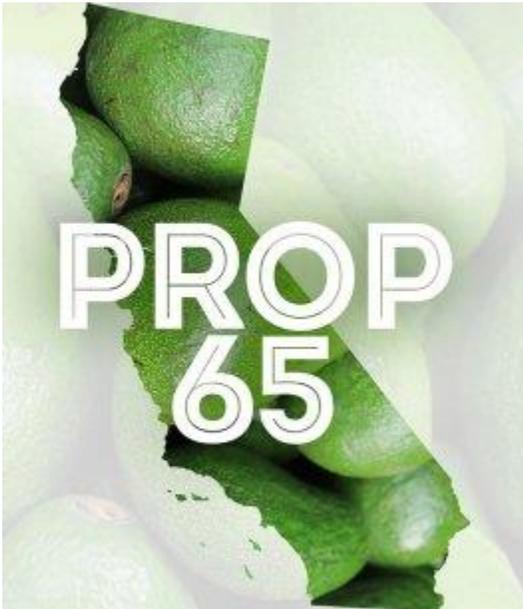


# Proposition 65: New Warning Requirements



Proposition 65 (“The safe Drinking Water and Toxic Enforcement Act of 1986”) requires any company that manufactures, distributes, or sells any product in California to ensure that workers and consumers receive “clear and reasonable” warnings if their products contain a Proposition 65-listed harmful chemicals—that is, chemicals known to cause cancer, birth defects, or other reproductive harm.

The Office of Environmental Health Hazard Assessment (OEHHA) has published a list of over 850 chemicals known to cause cancer or reproductive toxicity. The list can be found at the following link: <https://oehha.ca.gov/proposition-65/proposition-65-list>

OEHHA has also established a regulatory “no significant risk level” or “safe harbor level” for 300 of these chemicals. The current list of Proposition 65 chemicals can be found at this link:

<https://oehha.ca.gov/media/downloads/proposition-65/general-info/safeharborlist041218.pdf>.

“Businesses with less than 10 employees and government agencies are exempt from Proposition 65’s warning requirements and prohibition on discharges into drinking water sources. (See the fourth paragraph at <https://oehha.ca.gov/proposition-65/businesses-and-proposition-65>.)”

However, exempt or out-of-state companies with less than 10 employees may need to comply with Proposition 65 if they sell products to a retailer who is not exempt. Many retailers with 10 or more employees sell to consumers in California, and will require their suppliers, regardless of exempt status, to comply. Companies should review their contracts with their retailers for compliance requirements.

“Businesses are also exempt from the warning requirement and discharge prohibition if the exposures they cause are so low as to create no significant risk of cancer or are significantly below levels observed to cause birth defects or other reproductive harm.”

Most products used in graphic arts products (e.g., substrates, inks, coatings, adhesives and other binding material, etc.) have no or low concentration of Proposition 65 chemicals in their formulation.

However, a few of the products do have listed chemicals, and it is important that you evaluate your products to verify their compliance.

To do so, follow steps outlined below.

Identify the materials used in manufacturing the product to see if any of the materials contain a Proposition 65 chemical.

### **NO ACTION NEEDED**

1. Review the Safety Data Sheet (SDS) for each product used (e.g., substrates, inks, coatings, adhesives and other types of binding, etc.)
2. If the product contains no reference to a Proposition 65 chemical (see paragraph 2 above for link to listed chemicals), then no further action is needed. You are compliant with the regulation, and no warning needs to be made.

### **ACTION NEEDED**

1. Review the Safety Data Sheet (SDS) for each product used (e.g., substrates, inks, coatings, adhesives and other types of binding, etc.)
2. If the product contains a Proposition 65 chemical(s), identify the chemical name, the concentration of the chemical as a percentage of the total chemicals used to make up the product, and vendor information for the product. (See paragraph 2 above for link to listed chemicals).
3. Once the concentration of the Proposition 65 listed chemical is known, see if OEHHA has established a “no significant risk level” or “safe harbor level” for the chemical. (See paragraph 3 above for those chemicals with a “no significant risk level” or “safe harbor level.”)
4. There might be a difference in reporting the concentration of a chemical on the Safety Data Sheet and that reported as “no significant risk level” or “safe harbor level.” The former may be expressed as a percentage of the total product formulation. The latter is expressed as ug/day (ug is the symbol for microgram—equal to 1 millionth of a gram).  
If this is the case, you will need to contact your supplier to see if they know if the percentage of the chemical in the product falls below the significant risk level.

5. If the chemical falls below that level, no warning is required. If it falls above that level, you have three choices:
  - a. Replace the product with the listed chemical with a product that doesn't contain that chemical or other Proposition 65 chemicals.
  - b. Test the product to determine the concentration level of the Proposition 65 chemical in the product (Warning: this can be costly).
  - c. Continue to use the product and place a warning on the product.

**If you have any questions about Prop 65, please contact Gerry Bonetto at (909) 214-0944 or email [gbonetto@roadrunner.com](mailto:gbonetto@roadrunner.com).**