



Prop 65 Overview

Prop 65 is the “The Safe Drinking and Toxic Enforcement Act of 1986. This Prop is administered by the Office of Environmental Health Hazard Assessment (OEHHA) with regulations in Title 27 CCR 25000 to 27001. Enforced by Attorney General’s office. Non-conformance could result in fines as high as \$2500/violation/day.

Prohibits knowingly and intentionally exposing any individual to a chemical know to the State of California to cause cancer or reproductive harm without first giving a clear and reasonable warning. Prohibits knowingly discharging listed chemicals into sources of drinking water.

850+ Prop 65 listed chemicals.

<https://oehha.ca.gov/proposition-65/proposition-65-list>

Businesses exempt from the warning requirement and discharge prohibition if the exposures are below published “safe harbor levels” for listed chemicals. If no published “safe harbor levels” for a chemical then you must issue warning or demonstrate anticipated exposure level will not pose significant risk of cancer or reproductive harm.

Clear and Reasonable warning examples:

- 1) Labeling consumer products.
- 2) Posting signs in the workplace.
- 3) Distributing or publishing notice in a newspaper.

Requirement to provide warnings take effect 1 year after chemical is added to the list. Prop 65 also prohibits companies from knowingly discharging listed chemicals into sources of drinking water. Businesses have 20 months to comply with the discharge prohibitions.

New warnings regulate adopted in August 2016 and taking effect [August 2018](#) change the content of the warnings on products. Warnings must identify the specific Prop 65 chemical concern. Manufacturers can;

- 1) Put warning labels on products or add written notice with products; also put in owner’s manual.
- 2) Provide notices to their distributors, importers, or retail outlets that product may cause an exposure to a listed chemical that requires a warning.
- 3) Provide warning signs in the workplace.