

Compliance Statement - California Proposition 65

Background

The term Proposition 65 arrived on the ballot of California voters in 1986 at a time when environmental protections were large on the public stage. The “superfund” federal program had just arrived six years prior in a reaction to the challenges of addressing the impact of the disposal of industrial waste at a large and unregulated scale for decades prior. California and twenty other states allow for the direct passages of statute (Law) through a process of ballot initiative.

The Law

California’s Proposition 65, also called **Safe Drinking Water and Toxic Enforcement Act of 1986** was enacted in November 1986. It is intended to help Californians make informed decisions about protecting themselves from chemicals known to cause cancer, birth defects or other reproductive harm / toxicity. **California Proposition 65 Law** requires, warnings on products and areas containing chemicals “**known to the State of California**” to cause cancer, birth defects or reproductive harm. The law was supposed to keep people safe from toxic chemicals and requires businesses to inform Californians about exposures to such chemicals.

Compliance & Amendment

Proposition 65 is a California law states that “A person in the course of doing business, who manufactures, produces, assembles, processes, handles, distributes, stores, sells, or otherwise transfers consumer products which are known to contain a chemical known to the state to cause cancer or reproductive toxicity in an amount that requires warning shall provide a warning to any person to whom the product is sold or transferred unless the product is packaged or labelled with a clear and reasonable warning. (California Proposition 65, section 25603).

To comply **California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (known as “Cal Prop 65”)**, businesses are required to provide a clear and reasonable warning before exposing anyone to the listed chemicals.

In later 2016, the State of California amended the warning language and methods that are deemed “**clear and reasonable**” under the statute (i.e., that provide a “**safe harbor**” from enforcement). These amendments become effective on August 30, 2018.

Requirements of California Propostion 65

According to the timelines and requirements of California Proposition 65, the following user information is provided to the customers of all Talema Group Products subject to the Compliance

Information to the Users / Customers / Manufacturers / Distributors / Business Enterpreners



Reducing risk along the Supply Chain

“Proposition 65 does not ban or restrict the sale of more than 900 listed chemicals from products or production processes, but simply requires a clear and reasonable warning be given to any consumer in California exposed to the chemical(s). The warning requirement applies to any business with 10 or more employees in the chain of distribution, including manufactures, distributors and retailers selling products in California. Businesses that sell their products online or through catalogs also have additional warning requirements to ensure that the warning is clearly associated with the item being purchased. Violators of Proposition 65 may be subjected to potential liability including penalties of upto \$2,500 per day for each violation.”

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OHEEA & Safe Harbor Level

The Office of Environmental Health Hazard Assessment (**OEHHA**) administers the Proposition 65 program, which is part of the California Environmental Protection Agency (**CalEPA**), determines whether chemicals meet the scientific & legal requirements for placement on the Proposition 65 list, and administers regulations that govern warnings and other aspects of Proposition 65.

OEHHA has developed “**safe harbor**” levels for roughly 300 of the more than 800 **chemicals** on the Prop **65** list. If the product exposes an individual to a **chemical** at a **level below** the maximum threshold for **safety**, there can be no liability for failure to provide a warning.

Examples of New Standard Warning Label - Model

<p>⚠ WARNING: This product can expose you to chemicals including [name of chemical], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov.</p>	For exposure to listed carcinogens.
<p>⚠ WARNING: This product can expose you to chemicals including [name of chemical], 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.</p>	For exposure to listed reproductive toxicants.

Common Warning Label



Talema Group's Statement

Most of the Products that Talema Group Manufacture and sell in the Californian region do not contain the substances regulated by California proposition 65 in concentrations resulting in exposures above the safe harbor levels determined by OEHHA. As such, these products are not required to have the California Proposition 65 Warning Labels. However, we would like to declare that in case of any product that are being produced and sold in Californian region using the listed chemicals will then have California Proposition 65 warning Labels on the Packages.

Legal Insight

Talema Group reserve the right to amend this statement at anytime based on subsequent developments or information. The information contained herein is subject to change without notice. Nothing herein should be construed as constituting an additional warranty. Talema Group shall not liable for technical or editorial errors or omissions herein.

Reference

For further information about California Propostion 65, please visit:

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

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

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

Contact

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