



**2016 California Proposition 65
Changes to the Clear and Reasonable Warning Requirements August 30, 2016**

Overview

On August 30, 2016 California's Office of Environmental Health Hazard Assessment (OEHHA) published a Notice of Adoption Article 6: Clear and Reasonable Warnings. The clear and reasonable warning requirement specified in this Notice of Adoption become effective **August 30, 2018**. Until then the existing requirements apply.

Ink Industry Impact Analysis

Ink manufacturers and suppliers selling to California-based customers will continue to be required to provide Prop 65 information where appropriate. The new Occupational Exposure Warning requirements (as describe below) have not significantly changed.

It is important to note that the new Prop 65 warning requirements (also described below in the New Prop 65 Consumer Product Warning Requirements) will require (among other formatting changes, etc) identification of the specific chemical or chemicals triggering the Prop 65 warning. This is a significant change from the existing requirements which did not specific chemical identity.

Additional Resources:

The specific changes to the warning requirements (and other Prop 65 information) are outlined in the "side-by-side" comparison document on the Prop 65 page on the NAPIM Members website: (<http://www.napimresources.org/Regulatory/Prop65>).

Background:

Occupational Exposure Requirements

Ink manufacturers and suppliers will continue to be required to provide Prop 65 information on their products to their customers in California. Printers and other ink industry customers are covered under the Occupational Exposure Warning requirements as noted below:

Current Prop 65 Occupational Exposure Requirements:

§ 25604 Occupational Exposure (a) Warnings for occupational exposures that include the methods of transmission and the warning messages as specified by this section shall be deemed clear and reasonable. § 25604.

1 Occupational Exposure Warnings – Methods of Transmission (a) The method employed to transmit the warning must include one of the following alternative methods: 1. A warning that appears on the label or labeling of a product or substance present or used in the workplace. The label or labeling shall be prominently displayed on the product or substance and the product or substance shall be used under circumstances which make it likely that the warnings will be read and understood by employees or other individuals prior to the exposure for which the warning is given.





2. A warning that appears on a sign in the workplace posted in a conspicuous place and under conditions that make it likely to be read and understood by employees and other individuals prior to the exposure for which the warning is given. 3. A warning to the exposed employee about the chemical in question which fully complies with all information, training and labeling requirements of the federal Hazard Communication Standard (29 CFR section 1910.1200, as amended on March 7, 1996), the California Hazard Communication Standard (Cal. Code Regs., title 8, section 5194, as amended on July 6, 2004), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code Regs., title 3, section 6700 et seq., as amended on June 20, 2001) authorized in Food and Agricultural Code section 12981 as amended by Governor's Reorganization Plan No. 1 of 1991. § 25604.2

Occupational Exposure Warnings – Content (a) For purposes of subparagraph (a)1. of section 25604.1, the warning shall be provided in terms which would provide a clear warning for a consumer product as specified above. (b) For purposes of subparagraph (a)2. of section 25604.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm. 1. For exposure to a chemical known to the state to cause cancer: "WARNING: This area contains a chemical known to the State of California to cause cancer." 2. For exposure to a chemical known to the state to cause reproductive toxicity: "WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."

New Prop 65 Occupational Exposure Requirements (Effective August 30, 2018):

§ 25606 **Occupational Exposure Warnings (a)** A warning to an exposed employee about a listed chemical meets the requirements of this subarticle if it fully complies with all warning information, training, and labeling requirements of the federal Hazard Communication Standard (29 Code of Federal Regulations, section 1910.1200 (Feb. 8, 2013)), hereby incorporated by reference, the California Hazard Communication Standard (Title 8, California Code of Regulations section 5194), or, for pesticides, the Pesticides and Worker Safety requirements (Title 3, California Code of Regulations section 6700 et seq.). **(b)** For occupational exposures to chemicals not covered by subsection (a), warnings may be provided consistent with sections 25601, 25602, 25603, 25604, 25605 and 25607 et seq. of this subarticle.

As indicated above ink industry customers may utilize the OSHA Hazard Communication Standard (or California equivalent) where applicable to meet the warning requirements.

Beginning August 30, 2018 new information and label formatting will be required to meet Prop 65 Clear and Reasonable Warning requirements as noted below:

New Prop 65 Consumer Product Warning Requirements (Effective August 30, 2018)

§ 25603 Consumer Product Exposure Warnings– Content





(a) Unless otherwise specified in Section 25607.1 et seq., a warning meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25602 and includes all the following elements:

(1) A symbol consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline. Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white. The symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word "WARNING".

(2) The word "WARNING" in all capital letters and bold print, and: (A) For exposures to listed carcinogens, the words, "This product can expose you to chemicals including [**name of one or more chemicals**], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov." (B) For exposures to listed reproductive toxicants, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(C) For exposures to both listed carcinogens and reproductive toxicants, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer, and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov." (D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov." (E) Where a warning is being provided for an exposure to a single chemical the words "chemicals including" may be deleted from the warning content set out in subsections (A), (B), (C) and (D). (b) An on-product warning may be provided using all the following elements: (1) The symbol required in subsection (a)(1). (2) The word "WARNING" in all capital letters, in bold print. (A) For consumer products that cause exposures to a listed carcinogen, the words, "Cancer - www.P65Warnings.ca.gov." (B) For consumer products that cause exposures to a listed reproductive toxicant, the words, "Reproductive Harm - www.P65Warnings.ca.gov." (C) For consumer products that cause exposures to both a listed carcinogen and a reproductive toxicant, the words, "Cancer and Reproductive Harm - www.P65Warnings.ca.gov." (c) A person providing an on-product warning pursuant to subsection (b) is not required to include within the text of the warning the name or names of a listed chemical.

Please contact George Fuchs at the NAPIM office if you have any questions or comments.

