

September 8, 2026

California Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95814

RE: Proposition 65: Pre-rulemaking Workshop

Dear California Office of Environmental Health Hazard Assessment,

On behalf of the American Apparel & Footwear Association (AAFA), we write to provide our comments as part of the Proposition 65 Pre-Regulatory Workshop Omnibus regarding the use of Quick Response (QR) codes to comply with the consumer product exposure warning requirements of Proposition 65.

AAFA is the national trade association representing apparel, footwear, and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,100 world-famous name brands, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than 3.6 million U.S. workers, and its contribution of more than \$523 billion in annual U.S. retail sales. AAFA drives progress on three key priorities: Brand Protection; Supply Chain & Sourcing; and Trade, Logistics, & Manufacturing. AAFA approaches this work through the lens of purpose-driven leadership in a manner that supports each member's ability to build and sustain inclusive and diverse cultures, meet and advance ESG goals, and draw upon the latest technology.

With our members engaged in the production and sale of clothing and footwear, we are on the front lines of product safety. It is our members who design and execute the quality and compliance programs that stitch product safety into every garment and shoe we make.

AAFA and our members are proud advocates for regulatory requirements that can effectively protect human health and the environment. In 2025, AAFA [petitioned](#) the Federal Trade Commission to modernize the Care Labeling of Textile Wearing Apparel & Certain Piece Goods Rule to allow for digital labeling, such as via a QR code, as an alternative for the labels currently mandated by that Rule. Digital labeling improves consumer accessibility, reduces the environmental impact of lengthy physical labels, and presents the opportunity for greater labeling harmonization in an increasingly digital world.

We recommend that OEHHHA amend the proposed Section 25602(a)(2)(B) to allow for the provision of a consumer product exposure warning via a QR code, URL, or other similar technology. We further recommend that the digital access point be accompanied by a statement that reads: "Access additional information here, including California Proposition 65 Warning." Lastly, the use of digital labeling should be both optional and have a reasonable adoption timeline.

Digital Access Point

In adopting a digital labeling option for the provision of consumer product exposure warnings, OEHHA can, and should, require that companies do not gather consumer data through providing required information. Further, OEHHA should mandate that digital labels cannot be behind paywalls, advertisements, or login requirements. Lastly, OEHHA should not limit the use of digital labeling to QR codes and instead allow for similar digital access points to be technology neutral.

Digital labeling is, by design, not a mechanism for gathering consumer data - it is a tool for delivering clearer, more robust, and more accessible information. Digital labels can enable plain-language warnings, text-to-speech, and the use of multiple languages, which we believe will more effectively convey information to Californian consumers. Such accessibility concerns are vital for the almost 800,000 Californians with vision difficulty and the 45% of Californians who speak a non-English language at home. A well-defined digital framework could also integrate with federal and global efforts at product information digitization.

Accompanying Text

The digital access point should be accompanied by a statement substantively similar to “Access additional information here, including California Proposition 65 Warning”, which could also provide other disclosures, like product care information. We believe that providing all relevant chemical exposure information within the digital warning page is consistent with the intention of Proposition 65 to provide Californians with clear warnings about exposure to chemicals known to cause cancer and/or reproductive toxicity prior to product use or purchase. The proposed inclusion of one or more specific chemicals on the physical component of this digital label effectively reproduces the 2028 short form labeling requirement with an additive QR code. This creates a static statement of chemical exposure and obviates the benefits of dynamic digital labeling.

We look forward to continuing to work with OEHHA on the regulation of substances in consumer products for the benefit of consumer product safety and public health. In the meantime, our members continue to design and execute the quality and compliance programs that emphasize product safety for every individual who steps into our apparel and footwear products.

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to be 'C. A. R.' followed by a long, horizontal, slightly wavy line.

Andrew Pappas
Director, State & Local Government Affairs
American Apparel & Footwear Association