

Proposition 65

In 1986, California voters approved the Safe Drinking Water and Toxic Enforcement Act known as Proposition 65. The purpose of Proposition 65 is to ensure that people are informed about exposure to chemicals known by the State of California to cause cancer, birth defects and/or other reproductive harm. In 2017, California updated the warning rules. Products containing Proposition 65 substances must carry a new warning statement unless they can be shown to not have an exposure risk.

Proposition 65 mandates that California maintain and publish a list of chemicals that are known to cause cancer, birth defects and/or other reproductive harm. The list is updated annually and includes a wide variety of chemicals that can be found in dyes, solvents, drugs, food-additives, by-products of certain processes, pesticides and tobacco products.

A chemical can be listed if it has been classified as a carcinogen or as a reproductive toxicant by an organization deemed "authoritative" on the subject. For carcinogens, the U.S. Environmental Protection Agency, U.S. Food and Drug Administration, National Institute for Occupational Safety and Health, the National Toxicology Program, and the International Agency for Research on Cancer are deemed authoritative. With respect to reproductive toxicants, the authorities are the U.S. Environmental Protection Agency, U.S. Food and Drug Administration, National Institute for Occupational Safety and Health, and International Agency for Research on Cancer. A chemical can also be listed if it is required to be labeled or identified as a carcinogen or as a reproductive toxicant by an agency of the state or federal government.

To comply, businesses are: (1) prohibited from knowingly discharging listed chemicals into sources of drinking water; and (2) required to provide a "clear and reasonable" warning before knowingly and intentionally exposing anyone to a listed chemical.

The California government clarified that "The fact that a product bears a Proposition 65 warning does not mean by itself that the product is unsafe." The government has also explained, "You could think of Proposition 65 more as a 'right to know' law than a pure product safety law." See <http://www.p65warnings.ca.gov>

A Proposition 65 warning means one of two things: (1) the business has evaluated the exposure and has concluded that it exceeds the "no significant risk level"; or (2) the business has chosen to provide a warning simply based on its knowledge about the presence of a listed chemical without attempting to evaluate the exposure.

At EFI, we use the short form warning on our purchase orders from suppliers, packaging, and our website.



WARNING: Cancer and Reproductive Harm - www.P65Warnings.ca.gov.