

Proposition 65 Statement

To Whom It May Concern:

Proposition 65 “Prop 65”, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986, as published in Section 25249.7 of California’s Health and Safety Code, was enacted as a California ballot initiative in November 1986. The Proposition was intended by its authors to protect California citizens and the State’s drinking water sources from chemicals determined by a state agency to cause cancer, birth defects or other reproductive harm. Over 900+ chemicals are now on California’s list of Proposition 65 chemicals. This list and other information regarding Prop 65 can be accessed at <http://www.oehha.ca.gov/prop65>

Proposition 65 requires that a “clear and reasonable warning” be provided by a Company in the course of doing business, who manufactures, assembles, handles, distributes, stores, sells, or transfers a consumer product which he or she knows to contain a chemical known to the state to cause cancer or reproductive toxicity to any person to whom the product is sold or transferred.

The lead state agency handling Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA; www.oehha.ca.gov), has established safe harbor levels which include No Significant Risk Levels (NSRLs) for cancer causing chemicals and Maximum Allowable Dose Levels (MADLs) for chemicals causing reproductive toxicity for many of the 900+ chemicals listed under Proposition 65. Exposure levels and discharges to drinking water sources that are below the safe harbor levels are exempt from the requirements of Proposition 65.

New OEHHA regulations, adopted in August 2016, which take full effect in August 2018. These new warning label requirements change the safe harbor warnings which are deemed to comply with the law.

All products shipped by PEPCO into the State of California are subject to Proposition 65. While procedures have been established as part of our ongoing Product Safety initiatives throughout our supply chain to insure the purchase and use of raw materials that will meet Prop 65 standards, our efforts have to date been focused on the Third Party testing of our products to insure that they are in compliance with the very stringent regulations set forth by the CPSIA in regards to lead content in substrates and surface coatings of Children’s Products and Toys along with applicable Phthalate content. While lead content has been the focus of litigation in Proposition 65 cases, our current strategy has been to use our lead testing program to demonstrate that the products that we ship to California meet the Proposition 65 standards for lead.

Because we cannot test every piece of every order that we ship to California for every one of the Proposition 65 listed 900+ chemicals, you may continue to have concerns about compliance with Proposition 65. If so, the safest option is to include a label on product that may ship to the state of California. We will do this for a nominal fee. The short form warning label would read as follows:



PEPCO is fully committed to providing the highest quality, safest products for our clients and for all our products meet applicable federal safety and warning requirements, standards and regulations as enforced by the Consumer Product Safety Commission and the U.S. Food and Drug Administration. If PEPCO becomes aware that any product shall require a Proposition 65 Warning, we will apply the short form warning label to that product. For products manufactured on or after August 30, 2018, we will also indicate on our website those items that will require Proposition 65 Warning labels.

For a plain language version of the Proposition 65 regulations, please visit:
<http://www.oehha.ca.gov/prop65/background/p65plain.html>