



Date: June 26, 2018

Re: California Proposition 65 - Requirements and Printing Ink Manufacturers

To: NAPIM Members

The new “clear and reasonable” warning requirements under California’s Office of Environmental Health Hazard Assessment’s *Safe Drinking Water and Toxics Enforcement Act of 1986* (Proposition 65) become effective August 31, 2018. The purpose of this document is to identify and clarify options available to ink manufacturers for communicating Proposition 65 information to their California-based customers.

Title 27 California Code of Regulations Article 6 Clear and Reasonable Warnings Parts 25600-25606 identifies three types of covered exposures:

- consumer (§25602-§25603)
- environmental (§25605)
- occupational (§25607)

California located printers using an ink containing a Proposition 65 listed substance would be potentially covered under the occupational exposure type (§25607). The “occupational exposure” referenced here is the potential occupational exposure that occurs at the printer’s facility. Accordingly, if covered, the printer would need to comply with the *Clear and Reasonable Warning* requirements specified in this section.

Ink manufacturers can and should provide Proposition 65 information to their California-based customers (e.g. printers, etc.) to allow them to determine their Prop 65 compliance obligations. Ink manufacturers can and should provide the necessary information (i.e. presence and identity of one Proposition 65 listed substance) in an accurate and reliable format such as the relevant product safety data sheet (SDS), product label, technical data sheet or other appropriate format. The specific mode or method of transmission for this information exchange (ink manufacturer to printer) is not specified within this section. [Please note that the California Office of Environmental Health Hazard Assessment in their August 2017 CLEAR AND REASONABLE WARNINGS QUESTIONS AND ANSWERS FOR BUSINESSES indicated in Q43 (excerpted below) that the product safety data sheet may be used to provide to provide occupational exposure warnings.]

Q43: Can a business place the Proposition 65 warning on a Safety Data Sheet (SDS)?

A: Safety Data Sheets (SDS) are outside the scope of this regulation, as OEHHA cannot prescribe the content of forms under the authority of a federal or other state agency. While SDS **may be used to provide occupational exposure warnings**, they are not a safe harbor warning method for other exposure types such as consumer product or environmental exposures covered by Article 6.

For more information (including all referenced documents) visit the Proposition 65 page (<https://napimtech.org/Regulatory/Prop65>) on the NAPIM members’ website or call George Fuchs at the NAPIM office (770-209-7291).

