

Scoping Guide

Proposition 65



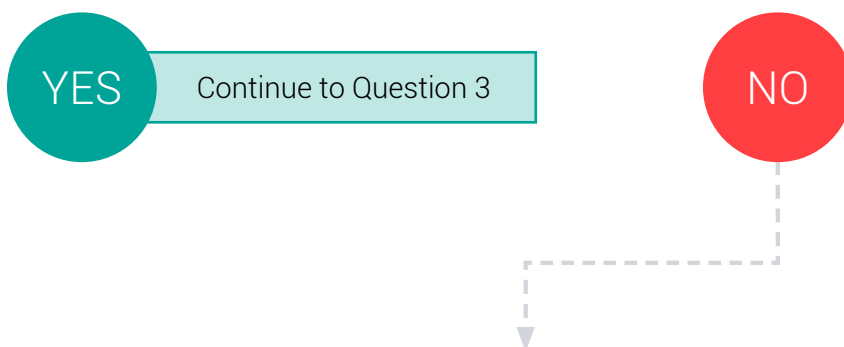
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Proposition 65

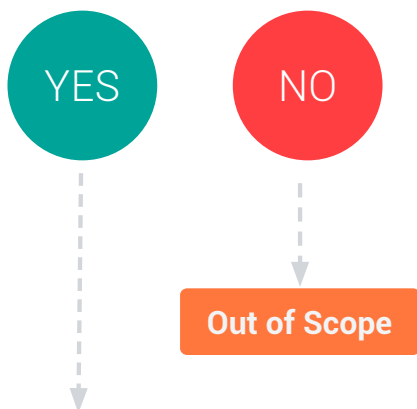
This guide will help you determine whether your company is subject to Proposition 65 requirements, and what potential compliance obligations may apply.



1. Does your company manufacture, import, distribute, or sell products that may be purchased or used in California, including online and catalog sales?



2. Could your customers be supplying your products to California users (e.g., via resale or downstream manufacturing)?



Did You Know?

Proposition 65 only applies to exposure risks for people in California. For more information about Proposition 65 requirements, [get our eBook](#).



3. Could normal or reasonably foreseeable use of the product expose consumers, residents or California workers to a Proposition 65-listed chemical above the applicable safe harbor level?



Note: Assent's solution includes an option for suppliers to report an "exemption," indicating that a Proposition 65 substance is present but its location or function means there is no reasonably foreseeable exposure risk associated with that product. While the presence of a Proposition 65 substance is a key consideration when assessing exposure risk, there are also scenarios where exposure risk may be present from products that contain no listed substances¹¹. This guide does not address legal exemptions, including the exemption for businesses with fewer than 10 employees, government agencies, and other specific exceptions.

¹ Proposition 65 applies not only to consumer products, but also to exposure risks for all Californians. This means additional warning or communication requirements may apply where there is a risk of environmental or workplace exposure.

Safe Harbor Levels

California's Office of Environmental Health Hazard Assessment (OEHHA) establishes safe harbor levels for a subset of Proposition 65-listed chemicals when data is available to do so. Safe harbor levels are exposure thresholds. A Proposition 65 warning is generally required unless the business can demonstrate that exposure to the listed chemical is below the applicable safe harbor level or, where no safe harbor level has been established, that the exposure does not present a significant risk of cancer or reproductive harm.— for chemicals listed under Proposition 65. If these thresholds are surpassed, the chemicals will activate warning and discharge prohibition requirement





When a Warning Is Required: What Now?

If a product contains a Proposition 65-listed chemical, and reasonably foreseeable use could result in exposure to California consumers, workers, or residents, a clear and reasonable warning may be required. For chemicals with established safe harbor levels, a warning is generally required when exposure exceeds the applicable threshold.

For listed chemicals without an established safe harbor level, a warning is generally required unless the business can demonstrate that the exposure does not pose a significant risk of cancer or reproductive harm.

Current Proposition 65 short-form warnings identify the hazard endpoint, such as cancer, reproductive harm, or cancer and reproductive harm, followed by the Proposition 65 warnings website.

Under the updated short-form warning requirements, short-form warnings must identify at least one Proposition 65-listed chemical associated with the specific hazard driving the need for the warning, such as "Cancer risk from exposure to [chemical name]" or "Can expose you to [chemical name], a carcinogen." Similar wording applies for reproductive harm, or for chemicals listed for both cancer and reproductive toxicity.

Businesses may begin using the updated short-form warning language now. Products manufactured and labeled before January 1, 2028, may use the existing short-form warning language regardless of when they are sold. Products manufactured on or after January 1, 2028, that use the short-form warning must follow the updated label requirements.

For more information on Proposition 65 and how Assent can help, book a demo with our team.

Book a Demo





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Publication date: 07.21.2026

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PC-GD-260721