

## **OEHHA Issues Proposed 15-day Changes to Prop. 65 Warning Regulations**

By FIONA SMITH

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The Office of Environmental Health Hazard Assessment (OEHHA) has [proposed changes to its recent proposal to amend its regulations for providing clear and reasonable warnings](#) to its recent proposal to amend its regulations for providing clear and reasonable warnings under Proposition 65.

The warning regulations, which are not mandatory, provide guidance to businesses and others on how to provide legally compliant warnings for chemical exposures under Prop. 65. The amendments OEHHA first proposed in October of last year would change the "short-form" warning option in several ways, would clarify the rules governing warnings on the internet and in catalogs, and would add new tailored safe harbor warning language for passenger or off-highway motor vehicle parts and recreational marine vessel parts [see [OEHHA Floats Changes to Prop. 65 Warning Rules, Including Short-Form Warnings](#), November 16, 2023].

Now OEHHA has revised certain parts of the proposal in response to public feedback and to improve clarity, according to the agency.

The three main changes made in the revised proposal, which is open for a 15-day comment period, are:

- Adds an additional year for implementation of the revised short-form warning content, extending it from two years to three years;
- Scraps the proposed revisions to the internet and catalog warning regulations, including a proposal that called on businesses to provide warnings to consumers both prior to purchase and at the time of delivery. It would now revert back to the existing regulation for most of the internet and catalog warning content;
- Provides "internet retailers a 60-day grace period, from when they receive a warning or written notice changing to the new warning content, to update their online short-form warnings during the three-year implementation period."

OEHHA received almost [200 public comment submissions on the initial proposal](#). A coalition of [19 groups largely supported OEHHA's proposal](#), but criticized certain provisions, including allowing short-form warnings on products that have enough space to include a full-length warning. The groups included Center for Environmental Health, Clean Production Action, Clean Water Action, Consumer Attorneys of California, Environmental Law Foundation, Environmental Working Group, and Pesticide Action Network.

A coalition of more than [50 business groups criticized the proposal](#), including a provision stating that short-form Prop. 65 warnings should list at least one of the chemicals behind the warning. Such a proposal will be expensive for businesses to implement and is unnecessary, according to the coalition.

The Coalition included Consumer Brands Association, California Chamber of Commerce, American Chemistry Council, California Retailers Association and California Food Producers, [OEHHA is accepting public comment](#) on the proposed revisions until Friday, June 28th, 2024.