



What does California's new OEHHA director envision for Prop 65 as the law nears its 40th anniversary?

Kristina Thayer, incoming head of California's Office of Environmental Health Hazard Assessment, tells senior reporter Bobby DeMuro what's ahead for her agency and its right-to-know scheme

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The new director for California's Office of Environmental Health Hazard Assessment (OEHHA) has said Proposition 65 is a "priority area" for the state's science office; she hopes to see her agency put out additional guidance to help companies comply and increase capacity to develop safe harbour levels for listed substances.

Kristina Thayer (pictured) accepted the job of leading OEHHA in May. She previously directed the US EPA's Chemical and Pollutant Assessment Division (CPAD) and the Integrated Risk Information System (IRIS) programme.

OEHHA is the scientific arm of the California EPA (CalEPA), tasked with [identifying health risks](#) posed by chemicals and other environmental contaminants. It develops risk assessments and oversees regulations related to the state's Prop 65 right-to-know scheme.

Prop 65 requires businesses in California to [provide warnings](#) about consumer exposures to roughly 900 listed substances present above any established 'safe harbour' levels. It also allows any private citizen or organisation to pursue [enforcement actions](#) against companies that fail to do so.

Dr Thayer answered a series of questions from Chemical Watch News & Insight about her plans for OEHHA, and her thoughts on Prop 65 issues, including its [private enforcement](#) mechanism and its new [short-form warning](#) requirements.

Her answers follow, edited lightly for brevity.

BD: Coming in with fresh eyes, how do you view OEHHA?

Dr Thayer: One of OEHHA's greatest strengths has always been the quality of its scientific work. OEHHA is known nationally and internationally for its [chemical risk assessments](#). I can attest to this personally from my 30-plus years of working in environmental health, including in the federal government, where I oversaw chemical assessment programmes.

Since joining OEHHA in May, I've been thrilled to meet the staff who, in addition to being excellent scientists, are deeply committed to science in the public interest. I'm new to the role and still listening and learning. But broadly, my goal is to ensure OEHHA meets this moment with science that is both actionable and grounded in real engagement with our partners, including the communities we serve.

by **enhesa.**

BD: What about Prop 65? Are there specific things you'd like to maintain there?

Dr Thayer: Proposition 65 is a priority area for me. That act is almost 40 years old and part of what makes California a leader in protecting public health and the environment. It was passed overwhelmingly by voters who wanted to be able to make informed decisions about their exposures to chemicals. We still hear a lot about these concerns today. Without banning a single chemical, the law has helped to reduce the use of listed chemicals and exposure to them – not just in California, but nationwide.

BD: Do you think Prop 65 has thus far been successful?

Dr Thayer: When most people think of Prop 65, they think about the visible part, the warning labels on products. We regularly hear from Californians who use these warnings to inform their purchasing decisions. But another strength is what happens outside the public eye.

Studies have now demonstrated that Prop 65 listings drive manufacturers to reduce or eliminate chemicals from products. There is compelling evidence that Prop 65 warnings are even [linked to reductions](#) in the amounts of listed chemicals, such as DEHP and BPA, measured in people's bodies, in California and nationwide.

People who just see the warnings often don't realise that products are being reformulated to healthier alternatives. In that way, Prop 65 complements regulations that ban or phase out chemicals. Prop 65 simply requires a warning, empowering consumers to make informed decisions about what they buy while allowing businesses to retain control over their products.

BD: Is Prop 65's enforcement mechanism working as intended? Are private enforcers driving product reformulations that advance the interests of all Californians?

Dr Thayer: OEHHA's focus is really on science and guidance, because our partner agencies and private entities are the ones enforcing the law. But we certainly have an interest in seeing it enforced in a way that helps Californians be healthier and more informed. Enforcement actions have notched real wins for public health, like [reducing lead](#) in children's products or eliminating BPA from [certain clothing](#).

But claims must be justified. Notices of violation sent without real cause [burden businesses](#) and are inconsistent with the spirit of the law. We also hear about businesses that face enforcement issues simply because they didn't know about the law or understand how to comply.

BD: The window for the new Prop 65 short-form warning language has opened and takes full effect in 2028. Do you anticipate a smooth transition to the new requirements?

Dr Thayer: We hope this change will encourage businesses to warn the public only when necessary. Businesses using the existing short-form warnings have a few years to transition, but they can start using the new language now.

We know compliance can be [challenging](#), especially for small businesses juggling a lot with limited resources. We hope to help businesses make the transition through increased outreach, which is a growing focus of our Prop 65 programme. We updated [compliance guidance](#) on our website, expanded resources available in Spanish, and dramatically decreased response times for businesses that contact our helpdesk.

BD: Are you hearing anything from companies asking for guidance on complying with those new requirements?

Dr Thayer: OEHHA hired a Prop 65 ombudsperson, Julia Dolloff, last year. She just held a [training](#) for businesses attended by over 350 people from around the world, so we're really seeing a lot of interest. We envision more training for businesses, as well as consumers who want to understand how to interpret warnings. And we encourage business associations to continue helping to get the word out about [regulatory changes](#) and uplifting OEHHA resources that can help their members.

In addition to outreach, we are evaluating resource capacity to increase efforts to develop [safe harbour levels](#) that clarify for businesses and enforcers when exposures are low enough that no warning is required. We want to equip businesses, especially small businesses, with the knowledge they need to make the choices that are right for them, whether it's to warn or, if possible, to avoid the need to warn altogether.

BD: To that end, to what degree are you concerned about the risks of warning fatigue from over-warning consumers?

Dr Thayer: I agree with OEHHA's long-standing view that over-warning hurts consumers and businesses alike. Prop 65 does not ban chemicals, so when consumers see warnings, they often question why the chemicals are still present in products. Many rely on the warnings as part of their "right to know" and make purchasing decisions accordingly, often choosing products without warnings. We also hear from Californians for whom warnings have become a minor annoyance to be ignored. Either way, the intent of Prop 65 – to provide meaningful information to guide consumer choices – is undermined.

We also hear from businesses that believe warnings are required for everything sold in California. It is important for businesses to know this is a myth and that warnings, by default, mislead Californians. For businesses, over-warning is often driven by fear of litigation. While this may reduce litigation risk, it can mislead Californians and result in lost

sales, returns, and diminished consumer trust. Unnecessary warnings make it harder to recognise and act on real exposures, diluting the value of Prop 65.

There's no silver bullet, but we're tackling this issue on several fronts. The updated short-form warning language now requires businesses to identify at least one listed chemical, closing a loophole that made it too easy to claim safe harbour. Additionally, we're interested in ways to reduce unnecessary lawsuits, such as expanding the number of safe harbour levels. We are also increasing outreach and education to help businesses better understand when warnings are truly required - and when they are not. Finally, we are working to improve consumer education so that they know what warnings mean and how to use them in guiding purchasing decisions.

BD: After all the reductions in force at the federal level, is OEHHA doing anything to attract experts who have departed the US EPA and other agencies?

Dr Thayer: Federal cuts to EPA risk losing a generation of talent and rolling back years of progress protecting people and the environment. I see a need for OEHHA to lead where we can, recognising that other states will look to us. At the same time, OEHHA cannot do it alone and will be looking to leverage efforts with other states. CalEPA remains steadfast in centering science in the agency's work. I encourage former federal colleagues to bring your talent to California and state service more broadly - where your work can have real impact. To former federal staff, my message is that we support you, and California is open for progress.

FURTHER INFORMATION

[Prop 65 →](#)

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