

Notes on Proposition 65 Forum Session

Issues discussed reflected points from both supplier and downstream users...

Supplier Issues:

- Large increase in customers asking if products contain Prop 65 listed components
- Appears that requesters have a misunderstanding of the Prop65 regulation and what constitutes compliance
 - Difference between "is this Prop 65 compliant" vs "does this contain Prop65 listed components"
- Lengthy discussion of whether labeling was needed for occupational use ONLY—no resolution
- How does one decide which component(s) to disclose on the SDS? Options include in section 2? 1 warning per listed component? list all in section 15?

Downstream User Issues

- Many thought better to label than to try and figure out if under product exposure is under Safe Harbor Level; other thought performing underlying analyses and demonstrating under safe harbor level gave them a market advantage
- EPA discussed as a resource to calculate exposure scenarios
 - can be both product type and use type specific
 - most conservative calculations should be used
 - NSRL/MADL calculations: keep records for Harbor Limit determinations
 - any product risk assessments should be shared with the legal team/council to ensure they are not discoverable
 - For Articles which are purchased/resold (inc. consumer products), some companies may rely on 3rd party assessments
- When in Doubt: the general consensus is to warn for Prop 65 components, etc
- Challenges of including Prop warning in a catalogue/website? For purposes of labeling, what qualifies as a catalogue? Is it simply a point of sale?
- Some retailers have different criteria WERCS system is used for some retailers as a way to gather this info
- Do vendors always disclose when Prop 65 substances are present in their materials? Some may only disclose if material is sold into California
 - If above is correct, how would purchaser acquire these data?
 - Noted that an EU SDS (if available) might not contain the necessary info
 - Discussed need to contact suppliers under case when material is purchased from more than 1 vendor (multiple sources) and some disclose Prop 65s while others do not

Shared Issues

- If pre-printed labels are used there MUST be consideration for cost/time involved
- New labeling requirements for products manufactured AFTER 30 Aug 2018.

- for preprinted packaging, DO NOT assume all have date codes, etc. (for purpose of labeling)
2 - be aware of specific font size requirements
 - Recommendation: products should be date coded (w/manufacture date) to determine if they need to comply
- Audience question: if short form labels are used, what is used in SDS Section 15?
 - Suggestions: list all chemicals, use long form warning, add a statement saying "contact manufacturer for more info"

Discussed whether Prop 65 Legislation results in overwarning? Do consumers no longer pay attention to warning/labeling