

WARNING: Get Your Prop 65 House in Order for the New Year

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Companies should regularly assess their Prop 65 compliance. Products, packaging, business relationships, and the rules for compliance are constantly changing. Start 2023 off right with a review of your compliance practices to avoid costly private enforcement actions.

What is Prop 65?

Prop 65 is a California law that requires California consumers receive warnings regarding the presence of chemicals that cause cancer or reproductive toxicity. The law is highly technical, constantly evolving, and actively enforced by the government and private enforcers.

What are the odds that your company has Prop 65 issues?

High. If any of the following apply to your company, you should pay attention:

- Your company manufactures, imports, distributes, or sells a product that will be sold in California.
- Your company manufactures, imports, distributes, or sells a product that is sold online to California customers.
- Your company has a physical presence of any kind in California (retail, office, warehouse, facility, factory, plant, etc.).

Prop 65 applies to an ever growing list of chemicals – more than 800 to date. This means there is a good chance that your company may be obligated to provide a Prop 65 warning.

Why deal with this now?

Don't get complacent about your compliance. A variety of events may have occurred since the last time you evaluated your company's Prop 65 compliance that might necessitate a change to your warning practices, such as:

- New product formulation
- New supplier of raw materials/parts
- New product packaging or labelling
- New test results
- New employees responsible for warning compliance and product packaging
- New contracts and relationships with manufacturers, suppliers, distributors, and retailers
- New chemicals added to the State's list of covered chemicals

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