



Compliance – Resource Bulletin

California Proposition 65 Signs

Overview:

The Safe Drinking Water and Toxic Enforcement Act, also known as California Proposition 65 (Prop 65), is a California law passed in 1986. Its purpose is to protect drinking water sources from substances known to cause cancer, birth defects, or other reproductive harm and to warn the general public when such substances are present in consumer products or may be present in a specific area at a place of business or employment. The requirements of the law appear in Title 27 of the California Code of Regulations and are administered by The California Office of Environmental Health Hazard Assessment (OEHHA). ^[1]

The OEHHA publishes a list of chemicals and substances known to cause cancer or reproductive disorders. These chemicals might be present in common household products or may be used in manufacturing and construction. Listed chemicals may also be the byproducts of chemical processes, such as motor vehicle exhaust. The list is updated yearly and currently contains approximately 800 chemicals. ^[1]

Prop 65 requires that businesses provide a warning notice to citizens if significant amounts of the listed chemicals are present in the products they purchase, are found at a public facility or place of employment, or have been released into the environment. The law also forbids businesses from knowingly discharging significant amounts of these chemicals into sources of drinking water. Businesses with less than 10 employees and government agencies are exempt from Prop 65 requirements. ^[1]

Prop 65 is a “right to know” law rather than a pure product safety law. Its intent is that Californians have a right to know when they may be exposed to chemicals that cause cancer or reproductive harm so that they can make the decision whether or not to expose themselves to the specific risk in the warning. ^[2]

On August 30, 2016, the Office of Administrative Law approved the adoption of amendments to Title 27, Article 6, Clear and Reasonable Warning of the California Code of Regulations. The regulation will be operative on August 30, 2018. The following information reflects the amendments to Article 6.

Resources:

The Safe Drinking Water and Toxic Enforcement Act: (Free)

[Browse - California Code of Regulations](#)

List of Proposition 65 hazardous chemicals: (Free)

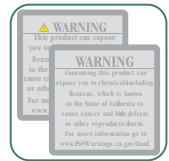
<https://oehha.ca.gov/proposition-65/proposition-65-list>

Proposition 65 OEHHA website: (Free)

<https://www.p65warnings.ca.gov/>

Businesses and Proposition 65: (Free)

<https://oehha.ca.gov/proposition-65/businesses-and-proposition-65>



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Design of Proposition 65 Signs:

- **WARNING REQUIREMENTS:** Businesses are required to provide “clear and reasonable” notice before exposing the public to a listed chemical that is present at significant levels to cause harm. The warning can be delivered by a number of means including a label on a consumer product or by posting signs at a business or a workplace. The warning classifications are:
 - Consumer Products Exposure Warnings (Title 27 Sec. 25603)
 - Occupational Exposure Warnings (Title 27 Sec. 25604,25605,20506))
 - Environmental Exposure Warnings (Title 27 Sec. 25604, 25605)
 - Food Exposure Warnings (Title 27 Sec. 25607.2)
 - Alcoholic Beverages Warnings (Title 27 Sec. 25607.3)
- **WARNING CONTENT:** Signs or labels must clearly communicate that the chemical in question is known to the state to cause cancer, or birth defects or other reproductive harm. The regulation presents specific language that could be used for various risk situations but does not preclude a business from providing additional warnings or language other than that specified for other applications. (25601)

Unless otherwise specified in Section 25607.1 et seq., a warning meets the requirements of this sub article if it is provided using one or more of 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 warning, in a size no smaller than the height of the word “WARNING”.
- (2) The word “**WARNING**” in all capital letters and bold print


Consumer product exposure warnings suggested: (25603)

- “  **WARNING:** This product can expose you to chemicals [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.”
- “  **WARNING:** 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.”
- “  **WARNING:** 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 cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.”



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- “  **WARNING:** 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.”
- ComplianceSigns.com has used the CA Prop 65 list and made it easier for you to find the consumer product exposure warning sign you need as long as you have the name of the chemical(s). Here’s an example with the chemical Benzene: **see Sample 1**

Food Warnings (25607.2)

- “**WARNING:** Consuming 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/food.”
- “**WARNING:** Consuming this product can expose you to chemicals [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/food.”
- “**WARNING:** Consuming this product can expose you to chemicals [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/food.”
- “**WARNING:** Consuming this product can expose you to chemicals [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/food.”
- ComplianceSigns.com has used the CA Prop 65 list and made it easier for you to find the food exposure warning sign you need as long as you have the name of the chemical(s). Here’s an example with the chemical Benzene: **see Sample 2**

Alcoholic Beverage Warnings (25607.3)

“**WARNING:** Drinking distilled spirits, beer, cooler, wine and other alcoholic beverages may increase cancer risk, and during pregnancy, can cause birth defects. For more information go to www.P65Warnings.ca.gov/alcohol.”

Additional signage requirement information per Sec. 25607.3 for alcoholic beverage signage:

Must comply with one or more of the following methods:







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1. An 8 ½ x 11-inch sign no smaller than 22-point type, placed at eye level so that it is readable and conspicuous to customers as they enter the area or areas where, by permit or license, alcohol is served.
2. A notice or sign no smaller than 5 x 5 inches placed at each retail point of sale or display so as to assure that it is readable and conspicuous. The warning message must be in a type size no smaller than 20-point type and be enclosed in a box.

Environmental and occupational exposure warnings suggested: (25604, 25605, 25606)

- “  **WARNING:** Entering this area can expose you to chemicals known to the State of California to cause cancer including [name of one or more chemicals], from [name of one or more sources of exposure] For more information go to www.P65Warnings.ca.gov”
- “  **WARNING:** Entering this area can expose you to chemicals known to the State of California to cause birth defects or other reproductive harm, including [name of one or more chemicals], from [name of one or more sources of exposure] For more information go to www.P65Warnings.ca.gov.”
- “  **WARNING:** Entering this area can expose you to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm, including [name of one or more chemicals known to cause cancer and name of one or more chemicals known to cause birth defects or other reproductive harm], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov.”
- “  **WARNING:** Entering this area can expose you to a [name of chemical] from [name of one or more sources of exposure]. [Name of chemical] is known by the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov”
- ComplianceSigns.com has taken the CA Prop 65 list and made it easier for you to find the environmental and occupational exposure warning sign you need as long as you have the chemical(s) and source(s). Here’s an example with the chemical Benzene: **see Sample 3**


Sample 1

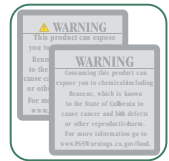
 **WARNING**
 This product can expose you to chemicals including Benzene, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.

Sample 2

WARNING
 Consuming this product can expose you to chemicals including Benzene, which is 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/food.

Sample 3

 **WARNING**
 Entering this area can expose you to Benzene from [name of one or more sources of exposure]. Benzene is 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.



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Additional requirements for Environmental Exposure warning signs (Sec. 25604)

For indoor environments or outdoor spaces with clearly defined entrances, a warning sign posted at all public entrances to the affected area in no smaller than 72-point type. The warning sign must:

- A) Clearly identify one or more sources of exposure
- B) Be provided in a conspicuous manner and under such conditions as to make it likely to be seen, read and understood by any ordinary individual in the course of normal daily activity.
- C) Be provided in English and any other language used on other signage in the affected area.

Proposition 65 Frequently Asked Questions (FAQ):

Our in-house attorney has contacted the California Prop 65 office and based on this discussion, the following information is important for the business owner to understand. For further questions the CA Prop 65 Office can be contacted at 916-445-6900 or P65.Questions@oehha.ca.gov.

1. Do I need to replace the signs I presently have at my office, facility, factory, business, etc.?

California has significantly updated the Prop 65 regulations and the sign requirements in the legislation that was passed on August 30, 2016. The changes went into full effect on August 30, 2018 and we have the products that will assist you in complying with the updated regulations.

2. Can you tell me what signs I need? (Some further explanation if necessary is also offered in 4. and 5. below)

We have been directed by the California Prop 65 office not to give specific advice on which signs to buy. While our signs are designed according to the new regulations, only you can determine which signs are necessary for your business.

We have signs based on the Prop 65 List of Chemicals and their associated health risks, as well as other specific areas signs provided in the updated regulations. If you know the names of the applicable chemical(s), or a specific area described by one of the additional regulatory sections, then we can assist you in finding signs based on those chemicals or areas.

3. Who enforces Prop 65?

As is the case with most of Prop 65, questions like this should be directed back to your legal counsel. The regulations allow for civil litigation to be initiated by any member of the public and can result in up to a \$2,500 fine per day for each violation. The Attorney General can also initiate action to enforce Prop 65.

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Compliance – Resource Bulletins are reference summaries of rules which govern the design of signs and related products. These bulletins are not legal advice, and are not intended for use in legal proceedings or inspections. Please do your own research, and seek professional advice from your inspector, lawyer, or other professional who is familiar with your specific situation on signage requirements, compliance or installation.



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4. How specifically does a source need to be described?

This should also be decided by the business owner. We are not familiar with your individual office, factory, plant, etc. The regulations call for the business to provide “clear and reasonable” warnings and the business must decide what will meet this threshold. If you have questions about how to describe a source, you should contact your legal counsel for answers. You can also look at Q24 of Questions and Answers for Businesses.

https://www.p65warnings.ca.gov/sites/default/files/art_6_business_qa.pdf

5. Does a sign need to be listed for every product, every chemical, or is there a minimum number of signs that can be posted to comply with the Prop 65 regulations?

It is totally up to the business owner, as to how much or how little they believe they need to comply with the law. While it does not appear that someone would be doing anything wrong by posting signs regarding every possible chemical exposure, it always needs be your decision as to how extensively you choose to comply with the regulations. You can again refer to Q24 mentioned in the previous paragraph.

6. Is my business exempt from Prop 65’s requirements?

CA OEHHA website indicates that businesses with less than 10 employees and government agencies are exempt from Prop 65’s warning requirements.

7. What are the easiest ways to differentiate a new Prop 65 sign from an old one?

1. All new signs will have a P65 web address.
2. Most new signs will have a warning triangle at the top left.
3. Most new signs will have specific chemical names, with some also having exposure sources.

NOTE: *The business owner must make the decision on sign necessity based on the type of facility they operate, the type of chemicals that are present, and the approach they choose to take to comply with the new Prop 65 regulations.*

Please visit our store: <https://www.compliancesigns.com/CA-prop65-new.shtm>