

SAFEGUARDS

CONSUMER GOODS AND RETAIL

HARDGOODS, TOYS & JUVENILE PRODUCTS, SOFTLINES, ELECTRICAL & ELECTRONICS

NO. 193/13 OCTOBER 2013

CALIFORNIA PROP 65 - RECENT SETTLEMENTS

Proposition 65 (Prop 65) is the 'Safe Drinking Water and Toxic Enforcement Act of 1986', a ballot initiative passed overwhelmingly by California residents in 1986. Since its enactment, there have been numerous lawsuits which resulted in the reduction of carcinogenic and reprotoxic chemicals by reformulations of consumer products containing such chemicals¹.

California's Proposition 65 is now over 25 years old and has been effective in reducing exposures to toxic chemicals. It allows California residents to eliminate carcinogens and reprotoxic chemicals from consumer products and industrial activities. Persons doing business with ten or more employees, unless otherwise exempted, may not expose individuals to chemicals known to cause cancer or reproductive toxicity without first giving a 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 products in the store (Table 1).

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.

Prop 65 applies to a current list of more than 850 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. Examples of listed chemicals include heavy metals (e.g. lead, cadmium and nickel) and organic chemicals (e.g. phthalates such as BBP, DBP, DEHP, DIDP and DnHP) and flame retardants (e.g. tris-(2-chloroethyl) phosphate [TCEP], tris(2,3-dibromopropyl) phosphate [TDBPP] and tris(1,3-dichloro-2-propyl) phosphate [TDCPP]).

Of the 850 or so listed chemicals, lead-containing consumer products have been consistently targeted over the years. In the last few years, cadmium, phthalates and TDCPP have also been consistently targeted.

Since the beginning of 2013, a number of Prop 65 settlements have been reached for a variety of products, including but not limited to: adhesive plastic bandages, coffee filter separators, detergents, disposable razors, garden tools, guest book holders, magnets, polyurethane foam-cushioned pads, polyurethane foam-cushioned furniture, steering wheel covers and sunglasses². Selected consent agreements on lead, phthalates and propane reformulations and/or warning requirements in a range of consumer products are summarised in Table 2.

¹ [OEHHA: Proposition 65](#)

² [SGS-SafeGuardS 086/13](#) and references therein

[SGS-SafeGuardS 177/13](#) and references therein

The logo for SGS, consisting of the letters 'SGS' in a bold, sans-serif font, with a vertical line to the right of the letters.

TABLE 2. SELECTED CONSENT AGREEMENTS ON LEAD, PHTHALATES AND PROPANE REFORMULATION REQUIREMENTS UNDER PROP 65

ITEM	SUBSTANCE	PRODUCT	REFORMULATION
1	BBP	Vinyl Sheet Flooring	< 1000 ppm
2	DBP Lead	<ul style="list-style-type: none"> AM/FM radio Kids Zories (flip flops) Sink and tub accessories, including drain clog remover 	Kids Zories (flip flops) ≤ 1000 ppm DBP Sink and tub accessories, including drain clog remover and AM/FM radio ≤ 100 ppm Lead
3	DEHP	Bottle stoppers	≤ 1000 ppm
4	DEHP	Skipping ropes	≤ 1000 ppm
5	DEHP	Pet carriers with handles	≤ 1000 ppm otherwise warning statement
6	DEHP	Vinyl/PVC hand truck grips	≤ 1000 ppm
7	DEHP Lead	<ul style="list-style-type: none"> Flashlights with rubber grips Steering wheel locks 	Flashlights with Rubber Grips ≤ 100 ppm Lead Steering Wheel Locks ≤ 100 ppm Lead, and ≤ 1000 ppm DEHP
8	Lead	Brass door and window decorative hardware, exterior decorative brass hardware, and brass threaded wire products, together with all product packaging and written instructions or information.	≤ 100 ppm otherwise warning
9	Lead	Brass hose accessories, kits, gauges or other tools that are made in whole or in part of brass.	≤ 300 ppm otherwise warning
10	Lead	<ul style="list-style-type: none"> Computer cooling fans Computer mouse Speakers Webcams 	≤ 100 ppm
11	Lead	Jewellery boxes	Paint or other surface coating (accessible) ≤ 90 ppm PVC (accessible) ≤ 200 ppm Leather and non-PVC imitation leather (accessible) ≤ 300 ppm All other accessible components ≤ 300 ppm Exemption Cubic zirconia (cubic zirconium, CZ), crystal, glass or rhinestone

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ITEM	SUBSTANCE	PRODUCT	REFORMULATION
12	Lead	Laundry tote with vinyl/PVC handle	≤ 90 ppm and ≤ 1.0 µg (NIOSH 9100)
13	Lead	Ratchet tie down set	< 100 ppm and ≤ 1.0 mg (NIOSH 9100)
14	Lead Phthalate	Hand tools with grips or vinyl/PVC cases, including but not limited to: <ul style="list-style-type: none"> • Pocket magnifier • Precision knife and blade set • Revolving punch 	< 1000 ppm each of DBP and DEHP and < 100 ppm lead or < 1.0 µg/cm ² lead (NIOSH 9100)
15	Propane	Propane gas sold to cylinder exchange stations	Warning required Warning: Chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm are created by the combustion of propane

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for consumer products to show compliance with Prop 65 and worldwide requirements. Please do not hesitate to contact us for further information.



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WHEN YOU NEED TO BE SURE