e)(4) does not create ambiguity about them.
- Responsibility should not extend beyond control. In modern retail, particularly online marketplaces, the party operating the point of sale may be far removed from, and outside the control of, the product manufacturer. The regulation should confirm that a supplier that has provided compliant warnings and notices is not exposed to liability for display failures it cannot control, and it should mesh cleanly with the internet-sales provisions addressed in Topic 5.

Topic 7 - QR Codes as a Warning Method (§§ 25601(c), 25602(a)(2))

HCPA supports OEHHA's effort to modernize methods of transmission and welcomes the addition of an optional QR code pathway, which could provide meaningful labeling flexibility, particularly for small-format packaging. Because OEHHA has described the draft as a starting point and invited design input, HCPA offers the following:

- Keep the definition technology-neutral where possible. The draft defines a QR code as "a machine-readable code, consisting of an array of squares." OEHHA should consider whether the definition ought to accommodate successor machine-readable formats (or authorize OEHHA to recognize them) so the regulation does not embed a single 2026-era technology. One straightforward approach would be

to define the method simply as a two-dimensional (2D) barcode, the term used in GS1 global data standards, which would encompass QR codes today and successor symbologies without further amendment.

- Preserve placement flexibility. The proposed placement options, posted sign, shelf tag, shelf sign, or label/labeling, are appropriately flexible and should be retained without a mandated on-package location.
- Clarify hosting and durability expectations. The regulation should state whose webpage the code may resolve to (manufacturer, brand owner, or a designated third party), confirm that the landing page may carry other product information so long as the § 25603-compliant warning is immediately and prominently displayed on scanning, without navigation through other pages, menus, or content, and state what standard applies to link maintenance over a product's shelf life. A safe harbor for good-faith technical failures would make the pathway usable in practice.
- Keep the accompanying statement required by draft § 25602(a)(2)(B) short, and do not require it to name the chemical. A brief signal such as "Proposition 65 Warning" adjacent to the code is sufficient to alert consumers that warning information is available; requiring the chemical name in the on-package statement would freeze chemical-specific content into package artwork. OEHHA should resist additions that would erode the space savings that make the option valuable. OEHHA should, however, expressly permit, without requiring, California-specific wording in the accompanying statement, for example, "CA Prop 65 Warning – Scan for details." This is consistent with the coalition's recommendation that "Scan for" and "California" or "CA" be permitted but not required. Nationally distributed products are purchased and used by consumers well beyond California, and this kind of language would clarify that the warning is California-specific and reduce unnecessary confusion elsewhere, without becoming a prescribed template.

- Address accessibility constructively. Workshop commenters raised legitimate questions about access across subpopulations. HCPA supports adding the QR pathway as an additional optional method alongside, not in place of, the existing methods, so that a full-text warning route remains available to businesses that choose it and to consumers without smartphones. HCPA would not support a requirement that a full-text warning accompany the QR code on the same product, which would eliminate the label-space and artwork-flexibility benefits that make the option valuable.

Conclusion

HCPA appreciates OEHHA's transparent, consultative approach to the Omnibus 2026 package and its willingness to accept comments beyond the eight topics noticed. HCPA and its member companies would welcome the opportunity to discuss any of the matters above with OEHHA staff, including by submitting specific alternative regulatory text on Topic 4. Because the package remains pre-regulatory, HCPA also respectfully requests the opportunity to meet with OEHHA leadership and program staff, together with other affected trade associations, to discuss Topics 3, 4, 5, 6, and 7 in greater depth before any formal rulemaking is initiated. Please direct any questions regarding these comments to the undersigned.

Sincerely,

Steven Bennett, Ph.D.
Executive Vice President, Scientific & Regulatory Affairs