

California Proposition 65 – California/USA

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, was enacted as a ballot initiative in November 1986. The proposition protects the state's drinking water sources from being contaminated as well as the Californians from being exposed with chemicals known to cause cancer, birth defects or other reproductive harm.

Therefore, Proposition 65 requires the state California/USA to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity.

The list, which must be updated at least once a year, has grown to include over 1.000 chemicals <https://oehha.ca.gov/proposition-65/proposition-65-list>.

Exposure to these chemicals may take place when products are acquired or used. Exposure may also occur in homes, workplaces, or other environments in California.

The Act requires a prior warning that discloses that the product, area, or workplace may expose a person to a chemical known to the state of California to cause cancer, birth defects, or other reproductive harm:

“No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual.”

With the clear and reasonable warning, the Californian citizens shall have the opportunity to choose whether they accept the exposure or not.

If a warning is placed on a product label or posted or distributed at a workplace, a business, or in rental housing, the business issuing the warning is aware or believes that it is exposing individuals to one or more listed chemicals. By law, a warning must be given for listed chemicals unless the exposure is low enough to pose no significant risk of cancer or is significantly below levels observed to cause birth defects or other reproductive harm.

Component manufacturers may need to provide warnings to the finished product manufacturer: Is there exposure to listed chemicals to workers during assembly? Is a warning notice required on the finished product?

Prop 65 is simply a public “Right to Know” law requiring information about the product and whether the product contains a chemical from the list that individuals may potentially be exposed to.