

September 6th, 2026

Re: OEHHA Proposition 65 Rulemaking Comment 2026

CleanEarth4Kids.org thanks OEHHA for allowing us to submit comments and recommendations on the Proposition 65 Rulemaking Draft for 2026.

CleanEarth4Kids.org supports the following changes:

Topic 1: Providing Flexibility For Manufacturers Of Parts For Off-Road Vehicles

The Importance Of Including All Chemicals In Warnings For Parts Of Off-Road Vehicles

CleanEarth4Kids.org asks OEHHA to consider all chemicals in their warning labels as it pertains to the usage, sale, production, and distribution of off-road vehicle parts.

Packaged service chemicals, tires, and parts containing asbestos, carpeting, upholstery including fillings and coverings, textiles, and fabrics can contain a wide range of chemicals that can cause severe carcinogenic harm and reproductive harm to children as well as the environment.

OEHHA must list all chemicals associated with these parts and ensure that the consumer understands the harm exposure to these chemicals can cause for themselves, their environment, and the communities surrounding them.

Upholstery, Textiles, Fabrics, and Carpeting Contain PFAS

PFAS (perfluoroalkyl and poly-fluoroalkyl substances) are a class of over [21,000 synthetic \(man-made\) chemicals](#) found in [many products](#) like plastic bags, artificial grass/synthetic turf, food packaging, waterproofing sprays, household cleaners, stain-resistant carpet, nonstick cookware, firefighting foam, clothing, makeup, toilet paper, personal care products, textiles, children's products, and much more.^{1,2}

PFAS as a [class](#) share many characteristics and toxicities.³

PFAS are known as "forever chemicals" as they are extremely strong and don't break down in the environment or in our bodies. Once in the body, they [accumulate](#) in the kidneys and liver with a biological half-life of 3-8 years.⁴ PFAS are found in the blood

¹ <https://comptox.epa.gov/dashboard/chemical-lists/pfasmaster>

² https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html

³ <https://experts.unthsc.edu/en/publications/response-to-comment-on-scientific-basis-for-managing-pfas>

⁴ <https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm>

of [97% of Americans](#) and even in [umbilical cords](#).^{5,6}

PFAS are toxic. According to the [CDC](#),⁷ [EPA](#),⁸ and the [European Union Environment Agency](#),⁹ PFAS are linked to low birth weight, thyroid disease, increased cholesterol, liver damage, kidney cancer, and testicular cancer. They are also linked to [liver cancer](#),¹⁰ [diabetes](#),¹¹ [endocrine disruption](#), and other [serious health problems](#).¹²

PFAS [bioaccumulate](#) in our bodies, making the risk of cancers and other health problems more likely as we get older.¹³

PFAS In Carpets

PFAS is commonly found in carpets. Research has found that [carpets are a major source of PFAS exposure for children](#), as they are exposed in homes, daycares, and schools.¹⁴

[Children are more vulnerable](#) to the toxic effects of PFAS due to their smaller size and still-developing immune and nervous systems, and becoming exposed can greatly impact their physical and neurological health.¹⁵ In addition, [children are more likely to put things in their mouth](#) and come in closer contact with carpets due to their proximity to the ground as well as when crawling and falling.¹⁶

Early PFAS exposure has been linked to [ADHD in children](#), along with serious health effects, including increased risk of [cancer](#), immune system damage, reproductive harm, and [decreased antibody response to vaccines](#).¹⁷

Asbestos In Laminated Flooring Causes Significant Harm

Asbestos has been found in the lamination of wooden floors, which releases particles [upon damage](#).¹⁸ These particles that are released into the air have a similar effect as VOCs and PVC releases, effectively reducing the air quality and causing health effects such as chronic coughing, chest pain, mesothelioma, and other lung cancers.

Long-term exposure to the release of asbestos causes [lung tissue scarring and shortness of breath](#), contributing directly to lung-related cancers and asbestosis.¹⁹

⁵ <https://www.atsdr.cdc.gov/pfas/health-effects/us-population.html>

⁶ <https://www.theguardian.com/environment/2022/forever-chemicals-found-umbilical-cord-blood-samples>

⁷ <https://www.atsdr.cdc.gov/pfas/health-effects/index.html>

⁸ <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>

⁹ <https://www.eea.europa.eu/publications/emerging-chemical-risks-in-europe>

¹⁰ <https://www.insider.com/study-confirms-link-between-forever-chemicals-and-liver-cancer-risk-2022-8>

¹¹ <https://pubmed.ncbi.nlm.nih.gov/35970987/>

¹² <https://pubmed.ncbi.nlm.nih.gov/32476019>

¹³ <https://www.mdpi.com/2305-6304/10/2/44>

¹⁴ <https://www.sciencedirect.com/science/article/pii/S0045653520309644?via%3Dihub>

¹⁵ <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental>

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6982419/>

¹⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6380927/>

¹⁸ <https://jselabs.com/blog/everything-you-need-to-know-about-asbestos-in-flooring/>

¹⁹ <https://www.mayoclinic.org/diseases-conditions/asbestosis/symptoms-causes/syc-20354637#>

It is of the utmost importance that all warnings regarding off-road vehicle parts list asbestos as well as other product-serviced chemicals listed above for potential exposure.

These chemicals and their harms to children and communities should not be excluded from warnings, and the consumer of these products has a distinct right to know the harms associated with exposure to these chemicals.

Off-Road Vehicle Parts Contain Lead and Phthalates; There Is No Safe Level Of Lead

The [WHO \(World Health Organization\)](#),²⁰ [CDC \(Centers for Disease Control\)](#)²¹ and the [AAP \(American Academy of Pediatrics\)](#)²² have all stated there is no safe level of lead, a [toxic heavy metal](#).²³ Its [adverse effects](#) are particularly severe for children and unborn babies, as it damages their brains and nervous systems and causes [convulsions, coma, and even death](#).^{24,25}

[Exposure to lead](#) lowers IQ and causes behavior problems, learning disabilities, and impaired impulse control.²⁶

Children's exposure to lead is linked to [higher rates of suspension and detention](#) along with [lower reading and math test scores](#).^{27,28}

Childhood exposure to lead is linked to [antisocial behavior, delinquency](#), and [higher crime rates](#) in adulthood.^{29,30}

According to the [CDC](#), people with prolonged exposure to lead are at higher risk of high blood pressure, heart and kidney disease, and various forms of cancer.³¹ Most health impacts from lead exposure are [lifelong and irreversible](#).³²

Lead exposure is also hazardous to adults, with [18% of all deaths](#) in the US linked to lead exposure and is a significant risk factor for [cardiovascular disease](#).^{33,34}

Lead is the [number one reason](#) for fatal heart attacks in the US.³⁵

²⁰ <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>

²¹ <https://www.cdc.gov/nceh/lead/faqs/lead-faqs.htm>

²² <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/lead-exposure/Pages/default.aspx>

²³ <https://www.osha.gov/toxic-metals>

²⁴ <https://www.cdc.gov/nceh/lead/prevention/health-effects.htm>

²⁵ <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health#>

²⁶ <https://www.luc.edu/healthyhomes/leadsafeillinois/leadfacts/rippleeffectsofchildhoodleadpoisoning/>

²⁷ <https://www.nber.org/papers/w23392>

²⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4387706/>

²⁹ <https://www.sciencedirect.com/science/article/abs/pii/S0013935121008537>

³⁰ <https://www.sciencedirect.com/science/article/pii/S0166046222000667>

³¹ <https://columbiainsight.org/dealing-with-washingtons-legacy-of-pesticides/>

³² <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>

³³ <https://www.vox.com/science-and-health/2018/3/15/17107924/lead-health-adults-heart-problems>

³⁴ [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(18\)30025-2/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(18)30025-2/fulltext)

³⁵ <https://www.vox.com/science-and-health/2018/3/15/17107924/lead-health-adults-heart-problems>

Lead Harms Animals

Animals are just as much [at risk for lead poisoning](#) as humans are.^{36,37} [Animals such as cats, dogs, cattle, and poultry](#) are particularly susceptible to lead exposure from soil and dust.^{38,39}

For example, lead has a significant impact on the [California Condor](#) population, an endangered species that has been harmed by lead exposure for decades.⁴⁰ Since 1992, [40%](#) of California Condor deaths have been from lead.⁴¹ Also, a three-year study on poisoned condors predicted that without existing lead shot regulations, the population could crash from [400 to 23 birds](#) in the next decade.⁴² New York State has monitored all eagles found dead for decades, and about 13% of eagle deaths in New York are from [lead poisoning](#).⁴³

Lead exposure in pets is commonly misdiagnosed, associated with [nonspecific gastrointestinal and neurologic clinical signs](#), and it is uncommon for pet owners and vets to test pets for lead.⁴⁴

Environmental lead can attach itself to pets' hair, skin, or fur, resulting in [exposure via ingestion](#) when pets groom themselves.⁴⁵ Lead can then be absorbed into the bloodstream and is bound to red blood cells, potentially leading to the distribution of lead to the [brain, bones, liver, and kidneys](#) for both pets and humans.⁴⁶ This has proven fatal for many animals, as lead can cause [oxidative stress](#).⁴⁷

Fish eggs and larvae are especially susceptible to harm from even [very low levels of lead](#), which has resulted in a decrease in some fish populations in California.⁴⁸ [Amphibian eggs and larvae are also at risk](#), as they are also very sensitive to lead exposure.⁴⁹

Phthalates Are Equally As Dangerous

[Phthalates](#), which are typically added to most plastics to make them pliable, are commonly [found in plastic grass](#) and off-road vehicle parts.^{50,51} Phthalates are both

³⁶ <https://agriculture.vic.gov.au/livestock-and-animals/livestock-health-and-welfare>

³⁷ <https://www.avma.org/javma-news/2017-10-15/finding-lead-pets>

³⁸ <https://www.rst2.org/ties/lead/university/resources/experts/leadinanimals/animal1.htm>

³⁹ https://www.cdffa.ca.gov/ahfss/Animal_Health/pdfs/leadtoxicity.pdf

⁴⁰ <https://therevelator.org/newest-california-condors-lead/>

⁴¹ <https://researchrepository.wvu.edu/etd/4029/>

⁴² <https://www.audubon.org/news/new-federal-lead-rule-will-have-hunters-and-fisherss>

⁴³ <https://www.ehn.org/lead-ammo-wildlife-2657191257.html>

⁴⁴ <https://www.avma.org/javma-news/2017-10-15/finding-lead-pets>

⁴⁵ <https://www.vetstreet.com/our-pet-experts/lead-poisoning-still-a-concern-for-pets>

⁴⁶ <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>

⁴⁷ <https://pubmed.ncbi.nlm.nih.gov/26005056/>

⁴⁸ https://www.researchgate.net/publication/242551687_Understanding_Lead_Uptake

⁴⁹ <https://www.library.ca.gov/wp-content/uploads/crb-reports/CRB%20Report%20Lead%20>

⁵⁰ <https://www.nytimes.com/article/plastics-to-avoid.html>

⁵¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10262297/>

[endocrine-disrupting](#) as well and [neurotoxic](#).^{52,53} Men with higher phthalate levels have a higher risk of [cardiovascular disease and type 2 diabetes](#).⁵⁴ In midlife and postmenopausal women, phthalates can lead to [increased body fat](#), a higher BMI, and increased waist circumference.⁵⁵

Phthalates can also cause [increased rates of hot flashes](#).⁵⁶ Phthalates are linked to [birth defects, infertility, miscarriages, as well as other neurological issues during child development](#) and can harm the endocrine system.^{57,58}

Women exposed to phthalates during pregnancy are at greater risk of [preterm delivery](#).⁵⁹ Human studies have determined that [in-utero phthalate exposure](#) can cause later development of type II diabetes, insulin resistance, obesity, asthma, and higher systolic blood pressure.

Female offspring are more likely to experience reproductive problems, including pregnancy loss, low birth weight infants, preterm birth, and earlier menopause.⁶⁰ Other human studies have linked phthalates to [impaired motor skills in children](#) and delayed language development.⁶¹ In male adults, a [reduction in sperm quality and quantity](#) has also been observed.⁶²

Chemicals commonly found in plastics like PFAS and phthalates can impair [reproduction, growth, and cognition](#).⁶³ The most vulnerable population is children, and plastic is linked with [obesity, hyperactivity, ADHD, low IQ, and asthma](#).⁶⁴

Unborn children are especially vulnerable to toxins in plastics, which can “[increase risks of prematurity, stillbirth, birth defects of the reproductive organs, neurodevelopmental impairment, impaired lung growth, and childhood cancer](#).”⁶⁵

Stop The Use Of Lead, Phthalates, and Product Serviced Chemicals In Off-Road Vehicle Parts

There are many chemicals that can cause direct harm to children and communities found in off-road vehicle parts. We must stop the use of these chemicals to ensure all children, communities, wildlife, and the environment can be protected.

A warning label that includes all of these direct harms and chemicals associated with

⁵² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8157593/>

⁵³ <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2020.306014>

⁵⁴ <https://www.diabetes.co.uk/news/2017/jul/everyday-plastic-chemicals-linked-to-type-2-diabetes>

⁵⁵ <https://www.sciencedirect.com/science/article/abs/pii/S0013935123001482>

⁵⁶ <https://www.sciencedirect.com/science/article/abs/pii/S0013935121001857>

⁵⁷ <https://birthdefects.org/phthalates/>

⁵⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8157593/>

⁵⁹ [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(23\)00270-X/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(23)00270-X/fulltext)

⁶⁰ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC8157593/#B32-healthcare-09-00603>

⁶¹ <http://health.harvard.edu/blog/something-else-to-avoid-in-pregnancy-phthalates-2019031516224>

⁶² <https://www.sciencedirect.com/science/article/abs/pii/S0304389417304570?via%3Dihub>

⁶³ <https://www.sciencedaily.com/releases/2020/12/201215131242.htm>

⁶⁴ <https://www.naturalsuperkids.com/health-effects-plastic-exposure-children>

⁶⁵ <https://www.genevaenvironmentnetwork.org/resources/updates/plastics-and-health/>

said harm is of utmost importance, but we must work together to stop the use of these chemicals altogether because there is no safe level of usage that can protect children and their futures from detrimental harm.

The exposure acquired by the use of these chemicals is severe, and in order to ensure that all communities are protected moving forward, the use of these chemicals must be stopped.

To ensure awareness is maintained for the consumer in this call to action, all chemicals and their associated harm in off-road vehicle parts must be included in the warning label and explicitly state to the consumer how severe the exposure will be and what the harms are associated with said exposure.

It is not enough to say these chemicals exist in off-road vehicle parts; we must evaluate the harm and severity of exposure that is associated with the usage of these chemicals in off-road vehicle parts.

Topic 2: Technical Fixing Aligning “Short Form” Warning Chemical Descriptor

All Toxic Chemicals Must Be Listed On Product Label Regardless Of Dual Harm

Exposure to toxic, harmful chemicals in products [can cause carcinogenic or reproductive harm](#) depending on the chemical and its active ingredients.⁶⁶

OEHHA must include all toxic and harmful chemicals that have the potential to cause carcinogenic and reproductive harm to consumers in their warning labels, regardless of whether one specific chemical may cause both carcinogenic and reproductive harm.

The severity of chemical exposures depends greatly on the active ingredients utilized in a chemical and the concentration at which that chemical is added to the specified product.

This varying degree of exposure severity has the potential to cause dual harm to consumers if the active ingredients disrupt multiple body systems and, as a result, should be explicitly included in the warning labels on said products that contain them.

It is not enough to list one chemical that may cause carcinogenic harm or reproductive harm, especially when multiple chemicals can act at once to induce dual harm to consumers upon exposure.

All chemicals, regardless of dual harm or specific carcinogenic or reproductive harm, must be included in the warning label on the product being sold, distributed, supplied, and produced. This ensures that all consumers are aware of the chemicals

⁶⁶ <https://share.upmc.com/2025/02/prop-65-warning/>

being utilized in the products they are purchasing and can make more informed decisions about purchasing products with full transparency achieved.

Extensive evaluation of chemicals must be conducted in order to fulfill this requirement, and consideration for California's Department of Toxic Substances Control (DTSC) Candidate Chemical List and Priority Product List is of utmost importance.

A recent study by two different EPA-certified laboratories evaluating the contamination of prenatal vitamins with PFAS, PFOS, phthalates, and other toxic chemicals found that many of the ingredients utilized in prenatal vitamins are [not placed on an ingredient label even when they have the potential to cause harm](#), because the ingredients themselves were not intentionally added.⁶⁷

Whether or not an ingredient is "intentionally added" does not change its impact on human health.

All consumers must be made aware of the harm certain ingredients hold in the products they are purchasing, regardless of the route of contamination or initial status at which contamination may occur, and this starts with [transparent sourcing](#) practices and direct independent testing of chemicals known to or can be discovered to cause harm.⁶⁸

We must work to protect consumers of all ages from dual carcinogenic and reproductive harm, and ensure awareness of all chemicals that can cause these harms can be achieved by creating a comprehensive and explicitly transparent warning label.

Topic 3: Streamlining Technical Voting Requirements For Committees

Public Health Commitment Through Comment Periods

A warning label must be established that ensures awareness and explicit transparency about the potential toxic harm of chemicals in products.

Topic 4: Clarification When A Chemical Is Naturally Occurring Such That Labeling Is Not Required

All chemicals, regardless of their addition to the final product or incorporated into the final product as a naturally occurring chemical, must be added to the chemical warning label if the consumer has the potential to be exposed to harm.

Human activity should not be the sole factor in determining if naturally occurring chemicals are added to the chemical warning labels, and severe exposures to

⁶⁷ <https://mamavation.com/supplements/prenatal-vitamins-pesticides-lead-phthalates-pfas.html>

⁶⁸ <https://mamavation.com/supplements/prenatal-vitamins-pesticides-lead-phthalates-pfas.html>

naturally occurring chemicals still have the potential to cause harm to children, wildlife, the environment, and communities.

It is not enough to state when naturally occurring chemicals exist in a product; we must explicitly convey to the consumer that naturally occurring chemicals that have been studied and known to cause harm have the potential to cause harm to the consumer at a certain concentration or level of exposure.

This requires that extensive natural background levels of a chemical in the area at which the food is being produced be monitored and evaluated at all times during the production and distribution process of the product.

The knowledge of what chemicals have been utilized in specific products is a given human and public health right that consumers deserve to have. We must work to ensure awareness and transparency of all chemical additions, regardless if they are naturally occurring, and are maintained throughout the process of production and distribution of the final product to consumers.

Harm Of Heavy Metals: Food Products

Neurotoxins In Children's Food

Heavy metals like lead, mercury, cadmium, and arsenic are known to harm the [brain](#).⁶⁹ When the brain is exposed to [neurotoxins](#), the nervous system is compromised, causing disruption and the death of nerve cells, which interferes with essential brain functioning, transmitting and processing of signals.⁷⁰

Lead, mercury, cadmium, and arsenic are [dangerous heavy metals](#) that harm brain development and can delay development, limit attention spans, and result in poor outcomes and school performance.⁷¹

To prevent early childhood development issues, disease, and future health issues, baby food and many similar products must be free of toxic heavy metals, which can be considered naturally occurring chemicals.

There is No Safe Level of Mercury

[Approximately 32%](#)⁷² of baby food tested contained [levels of mercury](#)⁷³ that [exceed the recommended limits](#).⁷⁴ Mercury is a neurotoxin and, [even in small amounts](#), can harm child development in utero and early life.⁷⁵

⁶⁹ <http://www.health.harvard.edu/blog/heavy-metals-in-baby-food-what-parents-should-know-and-do>

⁷⁰ <https://www.ninds.nih.gov/health-information/disorders/neurotoxicity>

⁷¹ <https://www.forbes.com/sites/alicegwalton/2014/02/15/11-toxic-chemicals-affecting-brain>

⁷² https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf

⁷³ <https://www.consumerreports.org/health/food-safety/heavy-metals-in-baby-food-a6772370847/>

⁷⁴ <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/ECPBabyFoodStaffReport.pdf>

⁷⁵ <https://www.who.int/news-room/fact-sheets/detail/mercury-and-health>

Mercury can cause [serious health problems in children](#), including harm to cognitive thinking, memory, attention, language, and fine motor skills, along with tremors, mood swings, muscle weakness, and much more, including [cancer](#).^{76,77}

Cadmium Accumulates and Continues To Harm

Cadmium has been found in a significant number of [baby food products](#).⁷⁸ The [US Department of Health and Human Services](#) stated that cadmium and cadmium compounds are known human carcinogens and can cause children to have problems with processing, [memory](#), and development.^{79,80}

Cadmium is a toxic substance that can accumulate in the body over time, leading to a range of health issues. Both low levels and high levels of [cadmium](#) are harmful. Eating food or drinking water with very high cadmium levels severely irritates the stomach, leading to vomiting and diarrhea, and sometimes death.⁸¹

Eating lower levels of cadmium over a long period can lead to damage to the kidneys. (Notably, soy-based formulas contain [six times the concentration](#) of cadmium compared to cow milk-based alternatives.)⁸²

Arsenic Causes Lifelong Health Effects

In 2019, the US House of Representatives released a report stating that [73% of tested brands contained arsenic](#), including brands including Gerber, Beech-Nut, Earth's Best Organic, and HappyBABY.⁸³

[Arsenic](#) causes serious health outcomes.⁸⁴ When children are exposed to the toxic metal [arsenic](#), lower IQ, [learning, memory, behavior, and locomotion deficits](#), impaired brain development, growth deficiencies, a compromised immune system, depressed mood, and an increased risk of adult cancer can result.^{85,86}

Long-term exposure to arsenic is linked to skin, bladder, liver, and lung [cancers](#).⁸⁷

Children have a greater vulnerability to heavy metals because their bodies are still developing. We must stop arsenic in baby food and take actions to reduce arsenic exposure and test for contamination of arsenic in water, soil, and baby food.

⁷⁶ <https://www.epa.gov/mercury/health-effects-exposures-mercury>

⁷⁷ <https://wwwn.cdc.gov/TSp/ToxFAQs/ToxFAQsDetails.aspx?faqid=113&toxoid=24>

⁷⁸ <https://www.wisnerbaum.com/blog/2022/october/updated-2022-baby>

⁷⁹ <https://www.hhs.gov/>

⁸⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8207007/#:~:text=It%20has%20been>

⁸¹ https://www.health.ny.gov/environmental/chemicals/cadmium/cadmium_jewelry.htm

⁸² <https://pubmed.ncbi.nlm.nih.gov/10789373/>

⁸³ https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf

⁸⁴ <https://www.who.int/news-room/fact-sheets/detail/arsenic>

⁸⁵ <https://sites.dartmouth.edu/arsenicandyou/arsenic-and-children>

⁸⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4026128/>

⁸⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3235889/>

Please Take Additional Actions To Stop Heavy Metals, Including Lead, Mercury, Cadmium and Arsenic As Naturally Occurring Chemicals

To protect children's health and future, please prohibit heavy metals, including lead, mercury, cadmium, and arsenic, in all children's and consumer products, and ban sources of lead, including leaded aviation fuel.

Please support increased lead testing for all children.

Many, if not all, of these chemicals, by the definition of the regulatory text of Proposition 65, would be considered naturally occurring chemicals, and they are known to cause carcinogenic or reproductive harm.

A warning label about these naturally occurring chemicals must be added to the final product's description, and all of these chemicals must be formally removed from the production process of said products that contain them.

Every consumer deserves the right to know when chemicals can cause harm upon initial exposure, regardless of the additive process, and we must work to reduce their use, given their potential to cause severe harm to consumers.

Topic 5: Clarification Of Warning Labels Required For Internet Purchasing

To protect consumers' health and maintain transparency upon purchase, all internet purchases from manufacturers, producers, packagers, importers, suppliers, or distributors that contain chemicals that can cause reproductive or carcinogenic harm must list the chemicals that cause such harm on their warning labels. It is not enough to distribute physical warning labels under these standards to consumers.

Warning labels containing the comprehensive list of chemicals known or tested for carcinogenic or reproductive harm should be displayed directly on the product's website or page associated with the product and be clear to the consumer about the harms associated with the usage or purchase of said product.

This should be maintained with direct access to studies linked to the testing, monitoring, and evaluation of all chemicals utilized and added into final products upon distribution and purchase to reduce the potential exposure and risk of acquiring misinformation. Hyperlinks to additional information about chemical type and classification should also be available to increase awareness of harms associated with the chemicals being used to the consumer upon access to the digital warning labels, and although digital warnings are important for internet purchases, other forms of public health communication should be utilized to offer as many channels of warning label access to the consumer as possible.

We must work to protect communities from the direct harm of chemicals that can cause carcinogenic or reproductive harm. This protection starts with awareness, and

digital access to warning labels can improve awareness for consumers who have access to digital products.

Topic 6: Simplifying Language Retailer's Responsibility To Give Manufacturers Warnings

The responsibility of a retailer to provide direct warning labels to consumers is of utmost importance in the sale of products that contain chemicals known to cause carcinogenic or reproductive harm.

However, the sole responsibility should not fall on the retailer, and the production companies must be held liable and responsible for providing warning labels to consumers on an equal footing when considering the chemicals they are directly adding to their products.

Manufacturers are responsible for the production of products that contain specific chemicals that have the potential to cause harm to communities and wildlife. Manufacturers should also bear the responsibility of issuing product warning labels on products known to contain toxic chemicals that have the potential to cause consumers harm upon exposure, and that responsibility should be as strict as the language is set out for retail sellers.

The process from start to finish, including producers, manufacturers, distributors, importers, and retailers, has an obligation to ensure all chemicals being utilized are tested for harm to the consumer upon purchase or exposure to the purchasing process. To ensure this obligation is upheld and that all communities and wildlife are protected in this process, every role responsible for the making and selling of products must be held liable for any harm caused to consumers, regardless of whether it is indirect or direct.

It is never enough to place sole responsibility on one portion or role in the production, manufacturing, distributing, importing, and selling process. All chemicals must be tested for direct and indirect harms to consumers, and warning labels must be issued from all ends to ensure succinct, transparent information can be conveyed to the consumer upon retail purchase or internet purchase.

Topic 7: Addition Of QR Codes As Warning Method

Consumer product exposure warnings should be prominently displayed on the label, electronic device, webpage, or catalog and easily readable for the lay consumer upon access to the product exposure warning.

However, the way at which consumers access product warnings and additional information digitally must be comprehensive and provide an opportunity for those at a disadvantage in accessing digital warnings (i.e individuals who can't access a QR

code) to obtain them feasibly, and this can be achieved by using multiple public health communication channels.

The Social Justice Issue: Disadvantaged Communities Lack Access

QR codes provide an effective way for consumers to quickly access product exposure warning information from their smartphone or digital device. However, not every consumer has direct access to the digital software necessary to access this vital information, and many senior communities as well as low-income and rural communities can be affected by the use of digital QR codes as the only means of access to product warning labels and additional information.

Over [44 million to 70 million people](#) living in the United States have a functional or sensory disability that directly impairs their ability to interact with digital interfaces such as QR codes and modern product disclosures.⁸⁸

This significant discrepancy in the ability of many Americans to access direct consumer product exposure and safety information before they decide to purchase a desired product creates a huge gap in awareness for those who are most vulnerable, placing them in harm's way indirectly due to a lack of accessibility.

In addition to those who have sensory disabilities or functional disabilities, millions of people living in the United States, especially those residing in [predominantly low-income and rural communities, don't have access to reliable internet access](#) that would allow them to view product exposure warnings and additional information pertinent to their decision to purchase said products with caution.⁸⁹

Without direct access to physical materials, along with a lack of adaptable webpages and digital warnings for those who suffer from low vision disabilities and impaired vision, many of these communities cannot gain proper access to product exposure information before purchasing products, which only hinders their awareness altogether.

To increase awareness for these communities and acknowledge the difficulties they are under, access to multiple channels of product exposure warning labels and additional information that takes into account different types of disabilities and inaccessibilities must be incorporated into Proposition 65's digital warning plans.

Multiple Channels: Public Health Communication

It is not enough to utilize QR codes as the only means of digital access to product information that is pertinent for consumers to understand chemical additions that can cause carcinogenic or reproductive harm. Other channels of delivering digital

⁸⁸ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9827725/>

⁸⁹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC8945542/>

product exposure warnings to consumers who are functionally impaired include the use of sensory-adaptable formats, which include [high-contrast text, screen reader-compatible ARIA tags, audio alerts, and haptic feedback](#).⁹⁰

High-contrast text helps those with low vision read product exposure warning labels more easily, while screen reader-compatible ARIA tags help screen readers read [the warning label aloud](#).⁹¹

For individuals who cannot look at a screen, the incorporation of audio alerts and haptic feedback into product exposure warning labels can alert readers whenever a warning is present for a product by a noise or shake of their device, providing a quicker alternative.

These additions, alongside clearer and larger fonts, can provide an efficient alternative for those who have difficulty accessing warning labels and additional information due to impaired vision or sensory disabilities that are universally adaptable across the digital landscape and include an entire population that has the right to know about toxic chemicals and harms associated with said chemicals in products.

It is imperative that these communities be considered when establishing digital product exposure warning labels in full, and many additional channels can be used to achieve this consideration.

In addition to these adaptable channels, the use of large and clear fonts on physical warning labels, as well as the use of [paper informational sheets in front of the physical products](#) in addition to the warning labels, can provide easy access for those in low-income and senior communities who have trouble accessing or utilizing digital devices.⁹²

These multiple public health communication channels offer an opportunity for multiple communities to be considered in the conversation about toxic chemicals and their harm upon product exposure, and each of these communities deserves the right to be included in the accessibility of warning labels.

Topic 8: Rule 100- Regulatory Text Changes To Update References/Technical Changes

All chemical exposure warnings, regardless of dual effect or harm, should be available for public inspection by leading agencies in Carcinogen and DART Identification, and findings should be incorporated into final product warning labels in a feasible manner that considers the type of consumer and the type of information

⁹⁰ <https://cabvi.org/proper-labeling-can-lifesaver-visually-impaired/>

⁹¹ <https://accessible.org/wcag-eaa/>

⁹² <https://pmc.ncbi.nlm.nih.gov/articles/PMC1831578/>

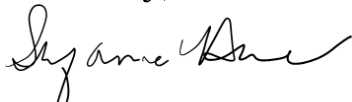
the consumer is obtaining when deciding to purchase a product of interest. These warnings should be as comprehensible as possible for the consumer to easily understand and provide multiple avenues for the consumer to obtain accurate and transparent information regarding the chemicals utilized in the products they are interested in purchasing.

To ensure safety is maintained for many communities and the environment across the board, all products and their inspections should start from the production process all the way through the sale of the final product to ensure testing, monitoring, and evaluation of products, chemicals, and additives can be accurately defined for consumer clarification.

We must work together to protect those that are most vulnerable and are at a disadvantage in receiving product exposure warning labels. CleanEarth4Kids.org asks that OEHHA consider the comments detailed in this letter in their formal rulemaking process and changes to Proposition 65 and formally thanks OEHHA for the opportunity to discuss changes to Proposition 65.

Our children's health and future depend on the actions we take today!

Sincerely,

A handwritten signature in cursive script, appearing to read 'Suzanne Hume'.

Suzanne Hume

Educational Director and Founder

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CleanEarth4Kids.org