



Environment, Land Use & Natural Resources ADVISORY ■

AUGUST 30, 2018

New Product Labels Required in California After August 30, 2018

The deadline of August 30, 2018, is fast approaching for all products sold in California, as well as their catalogues, phone, and online sales sites, to provide the revised warning and label requirements if required under California Proposition 65.

Proposition 65, officially called the Safe Drinking Water and Toxic Enforcement Act of 1986 but more commonly known by the number of the ballot initiative that made it law, requires businesses to provide warnings before exposing individuals to any chemical the state has determined may cause cancer or reproductive harm unless the business can show that the exposure poses no significant health risk. As of May 2018, the state maintains a list of nearly 1,000 chemicals that are present in everything from household goods to building materials to alcoholic beverages.

On August 30, 2018, the content of Proposition 65 warnings will change in two key ways: (1) businesses will have to identify at least one potentially harmful substance that the product contains; and (2) the warning must include a reference to California's Prop 65 warnings website: www.P65Warnings.ca.gov. The current Prop 65 warnings allow businesses to provide a general notice that warns of exposure to a harmful chemical. The new warnings must be more specific, and the corresponding website will provide detailed information on the many chemicals the state of California deems harmful.

Examples of a few of the potential new product warning labels are below. Note that new features include a yellow triangle with an exclamation point, new font sizes, new wording, a new website reference, and if the long form is chosen, a need to identify one or two chemicals depending on if the product may result in a cancer and/or reproductive toxin exposure. The old labels will no longer be valid.

Long-Form Warning:

⚠ WARNING: This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov.

Short-Form Warning:

⚠ WARNING: Cancer - www.P65Warnings.ca.gov.

Note also that if the product is accompanied with consumer information in a language other than English, the warning must also be provided in that language in addition to English.

In addition, for businesses with operations in California, new on-site warning requirements may apply if your facility may result in environmental or occupational exposures or is a specific setting such as a dental office, auto repair shop, or parking facility, or has designated smoking areas or serves alcohol, to name a few.

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