



### **What is Proposition 65?**

In 1986, California voters approved an initiative to address their growing concerns about exposure to toxic chemicals. That initiative became the Safe Drinking Water and Toxic Enforcement Act of 1986, better known by its original name of Proposition 65. Proposition 65 requires the State to publish a [list of chemicals](#) known to cause cancer or birth defects or other reproductive harm. This list, which must be updated at least once a year, has grown to include approximately 800 chemicals since it was first published in 1987.

Proposition 65 requires businesses to notify Californians about significant amounts of chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. By providing this information, Proposition 65 enables Californians to make informed decisions about protecting themselves from exposure to these chemicals. Proposition 65 also prohibits California businesses from knowingly discharging significant amounts of listed chemicals into sources of drinking water.

California's Office of Environmental Health Hazard Assessment (OEHHA) requires:

“No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning.”

The Office of Environmental Health Hazard Assessment (OEHHA) administers the Proposition 65 program. OEHHA, which is part of the California Environmental Protection Agency (Cal/EPA), also evaluates all currently available scientific information on substances considered for placement on the Proposition 65 list.

(Reference: [http://www.oehha.org/prop65/prop65\\_list/090211list.html](http://www.oehha.org/prop65/prop65_list/090211list.html))

### **What types of chemicals are on the Proposition 65 list?**

The State of California listed “wood dust” as a known human carcinogen. However, the state did not establish a threshold level for wood dust, which means there is no threshold level that Proposition 65 does not apply. On September 2, 2011, titanium dioxide was also added to the list.

(Reference: [http://www.oehha.org/prop65/prop65\\_list/files/p65single090211.pdf](http://www.oehha.org/prop65/prop65_list/files/p65single090211.pdf))

### **Implications for RoyOMartin customers:**

Proposition 65 has implications for manufacturers, distributors and producers of wood products. A section of the law states: *“To the extent practicable, warning materials such as signs, notices, menu stickers, or labels shall be provided by the manufacturer, producer or packager of the consumer products, rather than the retail seller.”*

Proposition 65 is a warning requirement; therefore, maximum daily exposure levels are not relevant. However, veneer, plywood, lumber and timbers, as well as other engineered wood products, may have incidental dust on their surfaces. Furthermore, additional and further processing of these products may result in exposure to wood dust and may release titanium dioxide from the edge sealant.

**Requirements and Suggested Warning Labels:**

It is important that you implement and maintain Proposition 65 warning levels in all California stores which carry RoyOMartin products. Businesses are required to provide a “clear and reasonable” warning before knowingly and intentionally exposing anyone to a listed chemical. This warning may be given by a variety of means, such as by labeling a consumer product, posting signs at the workplace, distributing notices, and other means.

California regulation sets out a model warning level, which in effect provides “safe harbor” language for the warnings. The warning must be placed “with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.” Labels on websites, product or product packaging, product display shelves or areas, and cash register areas are means to meet the California customer notification requirements.

**\*\*\*NOTE: When determining proper Proposition 65 programming, please consult California legal counsel knowledgeable of Proposition 65 for additional recommendations.**

RoyOMartin, in compliance with Proposition 65, provides the following warning for wood dust and titanium dioxide (see page 3 for further signage and labeling):

**WARNING:**

**Drilling, sawing, sanding or machining wood products generates wood dust and may release titanium dioxide from the edge sealant, substances known to the State of California to cause cancer. Avoid inhaling these substances or otherwise determine what safeguards or personal protection equipment may be necessary to prevent inhalation. (California Health and Safety Code Section 25249.5 et. seq)**

RoyOMartin will provide warning information on company invoicing and list warning information on our website, [www.royomartin.com](http://www.royomartin.com).

Should you have any additional questions regarding Proposition 65 requirements, please contact your RoyOMartin sales representative at (800) 299-5174 or [www.royomartin.com](http://www.royomartin.com). General information on Proposition 65 can be found online at <http://www.oehha.ca.gov/prop65.html> or through the OEHHA’s Proposition 65 program at (916) 445-6900. For enforcement information, you may contact the California Attorney General’s Office at (510) 622-2160, or visit <http://ag.ca.gov/prop65/>.

Regards,

E. Scott Poole  
Senior Vice President &  
Chief Operating Officer

**Disclaimer:**

By providing this information, RoyOMartin has provided a clear and reasonable warning with examples and instructions, but nothing hereforth shall be construed to serve as a warning on our customers’ part for their obligation to the provisions set forth in Proposition 65. Consult legal counsel knowledgeable of Proposition 65 for additional compliance recommendations. When forwarding RoyOMartin products to the consumer/retail level, please ensure appropriate notification of California Proposition 65.



**Sample signage, product packaging, and product labeling**

**CALIFORNIA WARNING:**

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(California Health and Safety Code Section 25249.5 et. seq)**

**Sample website and catalog labels**

**ATTENTION CALIFORNIA RESIDENTS: Proposition 65**

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**DISCLAIMER:**

**\*\*\*When determining proper Proposition 65 programming, please consult California legal counsel knowledgeable of Proposition 65 for additional recommendations.**