

# California Proposition 65 Notification Requirements

---

## California Prop 65

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, requires businesses to provide a clear and reasonable warning before knowingly and intentionally exposing anyone to chemicals that are known to the state to cause cancer or birth defects or other reproductive harm. Businesses should be aware of the levels of harmful chemicals in their products and of applicable Proposition 65 requirements. For more information on Proposition 65 and how to comply with its requirements, please visit: <https://oehha.ca.gov>

Under Prop 65, no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state of California to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individuals.

## Prop 65 Compliance for Lumber and Other Wood Products (logs, sawn lumber, plywood and composite wood panels and engineered structural wood products)

Producers and distributors may comply with Prop 65 either by affixing a label to the product bearing the required warning, or by providing a written notice directly to a retail seller. For lumber and other wood products, posting of warning signs meeting the specifications of the regulation, is the only one safe-harbor warning method for wood dust exposures.

The new Prop 65 regulation includes descriptions of the responsibilities of the producers, distributors and retailers.

### Producers' Responsibilities:

1. Send written notices with warning materials to their downstream customers (distributors, retailers and secondary manufacturers). Materials must meet all of the regulation's requirements including warning content, size of sign, font size, and renewal frequency of notice distribution.
2. Obtain confirmation of receipt of the notice and warning materials.

### Distributors' Responsibilities:

1. The distributor has the same responsibilities as the producer. If the distributor received warning materials from the producer, those can be forwarded to their downstream customers if products are destined for California consumers. If warning materials were not received, the distributor would need to generate them.

### Retailers' Responsibilities:

1. The placement and maintenance of warning materials that it received from producers/distributors. This includes providing website based warning for products sold over the Internet.
2. Designates an Authorized Agent to receive notices from producers and distributors. The Authorized Agent is responsible for Prop 65 compliance and is the point of contact for suppliers regarding Prop 65.

Retailers should understand that the posting of warnings at the point of display or sale is currently the only safe-harbor warning method for wood dust exposures.

## Prop 65 Warning Sign

As the only safe harbor, the wood dust exposure warning content in the regulation is deemed by the Office of Environmental Health Hazard Assessment to be clear and reasonable for lumber and other wood products complies with Proposition 65 requirements if the warning “is displayed either at the point of sale or display of the raw wood products in a manner likely to be seen by the purchaser. The notice or sign must be no smaller than 8 ½ by 11 inches and printed in no smaller than 20-point type.

Lumber and other wood products expose consumers to wood dust and other chemicals. Since there is no safe determinations provided for these other chemicals

### **Prop 65 Warning Content**



**WARNING:** Drilling, sawing, sanding or machining wood products can expose you to wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or use a dust mask or other safeguards for personal protection. For

more information go to [www.P65Warnings.ca.gov/wood](http://www.P65Warnings.ca.gov/wood)



**WARNING:** This product can expose you to chemicals, including Titanium Dioxide, which is known to the State of California to cause cancer, and Methanol, which is known to the State of California to cause birth defects or other reproductive harm. For

more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov)