

Proposition 65 Compliance Guidance & Regulatory Updates for Businesses

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Presentation Outline

Proposition 65 overview

Safe harbor levels

Types of exposures

Business requirements

How to determine whether a warning is required

How to provide a warning

Regulatory and program updates

Website walk-through

Contacts



Presentation Goals

- Overview of business responsibilities.
- Increase business understanding.
- Identify existing and guide the development of new resources for businesses.



Proposition 65 Overview

Approved by voters in 1986 to inform consumers about, and protect them from, toxic chemicals.

OEHHA updates and maintains the list of chemicals for cancer and reproductive toxicity.

Businesses that “knowingly and intentionally” cause significant exposures to listed chemicals must provide warnings.

Businesses cannot discharge listed chemicals into drinking water sources.



Proposition 65: Implementation and Enforcement

OEHHA is the lead agency for implementation:

- Updates and maintains Proposition 65 chemical list.
- Develops content of and methods for providing warnings.
- Determines safe harbor levels.
- Provides compliance assistance.
- Develops fact sheets about chemicals and products.

Enforced by CA Attorney General, District Attorneys, City Attorneys of major cities, and by any person or entity “in the public interest.”



In the Public Interest

- The law benefits Californians by reducing their exposure to listed chemicals.
- The law encourages businesses to reformulate their products to remove listed chemicals.
- Recent studies confirm the law's positive impact.
- Read [Proposition 65 in the News](#) and [A California Success Story](#) for more information.



The Law

“No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual [...]”

-Health and Safety Code, Section 25249.6



Small Business Exemption

- Businesses with fewer than 10 employees are exempt from Proposition 65 by law.
- A small business may have contractual obligations to those they sell to that could include indemnification agreements or agreements to “comply with all California laws.”
- Businesses should consult with their legal counsel concerning their potential for liability where the law does or does not apply to them directly.



Safe Harbor Levels

- Statute and regulations specify what a significant risk of exposure is for carcinogens and reproductive toxicants.
- Safe harbor levels include:
 - No Significant Risk Levels (NSRL)
 - Maximum Allowable Dose Levels (MADL)
- Exposures at or below safe harbor levels do not require a warning.
- Safe harbor levels can be developed by OEHHA and by businesses themselves.



Safe Harbor Levels, Continued

- If a safe harbor level (NSRL or MADL) identifies a route of exposure, the NSRL or MADL is for that route of exposure ONLY.
- If no route of exposure is identified, the safe harbor level is for all routes of exposure.
- If there is an NSRL and MADL for a listed chemical, both levels apply.
- OEHHA is always developing new MADLs and NSRLs.

Safe Harbor Levels

Cancer

No Significant Risk Level (NSRL) - Oral:	15 µg/day
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Reproductive Toxicity

Maximum Allowable Dose Level (MADL) :	0.5 µg/day
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Lead safe harbor levels





Types of Exposures

- Occupational
- Environmental
- Consumer Product

Occupational Exposure

- An exposure to any employee at their place of employment.
- Employers may satisfy the warning requirements by complying with the state or federal Hazard Communications Standard.





Environmental Exposure

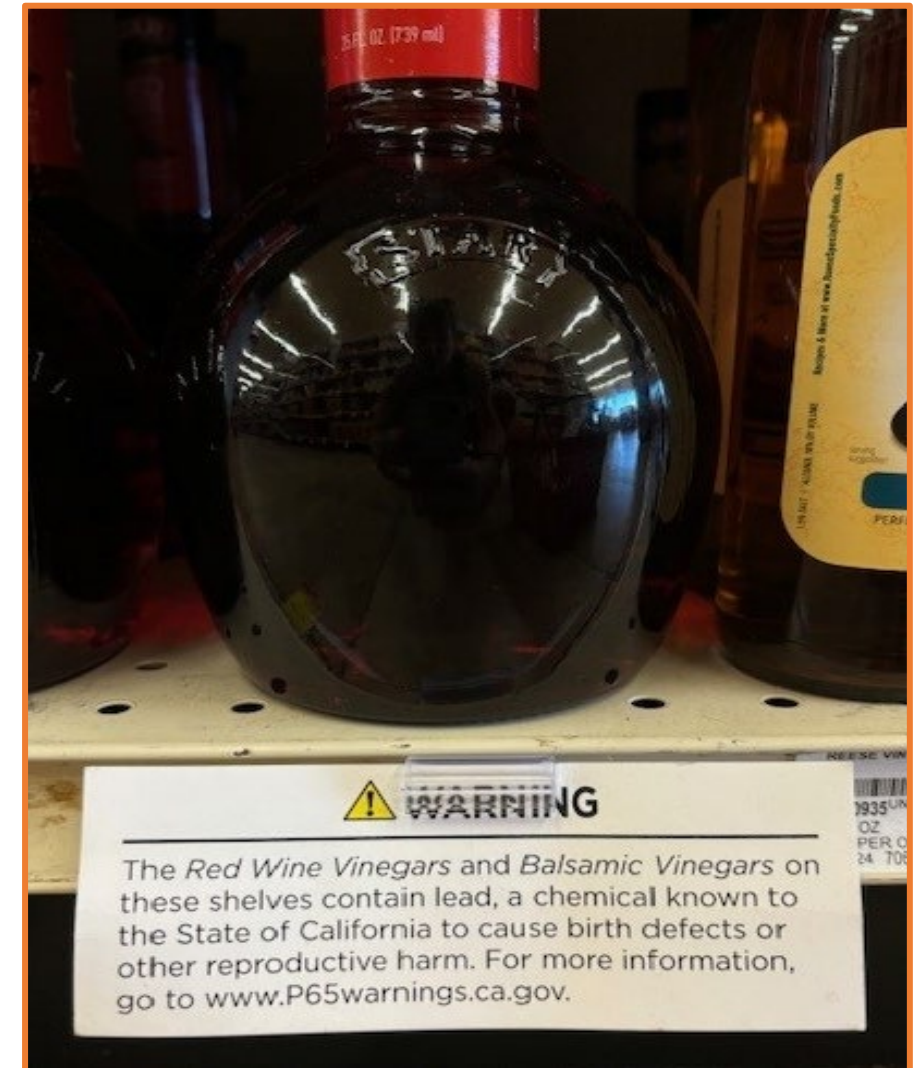
An exposure that occurs as the result of contact with an environmental source.

All exposures that are not consumer product exposures or occupational exposures are environmental exposures.



Consumer Product Exposure

An exposure that results from a person's acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer product, including consumption of a food.



Who Should Provide a Warning?

- Primary responsibility is on product manufacturers, producers, packagers, importers, suppliers or distributors.
- In some cases, retailers are required to provide a warning.
 - This is covered in the next slide.





Retailer Responsibilities

Responsibility for providing a warning resides with the retailer when the retailer:

- Is selling a product under its own brand or trademark.
- Knowingly introduced a listed chemical into the product.
- Obscured/altered a warning affixed to the product.
- Received a notice and warning materials for a product but sold the product without providing the warning.
- Has actual knowledge (e.g., a 60-day notice) of the exposure, and there is no other responsible entity.



Determining Whether a Warning is Required

- A warning is required when there is an exposure to a significant amount of a listed chemical.
- Product testing is not required.
- Businesses usually draw on knowledge of their own business operations, supply chains, and the chemicals used to make their products.
- Businesses should consider any reasonably foreseeable use of a consumer product.



Circumstances in Which a Warning is Not Required

- If there is not an exposure to a listed chemical.
- If exposure to a listed chemical is at or below the safe harbor level.
- If the business can show the exposure level does not pose a significant risk of cancer or reproductive harm.





How to Avoid the Need to Provide a Warning

Reformulate!

- The warning requirement is intended to incentivize product reformulations.
- Look for environmentally friendly substitutions.

View a warning as a last resort.

- Know your product's chemical content.
- Take advantage of safe harbor levels.
- Assess exposures from your product.
- Consult OEHHA's regulations for methods of detection and analysis.



Compliance Overview

Assess your
Product

Is a listed chemical likely to be in the product?
Can people be exposed?

Exposure
Assessment

Level of
Exposure

Pathways
and Routes
of Exposure

Safe Harbor Level
Comparison

NSRL

MADL

Warning
Needed?

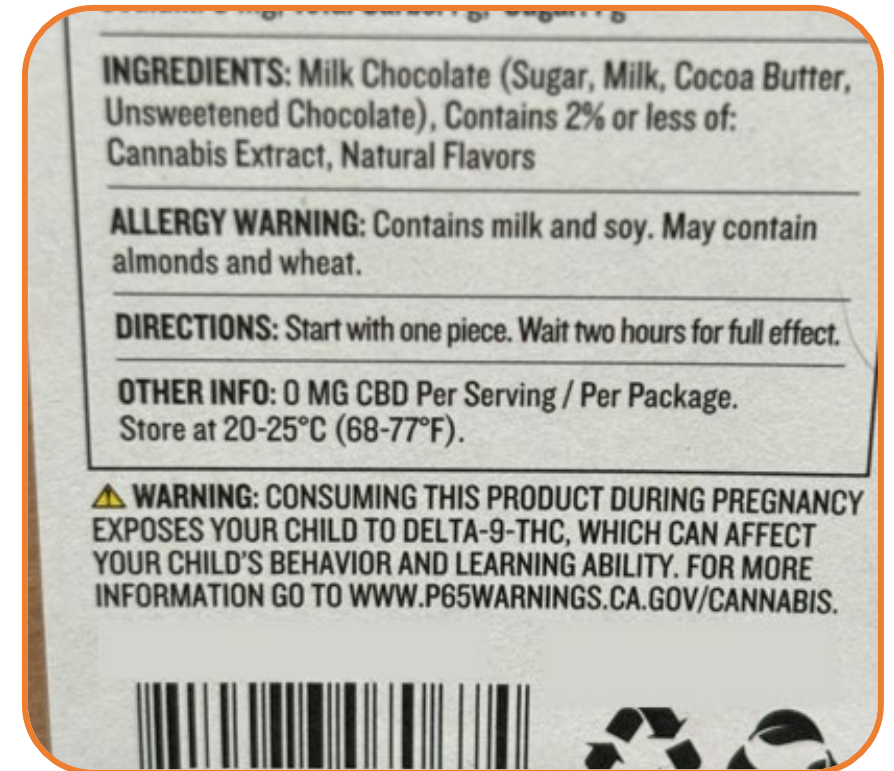
Method of
Transmission

Warning
Content



Safe Harbor Clear and Reasonable Warnings for Consumer Products

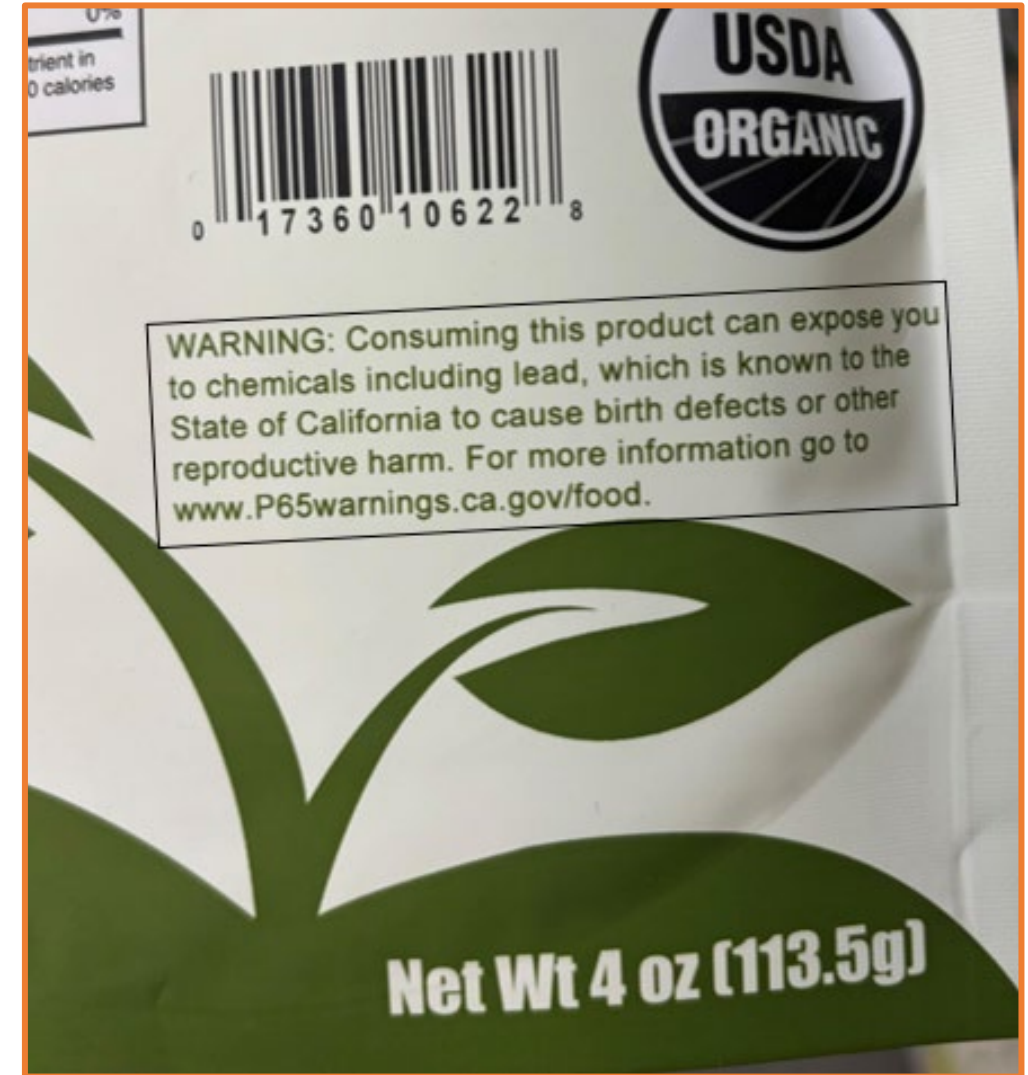
- Using the warning language in our regulations provides “safe harbor protection” to businesses.
- Businesses that provide these warnings should have protection from potential enforcement action.
- Safe harbor warnings include full-length, short-form & tailored warnings.



How to Provide a Warning

Manufacturers, producers, packagers, importers, suppliers or distributors may:

1. Provide a warning on the product label or labeling; or
2. Provide a written notice (including warning materials) to the business to which they are selling or transferring the product, or to the authorized agent for the retail seller.



Safe Harbor Clear and Reasonable Warnings: Methods of Transmission

Consumer product exposure warnings can be provided:

1. On a sign, shelf tag, or shelf sign.
2. On the label.
3. Using any electronic device that automatically provides the warning before purchase.

Warnings must be prominently and conspicuously displayed.



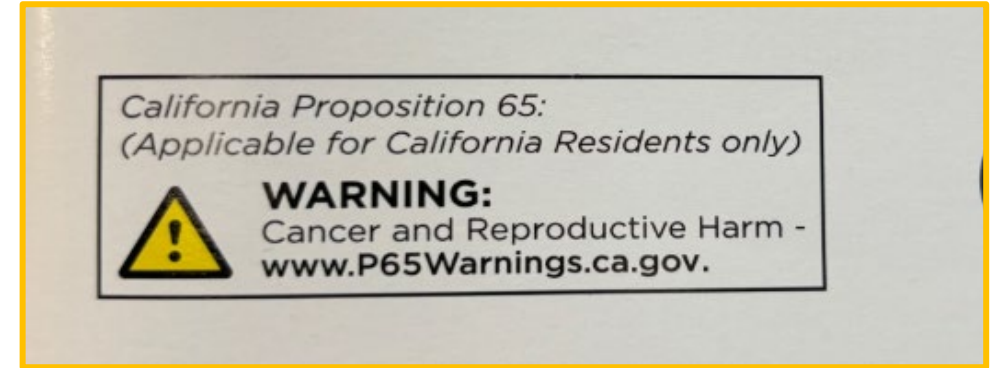
Examples of Warnings that are NOT Safe Harbor Warnings



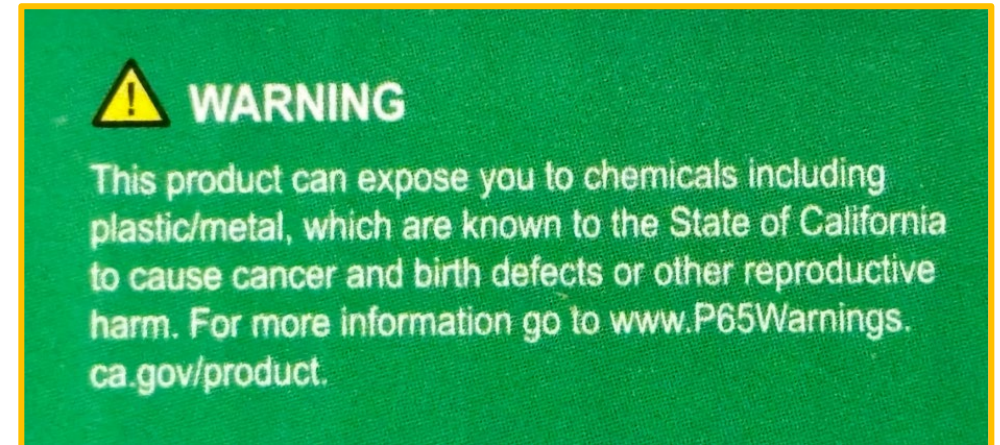
Shelf sign warning is not product specific and does not include the warning symbol.



QR code on a label that links to the warning.



Warning only provided in a product manual.

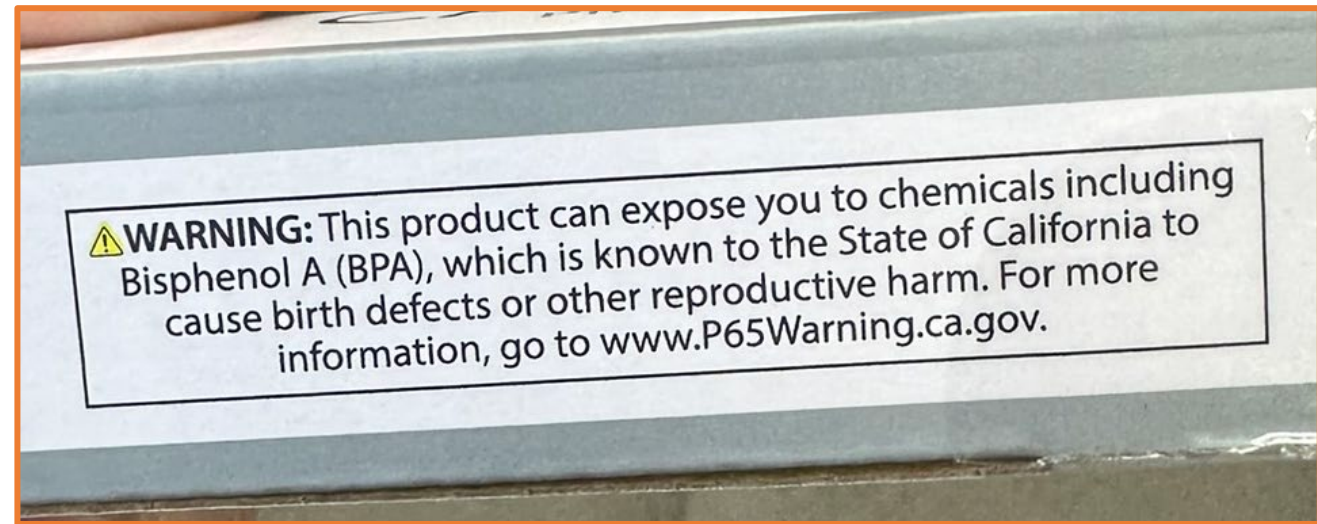


Warning does not list a chemical name.
URL is incorrect.

Safe Harbor Clear and Reasonable Warnings: Content

Most warnings consist of:

- Warning symbol and signal words (**WARNING, CA WARNING, CALIFORNIA WARNING**).
- One or more listed chemicals per endpoint.
- Specified content.
- Supplemental information should identify source of exposure or information on reducing exposure.



Safe Harbor Clear and Reasonable Warnings: Food Products

A warning symbol is not required.

Warnings must:

- Be set off from other surrounding information and enclosed in a box.
- Consist of signal words and warning content.



Tailored Warnings

Consumer Product Exposures		Area Exposures
Alcoholic Beverage	Diesel Engine Exhaust	Dental Care
Food and Beverage	Delta-9-THC from Ingested Products	Enclosed Parking Facility
Furniture Product	Delta-9-THC from Vaping or Dabbing Products	Amusement Park
Vehicle	Delta-9-THC from Dermally Applied Products	Petroleum Products Environmental Exposure
Recreational Vessel	Cannabis (Marijuana) Smoke or Delta-9-THC Inhalation	Service Station and Vehicle Repair Facilities
Rental Vehicle	Glyphosate from Consumer Products	Designated Smoking Area
Passenger or Off-Highway Motor Vehicle Parts	Wood Dust	Hotel
Recreational Marine Vessel Parts		Residential Rental Property
Cannabis (Marijuana) Smoke		



Internet Warnings

For Internet purchases, warnings must:

- Be on the product display page;
- Provide a hyperlink using a signal word on the product display page that links to the warning; or
- Be otherwise prominently displayed to the customer prior to purchase.

A warning must also be provided on or with the delivered product that is sold over the Internet.



 **CA WARNING:** Risk of cancer and reproductive harm from exposure to Di(2-ethylhexyl)phthalate (DEHP). See www.p65warnings.ca.gov.

 **WARNING:** This product can expose you to chemicals including lead, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.





Catalog Warnings

- A warning must be provided in a manner that clearly associates it with the item being purchased.
- A warning must also be provided on or with the delivered product that is sold through a catalog.



Translated Warnings

- If a sign, labeling, or label used to provide a warning includes consumer information in another language, the warning must also be provided in that language.
- Consumer information includes warnings, directions for use, ingredient lists, and nutritional information.
- It does not include the brand name, product name, company name, location of manufacture, or product advertising.

⚠ **ព្រមាន:** ផលិតផលនេះអាចធ្វើឱ្យអ្នកប៉ះពាល់នឹង [name of chemical] ដែលរដ្ឋកាលីហ្វ័រនីញ៉ាដឹងថាមានបង្កឱ្យមានជំងឺមហារីក។ សម្រាប់ព័ត៌មានបន្ថែម សូមបើកមើលវេបសាយ www.P65Warnings.ca.gov.

⚠ **警告:** この製品は、カリフォルニア州で癌を引き起こすことが知られている [name of chemical] にあなたをさらす可能性があります。詳細については、www.P65Warnings.ca.gov にアクセスしてください。



Regulatory Changes to Short-Form Warnings



New short-form warning regulations require at least one chemical name for each endpoint.

 **WARNING:** Can expose you to formaldehyde, a carcinogen. See www.P65Warnings.ca.gov.

 **CA WARNING:** Cancer risk from exposure to formaldehyde. See www.P65Warnings.ca.gov.

CA WARNING: Can expose you to lead, a carcinogen and reproductive toxicant. See www.P65Warnings.ca.gov/food.

CA WARNING: Risk of cancer from exposure to benzene and reproductive harm from exposure to lead. See www.P65Warnings.ca.gov/food.



WARNING: Handling recreational marine vessel parts can expose you to chemicals such as phthalates and lead, which can cause cancer and reproductive harm. To minimize exposure, service the vessel outdoors or in a well-ventilated area, wear gloves, and wash your hands. For more information see www.P65Warnings.ca.gov/marine-vessel-parts.

New Tailored Auto and Marine Parts Warnings

- Provides an optional warning for passenger or off-highway motor vehicle parts and for recreational marine vessel parts.
- Existing safe harbor warnings on products do not need to be changed.
- Companies are not required to use the new tailored warning content.



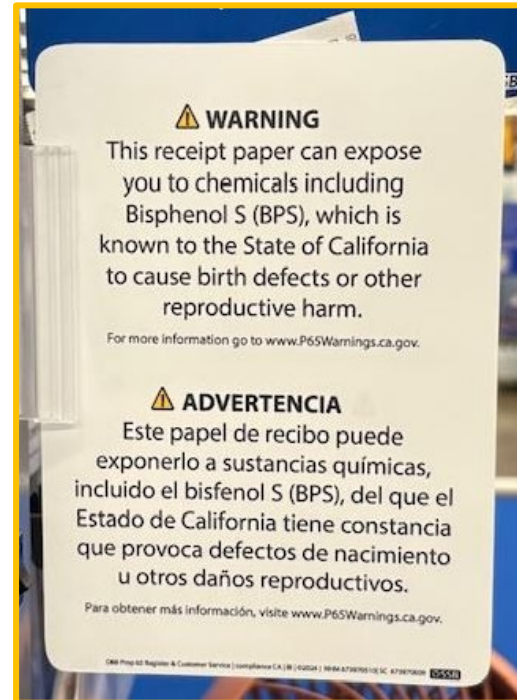
Newly Listed Chemicals

Vinyl Acetate:

- Cancer.
- Warning requirement effective 01/03/2026.

Bisphenol S (BPS):

- Male reproductive toxicity.
- Previously listed in 2023 for female reproductive toxicity.
- Warning requirement effective 12/29/2024.



Vinyl Acetate

CAS Number

108-05-4

Synonym

Acetic acid vinyl ester; Acetic acid ethenyl ester; 1-acetoxyethylene; Ethenyl acetate; Ethenyl ethanoate; NSC 8404; VAC; VAM; Vinyl acetate monomer; Vinyl ethanoate; VYAC; Zeset t

Occurrence/Use

Precursor to polyvinyl acetate (polymer) and polyvinyl alcohol; chemical synthesis, production of resins, adhesives, paints, coatings, safety glass, packaging, acrylic fibers; component of tobacco smoke



Program Updates

- **October 1:** No significant risk level effective for titanium dioxide (airborne, unbound particles of respirable size).
- **October 9:** Developmental and Reproductive Toxicant Identification Committee Meeting will consider listing bisphenol S (BPS) for the third reproductive toxicity endpoint.
- **November 7:** Comment period ends for proposed safe harbor levels for 1-Bromopropane and Diethanolamine (dermal).
- **November 18:** Carcinogen Identification Committee Meeting will consider listing N-methyl-N-formylhydrazine.
- **Notices Webpage:** oehha.ca.gov/proposition-65/notices



Is a warning required for every consumer product sold in or into California?



Only provide a warning if one is required!



Frequently Asked Questions

p65warnings.ca.gov/businesses/frequently-asked-questions-businesses



Question

How should businesses warn for bisphenol S (BPS) exposure from receipts and other thermal paper?



Answer

- To avoid the warning requirement, businesses can procure receipt paper that does not include BPS or other listed chemicals.
- Otherwise, a retailer could provide a warning on a posted sign, shelf tag, or shelf sign.
- For example, the warning could be located at or near the cash register, so consumers see it prior to the potential exposure.



Question

A company manufactures component parts or ingredients that it sells to other manufacturers or producers.

How can it comply with the requirement to provide a warning?



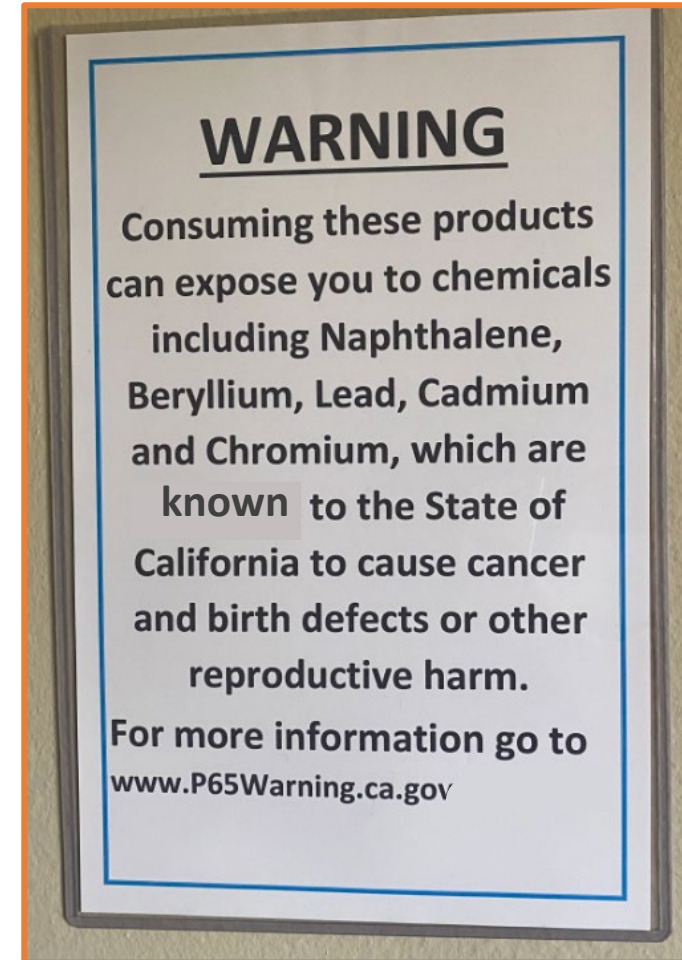
Answer

- If the component part or ingredient is used in a consumer product and could result in an exposure, the manufacturer should provide the warning notice and materials to the business purchasing the item.
- The purchasing manufacturer is responsible for determining whether their final product causes an exposure at a level that requires a warning.
- Businesses should also consider whether their California employees may be exposed to listed chemicals and provide occupational warnings, as needed.



Question

If a business determines there is an exposure to five listed chemicals and a warning is required, must all five chemicals be named in the warning?



Answer

- A business relying on the safe harbor warning content must include the name of at least one chemical for each endpoint (cancer and reproductive harm).
- A business can and may choose to identify more listed chemicals but is not required to do so.



Question

Is it acceptable to only use chemical abbreviations in a warning (for ex. DEHP)?



Answer

- The full chemical name as it appears on the Proposition 65 list needs to be included in the warning for safe harbor protection.



CA WARNING: This product can expose you to chemicals including Di(2-ethylhexyl)phthalate (DEHP), which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.



Question

Can a business provide a short-form warning instead of a tailored warning?



Answer

- Generally, if there is a tailored warning, a business cannot use the short-form warning and still claim safe harbor protection, except where the tailored warning regulation expressly allows the use of the short-form warning.



Question

What should I do if my business receives a 60-day notice?



Answer

- If a retail seller only learns that one of their consumer products exposes people to a listed chemical through receiving a 60-day notice, the retail seller has five business days after receiving the notice to correct the alleged violation by providing a warning on the product or by discontinuing sale of the product.
- If a business receives a notice for any of the four circumstances outlined in [California Health and Safety Code Section 25249.7\(k\)](#), the business has 14 days after receiving the notice to correct the alleged violation and has 30 days after receiving the notice to pay the civil penalty.
- All businesses should refer to the information in the notice as well as the [Office of the Attorney General](#) and its [Frequently Asked Questions webpage](#) for additional information.





[About](#) [Listed Chemicals](#) [Fact Sheets](#) [Products & Places](#) [For Businesses](#)



Chemical Exposure Warnings (Proposition 65 Warnings)

The California Office of Environmental Health Hazard Assessment (OEHHA) oversees implementation of California's chemical exposure warnings law, commonly known as Proposition 65. This law requires businesses to provide warnings before people are



Website Walk-Through

p65warnings.ca.gov





Frequently Asked Questions about Proposition 65 for Businesses

Find answers to commonly asked questions.



Compliance Assistance and Sample Warnings

Resources to help businesses comply with Proposition 65.



The Proposition 65 List of Chemicals [↗](#)

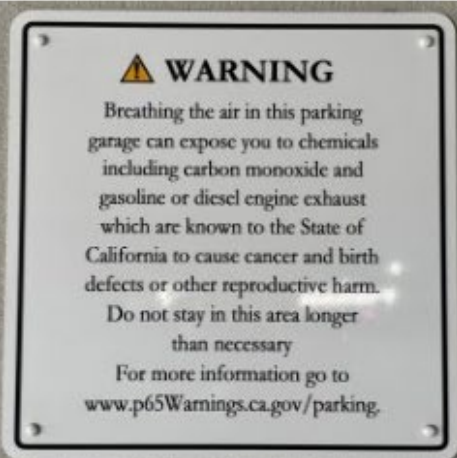
This list includes a wide range of naturally occurring and synthetic chemicals that are listed for cancer or reproductive harm, or both.



p65warnings.ca.gov/businesses

9/30/2025





Sample Warnings and Translations

Sample safe harbor warnings and warnings translated into other languages.



Warning Symbol

Downloadable warning symbol.



Guidance for Small Businesses that Receive a 60-day Notice for a Consumer Product

Businesses with fewer than 10 employees are exempt from Proposition 65 by law. If you receive a 60-day notice, read our guidance for suggested next steps.



Proposition 65 Contacts

Proposition 65 Help Desk:

- P65.Questions@oehha.ca.gov
- (916) 445-6900

Proposition 65 Listserv:

- p65warnings.ca.gov/sign-email-updates

