

OEHHA Issues Proposed Regulations Regarding Proposition 65 Warning Requirements

California's Office of Environmental Health Hazard Assessment recently issued to proposed regulations regarding California's Proposition 65 that, if passed, will impact food and beverage companies, as well as manufacturers of other products sold in California. First, OEHHA issued proposed regulations regarding what is deemed a "clear and reasonable warning" under Proposition 65. The regulations provide tailored warnings for various specific types of products, including food, alcohol, food and beverage warnings at restaurants, and prescription drugs. They also provide that for certain listed chemicals--including acrylamide, arsenic, cadmium, lead, and mercury--the warning should include the name of the chemical. For example, under the proposal, for a food product that contains lead, the following is deemed a clear and reasonable warning: **WARNING:** Consuming this product can expose you to a chemical such as lead that is known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food. Second, OEHHA issued proposed regulations that would require OEHHA to develop and maintain a website to collect and provide information to the public regarding exposures for which warnings are provided. Under the regulations, manufacturers and distributors that include Proposition 65 warnings on their product packaging would be required to provide certain information to OEHHA upon its request, including the name of the chemicals at issue in the warning, the anticipated route(s) of exposure to that chemical, and the estimated level of exposure to that chemical. Public hearings on both regulations will be held on March 25, and written comments are due by April 8.

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