

California Proposition 65

California’s Proposition 65 is now over 20 years old and has been effective in reducing exposures to toxic chemicals. It allows Californian residents to eliminate carcinogens and reprotoxic chemicals from consumer products and industrial activities. Since its enactment, there have been numerous lawsuits which resulted in the reduction of these toxic chemicals and significant reformulations of consumer products containing toxic chemicals, often leading to implementation on a national level.

Proposition 65 is the ‘Safe Drinking Water and Toxic Enforcement Act of 1986’, a ballot initiative passed overwhelmingly by Californian residents in November 1986. It is administered by the Office of Environmental Health Hazard Assessment (OEHHA); part of the California Environmental Protection Agency (Cal / EPA). Persons, unless otherwise exempted, doing businesses with ten or more employees may not expose individuals to chemicals known to cause cancer or reproductive toxicity without first giving clear and reasonable warning, nor discharge such chemicals into drinking water. Warnings for consumer products can either be located directly on the label of the product or displayed prominently near the product in the store (Table 1).

Proposition 65 applies to a current list of approximately 800 chemicals identified by the state of California as causing cancer or reproductive toxicity. The list contains a wide range of naturally occurring and synthetic chemicals. These chemicals include additives or ingredients in pesticides, common household products, food, drugs, dyes, or solvents. They may be used in manufacturing and construction, or they may be by-products of chemical processes, such as motor vehicle exhausts. Examples of listed chemicals include tobacco smoke, metals (eg lead, cadmium and nickel) and organic chemicals [eg phthalates such as BBP, DBP, DEHP, DIDP and DnHP and Polycyclic Aromatic Hydrocarbons (PAHs) such as benzo[a]pyrene]. Once a chemical is incorporated into the Prop 65 list, manufacturers and distributors have 1 year to implement warnings and 20 months to cease all contributions to discharges to sources of drinking water. After this date, the government or private enforcers, including individuals or organisations acting in the interest of the public, can initiate legal proceedings

Table 1. Representative examples of warning labels

Examples of Warnings	
1	2
WARNING: This product contains a chemical known to the State of California to cause cancer	WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm

Of the 800 or so listed chemicals, lead-containing consumer products have been consistently targeted in the last few years. Lead has been listed as a carcinogen since 1992 and also as a reproductive toxin since 1987. It affects almost every organ in our biological system including the central nervous system (dementia). Other symptoms include anaemia, appetite loss, abdominal pain, constipation, sleeplessness, irritability, headache and fatigue. In children, it can delay mental and physical development. Selected consent agreements on lead (and cadmium) reformulation requirements in a range of consumer products are summarised (Table 2).

Table 2. Selected consent agreements on lead (and cadmium) reformulation requirements under Proposition 65

Item	Product / Material	Court Case Number / Method Lead / Cadmium Reformulation Requirements
1	Copper Containers with Solder Parts¹ eg Copper Tray, Planter, Urn, Wall Fountain, Flower Bucket, Saucer	Marin County Court Case No. CV 064425 200 ppm lead
2	PVC Coated Cords² eg PVC-Coated, Thermoset-Coated and / or Thermoplastic Coated Wires and Cables (exemptions apply eg Infrequently Handled Products)	San Francisco Case No. CGC-07-460934 and CGC-06-449269 ≤ 300 ppm lead
3	Cosmetics³ eg Lipstick and Lipgloss	ACSC Case No. RG 07325184 ≤ 0.35 ppm lead (Lipstick and Lipgloss) ≤ 0.5 ppm lead (Other Cosmetic Items)
4	PVC Materials in Bicycles⁴ eg Handles / Cables	San Francisco Case No. CGC-06-454917 ≤ 300 ppm lead (diameter of wheels ³ 20 inches) ≤ 30 ppm lead (diameter of wheels ≤ 20 inches)
5	Aluminium Cookware⁵	San Francisco Case No. CGC-06-456750 ≤ 6 ppb (average of a minimum of 6 samples)
6	PVC Soft Food and Beverage Containers⁶ eg Lunchboxes and Coolers	San Francisco Case No. CGC-05-444522 and CGC-05-444524 ≤ 200 ppm lead (lining) ≤ 600 ppm lead (exterior)
7	PVC Materials in Bicycles eg Cables, bicycle tools, chain tools, bottom bracket tools, locks, tool kits, pliers, screwdrivers, pedal tools, cone wrenches, fork tools, wheel tools, wrenches and frame tools	San Francisco Case No. CGC-05-440721 ≤ 200 ppm lead
8	PVC / Neoprene and / or other Plastic Clothing eg rainwear	San Francisco Case No. CGC-05-440570 and CGC-03-427020 ≤ 30 ppm lead
9	Glassware Food / Beverage and Product⁷ eg Glasses , Pitchers, Pilsners, Punch Bowls, Serving Utensils, Serving Platters, Plates, Trays, Condiment Dispensers, Tumblers, Carafes, Bottles, Bowls, Mugs, Cups and Saucers	San Francisco Case No. CGC-05-440811 a) NIOSH 9100 (Exterior Decorations) ≤ 1.0 µg Lead ≤ 8.0 µg Cadmium b) EPA 3050B (Exterior Decorations exclusive of Lip and Rim Area) ≤ 600 ppm lead ≤ 4800 ppm c) C927 (Lip and Rim Area) ≤ 200 ppm lead ≤ 800 ppm cadmium A Product may satisfy a) or b) subject to 1) A children's product must meet b) 2) A product containing exterior decorations in the Lip and Rim Area must also meet c)

To be continued on following page

Item	Product / Material	Court Case Number / Method Lead / Cadmium Reformulation Requirements
10	Glassware Non-Food / Beverage Product⁷ eg Vases, Votive Holders, Candleholders, Ashtrays, Coasters, Mirrors, Napkin Rings, Centrepieces, Trivets, Decorative Tiles, Holiday Ornaments, Keepsake / Music Boxes, Pencil Holders, Desk Sets, Picture Frames, Figurines,, Soap Dispensers, Toothbrush Holders, Soap Dishes, Tissue Caddies, Garden Ornaments, Flower Pots, Plant Holders, Wall Hangings, Lamps, Pet Dishes and Suncatchers	San Francisco Case No. CGC-05-440811 a) NIOSH 9100 (All Surfaces) $\leq 4.0 \mu\text{g}$ lead $\leq 32.0 \mu\text{g}$ cadmium A children's non-Food / Beverage Glass Product must also meet the following b) EPA 3050B (Exterior Decorations) ≤ 600 ppm lead ≤ 4800 ppm cadmium c) NIOSH 9100 (All Surfaces) $\leq 4.0 \mu\text{g}$ lead $\leq 32.0 \mu\text{g}$ cadmium A Product may satisfy a), b) or c) subject to 1) A children's product must meet b)
11	Ceramicware Food / Beverage Product⁷ eg Mugs, Steins, Carafes, Bowls, Drinking Vessels, Condiment Dispensers, Cups, Saucers, Plates, Trays, Pitchers, Punch Bowls, Serving Utensils, Serving Platters	San Francisco Case No. CGC-05-440811 a) NIOSH 9100 (Decorations) $\leq 1.0 \mu\text{g}$ Lead $\leq 8.0 \mu\text{g}$ Cadmium b) EPA 3050B (Exterior Decorations exclusive of Lip and Rim Area) ≤ 600 ppm lead ≤ 4800 ppm cadmium c) Total Acetic Immersion Test (ASTM C 927 Modified) 0.99 ppm lead 7.92 ppm cadmium d) Lip and Rim Area ≤ 200 ppm lead ≤ 800 ppm cadmium e) C927 (Lip and Rim Area) $\leq 0.5 \mu\text{g} / \text{mL}$ lead $\leq 4.0 \mu\text{g} / \text{mL}$ cadmium A Product may satisfy a), b) or c) subject to 1) A Children's product must meet b) 2) A product containing exterior decorations in the Lip and Rim Area must also meet d) or e)
12	Ceramicware Non-Food / Beverage Product⁷ eg Vases, Votive Holders, Candleholders, Ashtrays, Coasters, Mirrors, Napkin Rings, Centrepieces, Trivets, Decorative Tiles, Holiday Ornaments, Keepsake / Music Boxes, Pencil Holders, Desk Sets, Picture Frames, Figurines,, Soap Dispensers, Toothbrush Holders, Soap Dishes, Tissue Caddies, Garden Ornaments, Flower Pots, Plant Holders, Wall Hangings, Lamps, Pet Dishes and Suncatchers	San Francisco Case No. CGC-05-440811 a) NIOSH 9100 (Decorations) $\leq 1.0 \mu\text{g}$ (Lead) $\leq 8.0 \mu\text{g}$ (Cadmium) b) EPA 3050B (Exterior Decorations exclusive of Lip and Rim Area) ≤ 600 ppm lead ≤ 4800 ppm cadmium c) Total Acetic Immersion Test (ASTM C 927 Modified) 0.99 ppm lead 7.92 ppm cadmium d) NIOSH 9100 (All Decorations) $\leq 4.0 \mu\text{g}$ (Lead) $\leq 32.0 \mu\text{g}$ (Cadmium) A Product may satisfy a), b), c) or d) subject to 1) A Children's product must meet b)

Item	Product / Material	Court Case Number / Method Lead / Cadmium Reformulation Requirements
13	Jewellery s eg Ornaments worn by a person such as Anklet, Necklace, Brooch, Bracelet, Earring and Hair Accessories	County of Alameda Court Case No. RG 04-162075 (California Assembly Bill 1681 'Lead-Containing Jewellery', Pavley, 2006) Lead requirements dependent on component type and product category (Refer to reference 8 for further details)
14	PVC or Neoprene Coated Sports Products and Weights Eg Handles	San Francisco Court Case No.CGC-02-403328 ≤ 200 ppm lead

Key

≤ = Less than or equal than
ppm = Parts per million
ppb = Parts per billion
µg = Microgram

SGS is able to provide a range of services, including analytical testing and consultancy for lead content, leachable lead / lead migration as well as other heavy metals and organic chemicals in a variety of consumer products for compliance with Proposition 65 requirements.

Please do not hesitate to contact us for further information



¹ Safeguards 093/07 '[Proposition 65 Settlement – Lead Requirements in Copper Containers](#)'

² Safeguards 044/07 '[California Proposition 65 Settlement – Lead Requirements in Wires and Cables Coated with PVC](#)'

³ Safeguards 094/07 '[California 65 Settlements – Lead Restriction on Cosmetic Products](#)'

⁴ Safeguards 092/07 '[Proposition 65 Settlement – Lead Requirements in PVC Grips and Cables in Bicycles](#)'

⁵ Safeguards 096/07 '[California Proposition 65 settlement—Reformulation of lead requirement](#)'

⁶ Safeguards 042/06 '[California Center for Environment Health Found High Levels of Lead in Soft Plastic Lunchboxes](#)'

⁷ Safeguards 045/05 '[New Proposition 65 Requirements on Glassware and Ceramicware](#)'

⁸ Safeguards 067/06 '[State Assembly Bill 1681 for Lead in Jewellery](#)'

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