

PROPOSITION 65

COMPLIANCE ASSISTANCE

Proposition 65 compliance can be a complex and daunting process. With Intertek, our Proposition 65 experts will guide you through every step of the way to help you address your compliance needs and make it more manageable.



STEP 1 Proposition 65 Product Screening and Settlement Review



Intertek will perform a review of the product and its composition to identify high risk substances that could be present in or have a history of use in the product(s). This crucial step in the Proposition 65 program creates the focus on determining if any following steps are necessary to mitigate any risk towards Proposition 65 non-compliance.

Substances identified in this step will be reviewed against existing settlements or 60 day notices. If a settlement provides allowable levels of the covered substance with the product category, this will be used as the basis for analytical testing.

Customers receive a report detailing all of the findings from the screening and settlement review. This report can be used as a test plan for the next phase in the process: Step 2 – Proposition 65 Analytical Testing.

STEP 2 Proposition 65 Analytical Testing



Analytical testing will be performed on the product(s) to determine the concentrations of substances identified in the Step 1 Product Screening process. Testing will be conducted under strict protocol standards relevant to the different substance(s). Once testing has been completed, results will be compared to the existing allowable levels defined under settlements reviewed in the Proposition 65 Settlement Review (Step 1).

If chemicals are present above settlement-based concentrations or no settlements exist, you will need to have an exposure assessment conducted (Step 3) in order to determine whether the concentration of the chemical in the product will warrant a Proposition 65 warning.

Customers receive a laboratory test report with all of the findings. Where a settlement exists, a pass/fail statement will be provided pertaining to the particular settlement. The information generated from the testing will be used for Step 3 – Proposition 65 Warning Requirement Determination.

STEP 3 Proposition 65 Warning Requirement Determination



In situations in which a Proposition 65 chemical has been detected in a product (Step 2), Intertek will conduct an exposure assessment to estimate the potential consumer exposure to that chemical from use of the product. This exposure level will be compared to the published, chemical-specific Safe Harbor Levels (SHLs) derived by OEHHA. If an SHL has not been published, Intertek can derive a relevant No Significant Risk Level (NSRL; for carcinogens) or Maximum Allowable Dose Level (MADL; for reproductive/developmental toxins).

Customers receive a detailed exposure assessment report from Intertek's toxicology experts, including NSRL/MADL development documentation (if necessary), that provides a determination as to whether a Proposition 65 warning would be required for their product. These assessments would be valuable not only determining compliance, but also provide litigation support should you be issued a notice of violation.

California EPA

California EPA publishes a continuously updated list of chemicals that are “known to the state to cause cancer or reproductive toxicity”, for the purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65. This proposition was voted into the state law in 1986 to inform citizens about chemicals in the products they use. Employers knowingly exposing employees or citizens to chemicals, or manufacturers that produce consumer products that contain chemicals found in the Proposition 65 list of chemicals, must provide a warning to employees/consumers that the product or site contains such a chemical, if exposures are high enough to pose a significant risk.