

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**Safe Drinking Water and Toxic Enforcement
Act of 1986**

(Proposition 65)

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Cal/EPA



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Regulation

Department
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Functions and Responsibilities of OEHHA

- Toxicology and health risk assessments
- Lead agency for health risk assessments in California
- Science Advisor to Secretary of Cal/EPA
 - EPIC
 - Green Chemistry
 - Biomonitoring
 - CIPA
- Lead agency for implementation of Proposition 65

Outline of Proposition 65 Presentation

- Overview
- Legal Mandate
- Exemptions
- Impacts
- Enforcement
- Regulatory Update
- Questions

Overview of Proposition 65

- Proposition 65 was enacted by the people as a State ballot initiative in 1986. It applies only in California.
- The Governor must annually publish a list of chemicals known to the State to cause cancer or reproductive toxicity (birth defects or other reproductive harm).
- Proposition 65 requires a warning prior to exposure to a listed chemical in an amount that exceeds a specified risk level.
- Proposition 65 prohibits the discharge of any listed chemical into a source of drinking water in an amount that poses a “significant risk.”

Basic Legal Mandate

- **Duty to provide “clear and reasonable” warning by businesses that expose people to listed chemicals. Requirement applies 12 months after the chemical is listed.**
- **Warning requirement applies to all types of exposures**
 - 1. Consumer products exposures**
 - 2. Environmental exposures**
 - 3. Occupational exposures**
- **Regulations provide optional “safe harbor” warning methods and content.**

What Proposition 65 does Not Do

- Proposition 65 does not prohibit use of a listed chemical.
- Proposition 65 does not apply to hazardous wastes, restricted wastes, special wastes, or medical wastes.
- Proposition 65 does not require covered businesses to obtain any permits or licenses.

Key Proposition 65 Exemptions

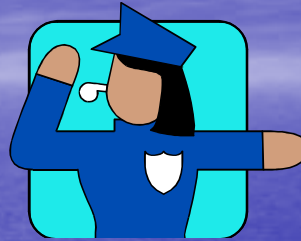
- **Businesses employing fewer than ten employees and Governmental Agencies are not subject to Proposition 65.**
- **Exposures that do not pose a “significant risk” are not subject to the Proposition 65 warning requirement.**
- **Exposures for which federal law governs warnings in a manner that preempts State authority are exempt from Proposition 65 warning requirement.**

Proposition 65: Impact on Use of Toxics

- Manufacturers now avoid use of lead-containing brass in various plumbing fixtures.
- Use of chromium salts in primer paints has almost disappeared in California.
- Dishes: Lead glazes reduced.
- Lead crystal: Coatings applied.

Note: Proposition 65 does not require product reformulation or ingredient substitution. Companies may choose to give warnings or bring exposures below warning levels.

Proposition 65 Enforcement



- **The Attorney General, any district attorney, or any city attorney (having a population in excess of 750,000); any person in the public interest (if a 60-day notice is served appropriately and none of the above is prosecuting)**

Regulatory Updates

- Safe Use Determinations (completed)
- Retail Food Warnings
- Food Nutrients
- Electronic Notice
- Definitions
- Non-substantive amendments and Reorganization (Completed)

Questions?



Thank You

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