

Prop 65 Changes: Impact on You

On August 30, 2016, the Office of Administrative Law approved the adoption of amendments to Article 6, Clear and Reasonable Warnings, of the California Code of Regulations. This regulatory action repeals all the regulatory provisions of Title 27 of the California Code of Regulations, Article 6 (sections 25601 et seq.), except those added via an emergency rule-making in April 2016 related to warnings for exposures to bisphenol A in canned foods and beverages (Sections 25603.3(f) and (g)). The action will replace the repealed sections with a new regulation divided into two new Subarticles to Article 6. The repealed and new regulations provide, among other things, methods of transmission and content of warnings deemed to be compliant with the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The changes to the law are designed to reduce the burden on resellers of chemicals that may contain toxins known to cause cancer, reproductive harm, or birth defects. The changes primarily affect the warnings through labeling and signage, with the requirement to identify the element within the chemical that causes the harm. This duty falls to the manufacturer, producer, packager, importer, supplier, or distributor of a product.

All exposures that are not consumer product exposures or occupational exposures are considered environmental exposures (a definition that has not changed with the updates in the law). Having said all this, there is the potential for businesses to provide warnings for the public that visit their locations or to employees where the use of chemicals that could result in harm as noted above. As a result, the main entrances must be posted at all public entrances to the area. The posting must include the chemical and the source of exposure. For occupational exposures, the Prop 65 law can be satisfied through the implementation of the hazard communication program and training Cal/OSHA requirement. For more information, review the side-by-side comparison document by clicking the link: <https://oehha.ca.gov/media/downloads/crnr/side-sidearticle6.pdf>.

What Should You Do –

If you are not a reseller as identified above, then focus on the actions as identified in the linked document. Specific requirements apply to such operations as dental care facilities, wood dust exposure, service station, vehicle repair facilities, hotels, and enclosed parking facilities. For more information about Prop 65 in plain language, please visit the following link:

https://oehha.ca.gov/media/downloads/proposition-65/general-info/p65plain_1.pdf

For questions or assistance, contact Boretti, Inc at (559) 372-7545 or info@borettiinc.com

