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A Guide to California's Proposition 65 for the Nutritional Supplement Industry

Proposition 65 Warning

WARNING

This product contains a chemical known to the State of California to cause cancer, birth defects, or other reproductive harm.

If you think the science is confusing . . .

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The Prop 65 Dilemma

The Safe Drinking Water and Toxic Enforcement Act of 1986, better known as Proposition 65 or Prop 65, is a unique California law that attempts to address concerns about exposure to chemicals which may cause cancer, birth defects, or other reproductive harm. Californians voted to pass this initiative in 1986.[1]

While the intent behind Prop 65 is commendable, certain quirks in the law ensure that even the most conscientious and law-abiding nutritional supplement company is at risk of facing lawsuits for violating Prop 65, whether or not it is in *actual* violation of the law. Unfamiliarity with the law can make supplement companies vulnerable to opportunistic lawsuits filed by a handful of law firms that specialize in Prop 65 lawsuits. Non-California-based companies are especially vulnerable to this trap. Being in compliance with Prop 65 can affect a company's entire business model, especially since many manufacturers will not be able to afford different packaging and labeling for California customers alone.

Prop 65 requires California to publish a list of chemicals ("Prop 65 chemicals") which are either known carcinogens or reproductive toxins. This list is updated each year and has grown to include over 800 chemicals since it was first published in 1987. This list is located on the Office of Environmental Health Hazard Assessment (OEHHA) website and is also available in the appendix. A nutritional supplement company must provide a warning, generally on the label or the packaging, if they "knowingly and intentionally" expose consumers to a Prop 65 chemical in their supplement.

However, this is easier said than done. Some Prop 65 chemicals are prevalent in the natural environment, and they unavoidably end up in supplements that contain natural ingredients. While there are certain allowable "safe harbor" levels for Prop 65 chemicals in a product, these levels are often either extremely low or must be established through complicated and expensive lab testing at the expense of the supplement company. Prop 65 does provide an exemption for "naturally occurring" chemicals—but it is up to the supplement company to prove this is the case, which is both very difficult and expensive. In the end, supplement companies have the unfortunate choice of providing a prominent warning on what might in actuality be a very safe supplement, or not provide warning at all and risk noncompliance with Prop 65.

The purpose of this guide is to provide a picture of the Prop 65 landscape, and to discuss best practices and legal protections—or lack thereof. Many companies can

[1] Prop 65 was a ballot proposition, which is a proposed law that is submitted to the electorate for approval in a direct vote.

avoid or at least mitigate the danger of facing a Prop 65 lawsuit by simply gaining a better understanding of the law.

This guide does not constitute legal advice. Furthermore, it is important to keep in mind that laws, regulations, and policies are subject to change. If you should find yourself confronted with a Prop 65 lawsuit, you should immediately seek the advice of a competent, experienced legal counsel familiar with dealing with Prop 65 lawsuits.

Prop 65 Chemical Testing

Prop 65 Chemicals

There are over 800 Prop 65 chemicals that require a warning if a business causes an exposure—and the list is constantly growing. A dietary supplement company usually causes an exposure if their supplement is contaminated with a Prop 65 chemical. The burden is on the dietary supplement company to determine which of these chemicals, if any, are in their product. Clearly, testing for 800 chemicals is economically and logistically impossible, and yet the supplement company is on the hook if any of these chemicals are found in their product.

To ensure they can stay in compliance with the law to the greatest extent possible, it is essential that supplement companies prioritize which Prop 65 chemicals to test for. An effective way to do this is to keep track of which Prop 65 chemicals are most frequently found in supplements—that is, which chemicals most frequently trigger a violation. Each time a supplement company is found to have a Prop 65 chemical in their product, the company receives a notice 60 days in advance of any enforcement action; this is called, aptly enough, the 60 Day Notice. These 60 Day Notices are publicly posted on the California Attorney General's website, in an easily searchable database.[2] A review of these notices reveals trends and patterns of the Prop 65 chemicals that trigger enforcement actions toward supplement companies.

After analyzing the notices against the dietary supplement industry from January 2005 through December 2011, we were able to determine the most commonly cited Prop 65 chemicals. They are (in descending order):

1. Lead (96% of all enforcement actions)
2. Arsenic
3. Polychlorinated biphenyls (PCBs)
4. Chromium

[2] http://oag.ca.gov/prop65/60-day-notice-search

We recommend that dietary supplement companies test for at least the above chemicals, while keeping the following recommendations in mind:

- A determination of what to prioritize in terms of chemical testing must made in context of the supplement in question. For example, many supplement companies with fish oil products were recently targeted for PCB contamination. Therefore it would be wise for fish oil supplement companies to prioritize testing for PCBs over other Prop 65 chemicals.

- Chemicals cited in notices are in constant flux. It is important to keep track of the notices to stay informed about new trends in chemicals cited in notices for dietary supplement companies.

- New chemicals can be added to the Prop 65 list. A chemical that might not be on the Prop 65 list today could be added at a future date. OEHHA creates a new post on their website every time a new chemical is added to the list.[3]

"Exposure" under Prop 65

Once a dietary supplement company has determined which chemicals to test for in their product, they then have to determine the "exposure" level.[4] The law is only concerned with how much of a Prop 65 chemical is in a product *to the extent that an individual is exposed to it.*

This is an important, if complicated, distinction. For example, a single nutritional supplement may contain an extremely low amount of a Prop 65 chemical, well within the "safe harbor level" (see below for more information). However, the recommended serving size for the supplement may be very high. Therefore the supplement manufacturer would have to account for the *cumulative* amount an individual ingests (i.e., is exposed to) when following the recommended serving size per day. It might benefit a supplement company to consult with a lab that specializes in Prop 65 chemical testing to ensure that a full and thorough exposure assessment is conducted for each product. Please refer to the appendix for a list of laboratories that are experienced in Prop 65 chemical testing.

Prop 65 chemical testing can be extremely expensive for a supplement company. A single supplement company could have many different products, all of which require testing to ensure Prop 65 compliance. A supplement company can also deduce whether a warning is required based on their knowledge of their ingredients' source

[3] Postings of the newest chemicals added to the list are at http://oehha.ca.gov/prop65/prop65_list/Newlist.html

[4] Section 12201 of the Prop. 65 regulations defines "exposure" as "to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a chemical." An individual may come into contact with a chemical through water, air, food, consumer products, and any other environmental exposure, as well as through occupational or workplace exposures.

from and of how their products are manufactured. Given finite economic resources, absolute assurance of Prop 65 compliance is nearly impossible. The best a supplement company can do is prioritize which Prop 65 chemicals to test for, conduct chemical testing as appropriate, and make sure that strong quality control processes are in place.

Prop 65 Warnings

Once the Prop 65 chemical testing has occurred, a supplement company has to decide if they need to provide a warning. This can be a difficult decision. The Prop 65 regulations provide "safe harbor levels," which are the allowable levels for Prop 65 chemical exposure (see appendix for specifics).

The problem is that OEHHA has not developed safe harbor levels for all of the 800+ Prop 65 chemicals—so far, about 300 chemicals have such levels designated. The onus is on supplement companies to prove that the Prop 65 chemical is within what might be considered a safe range, which requires complex and expensive testing and analysis. (See the Prop 65 Exemptions section below.)

This leaves supplement companies in a bit of a legal limbo. Without established safe harbor levels for many Prop 65 chemicals, companies don't know whether to provide a warning or not. While a supplement company might believe they have the data to prove that the Prop 65 chemical in their product is within a safe harbor level, there is no assurance that the California Attorney General or a court will agree (see the section on exemptions, below, for more information). The validity of the supplement company's data and analysis will be tested during the trial as the plaintiff and defendants argue the merits of their case. A supplement company should certainly consult with a laboratory that specializes in Prop 65 testing to ensure they are following the best practices to determine safe harbor levels. A list of Prop 65 laboratories is in the appendix.

Most supplement companies do not want to provide a warning on their products because supplement sales depend on the consumers' belief that the supplement is therapeutic and beneficial. This is a problem that many other industries in California do not have to face. A Prop 65 warning might lead the public into thinking that the exposure to a Prop 65 chemical outweighs the benefit of taking the supplement. This can be especially problematic since some Prop 65 chemicals, especially heavy metals, are extremely prevalent in the environment and can end up in supplements despite a manufacturer's best efforts. A consumer might not realize that these same heavy metals that are in supplements are also in the produce they purchase at the grocery store.

In sum, if there is a Prop 65 chemical in a product, the supplement company must make a business decision: either they must prove it is within a safe harbor level if challenged in a lawsuit, or they must provide a warning. If the company decides to provide a warning, they must follow certain requirements to ensure that the warning in compliance with the law.

In 2002 a strong coalition of large and small food and supplement companies (with accompanying trade group representation) banded together to push for an exemption for the Prop 65 chemical acrylamide. The safe harbor level for acrylamide is 0.2 micrograms, even though in 2002 it was discovered that acrylamide forms naturally during the cooking process of certain kinds of foods, particularly starchy foods, and therefore has almost always been present in the human diet at levels higher than 0.2 micrograms. Even the OEHHA acknowledges on its website that acrylamide is not added to foods. The question of whether there should be an exemption for acrylamide spent years in regulatory hearings and hasn't gained any traction. Regardless of the opposition from the food industry, acrylamide remains on the list of Prop 65 chemicals that require a warning.

Appropriate Warning

In order for a warning to pass muster under Prop 65, it must:

1. Clearly make known that the chemical involved is known to cause cancer and/or birth defects and/or other reproductive harm; and
2. Be given in such a way that it will effectively reach the person before he or she is exposed.[5]

The statute requires that the warnings be "clear and reasonable." This standard means that a company cannot use a modifier in the statement that might dilute or undermine the warning.

The language is fairly specific, though variations are allowed.[6] This is the suggested language for a standard Prop 65 warning:

- For a carcinogen: **WARNING: This product contains a chemical known to the State of California to cause cancer.**
- For a reproductive toxin: **WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.**

[5] Title 27, California Code of Regulations, Art. 6 § 25601.

[6] The form, content and suggested language for some Proposition 65 warnings can be found in regulation in Title 27, Cal. Code of Regulations, Sections 25601–25605.

- For a chemical that is both a carcinogen and a reproductive toxin (like lead): **WARNING: This product contains a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.**

For a dietary supplement, a Prop 65 warning label is usually placed on the package or bottle.

A company might wish to consult with a lawyer about the text of the warning and the delivery before they issue their Prop 65 warning.

The American Herbal Products Association (AHPA) is trying to work with the California Attorney General to create a change in the Prop 65 rules allowing for contextual language around the warning for lead. Under Prop 65, the safe harbor level for lead is 0.5 mg, which is very low. Many supplement companies are targeted for not providing a Prop 65 warning even though their levels, though slightly higher than the safe harbor level, are still very low. The contextual language would allow a supplement company to state that the level of lead in their product was less than **x** amount, where **x** is still a reasonably low amount. So far, AHPA has not reached an agreement with the AG's office, and at a recent Prop 65 conference, it appeared that this option is unlikely. This exemplifies the strict requirements around the Prop 65 warnings and the difficulties in creating flexibility within a Prop 65 warning.

How Is Prop 65 Enforced?

Prop 65 is enforced through litigation, wherein a public or private party may bring a lawsuit against a dietary supplement company.

- **Public lawsuits** can be brought by the California Attorney General (AG), any district attorney, or city attorneys in cities with a population exceeding 750,000.

- **Private parties** "acting in the public interest" may also bring a lawsuit, but only after providing a 60 Day Notice of the alleged violation to the AG, the appropriate district attorney, the city attorney, and the business accused of the violation. The notice must provide enough information to allow the recipient to assess the nature of the alleged violation. However, a private party may not pursue an enforcement action if one of the governmental officials noted above initiates an action within sixty days of the notice.

It is possible to get a Prop 65 suit dismissed if there is a failure by the plaintiffs to issue a proper 60 Day Notice.[7] A 60 Day Notice may be defective in a number of respects, including:

- Failure to provide a reasonably accurate time period during which the violation is alleged to have occurred.
- Failure to properly link the listed chemicals to the products or services for which violations are alleged.
- Failure to properly specify all relevant exposures.
- Failure to identify the locations of the sources of the alleged exposures.
- Failure to provide the notice to the required public enforcement representatives.

Bounty Hunters

The intention behind allowing private parties to bring suit under Prop 65 was to empower private citizens to protect the public. Unfortunately, certain provisions in the law have given opportunistic private plaintiffs and attorneys the incentive to file lawsuits simply in order to make money:

- Prop 65 entitles the individual bringing the lawsuit to 25% of any civil penalties by settlements or through a court appointed fine. In the statute, the civil penalties amount to $2,500 per violation per day, however in reality this amount is negotiable between the two parties. This is because a "violation" under Prop 65 would mean, for example, every time an individual ingested a supplement that contains a Prop 65 chemical over the safe harbor level. Clearly this would be impossible to calculate across all consumers who use the supplement. Therefore, the civil penalty is usually determined by consideration such as the size of the company, the number of units sold, how much contamination occurred, etc. The end result is that a private plaintiff may be able to negotiate 25% of a very high civil penalty.
- The defendant is responsible for paying all attorney fees if they are found in violation of Prop 65. Therefore, the longer the case drags out, the more money in attorney fees the supplement company could be liable for.

[7] In what has turned out to be a landmark case regarding the adequacy of such notice, the Court of Appeal in the 2001 case of Yeroushalmi v. Miramar Sheraton (88 Cal. App. 4th 738, 748) found the notices to be flawed because they failed to adequately identify the individuals exposed to the alleged toxins and how the individuals were allegedly exposed.

- A private party may be able to negotiate further damages under the justification that it is used for activities to limit toxic exposure, such as money toward the plaintiff's environmental fund. This is known as "payments in lieu of penalties." In reality it is unclear how this money is utilized because the AG does not conduct audits of how the money is spent.

These provisions in the law have created a cottage industry of opportunistic law firms that specialize in exploiting this provision and using quick settlements to make money. This has resulted in a slew of abusive filings rather than meaningful enforcement on "behalf of the public" as intended by the law.

Every year the California AG publishes a summary of Prop 65 settlements. The AG's 2010 report (see appendix) reveals the following interesting statistics:

- $7.8 million in Prop 65 settlements—that is, 57% of the total amount in settlement payments for 2010—went to lawyers' fees.

- Just two plaintiffs were involved in 83 of the 187 settlements.

- The total amount paid for civil penalties was only $1.6 million—that is, a mere 11% of the total amount of settlement payments.

The AG's report makes it clear that private plaintiff attorneys are benefiting the most from Prop 65 settlements. They receive the largest percentage of money from each Prop 65 settlement by far. The rest of the money is split between the civil penalty and "payments in lieu of penalties." Private plaintiffs choose to limit the civil penalties as much as possible because they are only allowed to keep 25% of the amount, while the other 75% is for the AG's office to put toward enforcing Prop 65 and other environmental laws. Instead, private plaintiffs apportion a greater share of the settlement agreement toward "payments in lieu of penalties" and attorney costs and fees.

In December 2010 the AG's office wrote a letter to Prop 65 private plaintiffs and counsel expressing their concern that in many private party cases the parties allocate all or nearly all the penalty payment as "payment in lieu of penalties" to the group bringing the case. The AG stated that Prop 65 settlements must be allocated in a manner that the payments are reasonable, so that OEHHA is not "deprived of its full share of the civil penalty." The AG suggested, by way of example, that the "payments in lieu of civil penalties" not exceed the actual civil penalties. However, the AG has still not issued a final recommendation or guidance on this matter.

Settlements and Consent Judgments

The number of complaints under Prop 65 is quickly rising, with 470 complaints in 2010 compared with 404 for the same period in 2009. The dietary supplement industry is quickly becoming one of the largest targets for Prop 65 enforcement action

by private plaintiffs. According to the American Herbal Products Association, almost 250 (or one out of seven) Prop 65 notices filed in the last two years have been addressed to marketers of dietary supplements.[8]

PCBs, Dioxins/Furans, and Omega 3

One example of a private settlement and consent judgment relevant to members of the supplement industry is the recent agreement between consumers represented by the Environmental Justice Foundation and members of the trade association, the Global Organization for EPA and DHA Omega-3 (GOED), representing companies selling fish oil supplements. The supplement companies faced Prop 65 enforcement action because of the presence of polychlorinated biphenyls (PCBs), and dioxins/furans in products including fish oil supplements.

OEHHA did not have safe harbor levels for PCBs or dioxins/furans with the exception for tetrachlorodibenzo-*p*-dioxin.

Under the settlement and consent judgment, GOED agreed to base their limits on PCBs and dioxins/furans based on the levels set by the World Health Organization. The levels they agreed to are the following:

Date Applicable	**PCBs**	**Dioxin-Like PCBs, Dioxins, and Furans Combined**
July 31, 2011	90 ng/g Total PCBs	4 pg/g Combined TEQ/g
December 31, 2012	90 ng/g Total PCBs	3 pg/g Combined TEQ/g

While these levels are only applicable to the signatories of the settlement and consent judgment, they provide reference levels to consider for dietary supplement companies if they are forced to enter into a settlement or consent judgment on a similar issue.

Faced with the mounting costs of a Prop 65 lawsuit, the vast majority of companies decide to settle (only fourteen cases have been litigated). If a supplement company chooses this route, it is important that the settlement agreement inoculates the company from facing the same lawsuit at a different date. In order to achieve this, the supplement company must ensure that:

1. The first settlement is incorporated into a consent judgment in which a court is involved.
2. The consent judgment is entered by the court only after providing notice to the state of California and the public through the AG's website, to ensure that proper due process is followed.
3. The consent judgment explicitly prevents a dissatisfied party from trying to litigate the issue a second time.

[8] http://tinyurl.com/748jyet

Often, an agreement on acceptable levels of Prop 65 chemical contamination is reached through a settlement and consent judgment. These levels are only applicable to the signatories of the settlement and consent judgment. *It does not become a de facto regulation.* However, it is important to stay apprised of settlement agreements, as this may inform your own legal strategy.

Prop 65 Exemptions

There are some exemptions to the Prop 65 warning requirements that may make a warning unnecessary. However, if a company is later faced with a lawsuit for causing an exposure to a Prop 65 chemical, the burden is on the supplement company to prove the exemption.

The exemptions are listed below in no particular order.

Exemption 1: Businesses with Nine or Fewer Employees

The warning requirement does not apply to a business that employs a total of nine or fewer employees. This exemption could apply to many supplement companies, as it is an industry made up of many small businesses.

A small business with nine or fewer employees might still receive a 60 Day Notice, but they can be secure in the knowledge that they don't have to face any charges regardless of whether they are in compliance with Prop 65 or not. This simple provision could save a small business a significant amount of money in testing and defense attorney fees.

Exemption 2: Safe Harbor Limits

There are two types of "safe harbor limits":

- **"No Significant Risk Level" (NSRL) for certain carcinogens.** The NSRLs are the limits at which the chemical poses no significant risk of cancer. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime (70-year) exposure at the level in question.

- **"Maximum Allowable Dose Level" (MADLs) for certain reproductive toxins.** The MADL are the limits at which exposure will cause no observable effect. The MADL is the level at which the chemical would have no observable adverse

reproductive effect assuming exposure at 1,000 times that level. This is known as 1000 times the No Observable Effect Level (NOEL).

To avoid liability, a business must demonstrate, though complex lab testing and risk assessment, that exposures will not exceed the NSRL or MADL.

NSRLs and MADLs may be developed in one of two ways:

1. **An assessment conducted by OEHHA.** There are nearly 300 chemicals with safe harbor limits established by OHEAA. These limits are on the OHEAA website[9] and provided in the appendix.

2. **A dose response assessment conducted or reviewed by OEHHA.** OEHHA has not developed safe harbor thresholds for most of the Prop 65 chemicals. For the Prop 65 chemicals that OHEAA has not developed a threshold, the regulations provide wide latitude for determining the exposure risk by reference to standards and risk assessment in the regulations.[10] Determining a safe harbor level (which both the NSRL and the MADL require) is an expensive process and should be conducted in consultation with a laboratory that specializes in Prop 65 services.

   In order to develop the safe harbor level, a supplement company needs to conduct a quantitative risk assessment based on evidence and standards comparable to the scientific basis by which the chemical were listed in the first place. This includes:

   - Animal studies
   - Epidemiologic data
   - A risk analysis based on the most sensitive study conducted
   - An examination of all potential routes of exposure to the Prop 65 chemical
   - A linearized multistage model to extrapolate the high and low doses that are used to base the safe harbor level

   A good place to start is to use the available data, particularly the data used by the agency to list the substance in the first place.

[9] http://oehha.ca.gov/prop65/prop65_list/Newlist.html

[10] 2 Cal. Code Reg. §§ 12701-12821.

Exemption 3: Federal Preemption

Federal preemption occurs when federal law invalidates state law. This usually arises when federal law conflicts with state law.

Historically, this exemption is difficult to invoke in the context of Prop 65. For example, both a federal appeals court and a California appellate court found that Prop 65 warning requirements are not preempted by the Federal Hazardous Substances Act (FHSA), which regulates other consumer products.[11]

However, one exemption was secured specifically for workplace exposures for out-of-state product manufacturers. The Occupational Safety and Health Administration (OSHA) ruled that the federal Hazard Communication Standard with respect to out-of-state manufacturers preempted Prop 65 requirements for workplace exposures.

Exemption 4: Twelve-Month Grace Period

After a Prop 65 chemical is added to the list, companies have a twelve-month grace period to provide warning if they are causing exposure to the chemical. Therefore it is important to regularly check the Prop 65 list for new additions to the Prop 65 list and to confirm the date it was added to the list.

Exemption 5: Naturally Occurring Chemicals

This is the exemption that is most relevant to the dietary supplement industry. Under Prop 65, manufacturers, distributors, and retailers of food products are not responsible for exposures resulting from Prop 65 chemicals that naturally occur in food. Supplements fall under this exemption because they are considered a "food product." Therefore a supplement company might in fact fall under this exemption.

Unfortunately, the bar to prove that a chemical is naturally occurring is very high and extremely difficult to achieve in some circumstances. Moreover, the burden is on the supplement company to prove the Prop 65 chemical is naturally occurring, so it is an expensive proposition. The chemical is considered naturally occurring only if it "is a natural constituent of a food" and is not added as a result of any human activity, *including but not limited to pollution or the manufacturing process.* This is problematic because many heavy metals are present in the natural environment and therefore present in the ingredients in dietary supplements. If a portion of the chemical naturally occurs in the food product and a portion results from human activity, only the portion resulting from human activity counts as an exposure that requires warning under Prop 65.

[11] "California's Proposition 65: A Regulatory Conundrum," Keller & Heckman LLP <http://www.packaginglaw.com/2555_.shtml>. Retrieved 3/11/12.

Even if a supplement company is able to establish that the Prop 65 chemical is naturally occurring in their product, there are still more things to keep in mind:

- The "naturally occurring" exemption is limited to a "given point in time" as "findings based on scientific inquiry and research can easily become dated and outmoded."[12]
- The company still must show that they are using good manufacturing practices and have the best quality control measures in place to limit exposure to the Prop 65 chemical to the lowest feasible level.

Before a supplement company decides to issue a warning, they should first check whether they fall under any of these five exemptions. This will not only influence a company's decision whether to provide a warning or not, but could also be the basis of successful defense if faced with a sixty day enforcement notice.

The Warner–Lambert "Naturally Occurring" Settlement

In 1989, the AG completed a series of Prop 65 settlements governing calcium, multivitamins, antacids supplements. Those settlements are referred to as the "Warner–Lambert" settlements. In the "Warner-Lambert" settlements, the AG fixed naturally occurring lead allowances for ingredients used in these products for eight companies.

Under Prop 65, in general, a warning is required if the total lead in a daily dose of multivitamins, antacids or calcium supplements exceeds 0.50 µg/day. However, parties to the Warner–Lambert settlements do not have to warn to the extent lead in the products above 0.50 µg/day is deemed "naturally occurring." The settlement set a level of 1.0 µg of naturally occurring lead per thousand mg of calcium above the 0.5 µg safe harbor limit. Therefore, the Warner-Lambert fixed how much lead was deemed naturally occurring.*

Many have regarded the Warner–Lambert naturally occurring allowances for lead as a de facto regulation. However, this is not the case. Some prosecutors allow non-parties to employ the allowances, while others do not. The AG has insisted only parties to a consent judgment may rely on the allowances. Furthermore, the Warner-Lambert settlements condition how the allowances may be employed. There are caps, testing mandates and record-keeping obligations. Hence informal reliance on the allowances may not stave off an enforcement lawsuit. Legal counsel should be consulted before relying on any allowances.

* "The Modified Warner–Lambert Naturally Occurring Lead Allowances California Environmental Update," Sidley Austin LLP <www.sidley.com/SidleyUpdates/Detail.aspx?news=4812>. Retrieved 3/11/12.

[12] People Brown v. Tri Union Seafoods LLC <http://caselaw.findlaw.com/ca-court-of-appeal/1423755.html>. Retrieved 3/11/12.

Conclusion

As long as Prop 65 is enforced through litigation, dietary supplement companies will remain at constant risk of facing a lawsuit for violating Prop 65. Furthermore, the Prop 65 list of chemicals is constantly growing, which makes compliance more difficult every year.

Dietary supplement companies are especially vulnerable due to the fact that most companies prefer not to place a warning on their product as this might deter health conscious consumers. Unfortunately, the law makes it very difficult for supplement companies to avoid the warning requirement regardless of whether the Prop 65 chemical contamination is naturally occurring or is a consequence of pollutants in the environment beyond a supplement company's control.

Due to the high risk of enforcement action under Prop 65, dietary supplement companies must take special measures to protect their business and ensure compliance with the law to the greatest extent possible. Whatever strategy a dietary supplement company decides to pursue when faced with enforcement action under Prop 65, a thorough understanding of the law is a necessary prerequisite.

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

(Chapter 6.6 added by Proposition 65 1986 General Election)

25249.5. *Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity*. No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9.

25249.6. *Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity*. 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 to such individual, except as provided in Section 25249.10.

25249.7. *Enforcement*.

(a) Any person that violates or threatens to violate Section 25249.5 or 25249.6 may be enjoined in any court of competent jurisdiction.

(b) (1) Any person who has violated Section 25249.5 or 25249.6 shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.

(2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following:

(A) The nature and extent of the violation.

(B) The number of, and severity of, the violations.

(C) The economic effect of the penalty on the violator.

(D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.

(E) The willfulness of the violator's misconduct.

(F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

(G) Any other factor that justice may require.

(c) Actions pursuant to this section may be brought by the Attorney General in the name of the people of the State of California, by any district attorney, by any city attorney of a city having a population in excess of 750,000, or, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor, or as provided in subdivision (d).

(d) Actions pursuant to this section may be brought by any person in the public interest if both of the following requirements are met:

(1) The private action is commenced more than 60 days from the date that the person has given notice of an alleged violation of Section 25249.5 or 25249.6 that is the subject of the private action to the Attorney General and the district attorney, city attorney, or prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. If the

notice alleges a violation of Section 25249.6, the notice of the alleged violation shall include a certificate of merit executed by the attorney for the noticing party, or by the noticing party, if the noticing party is not represented by an attorney. The certificate of merit shall state that the person executing the certificate has consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action, and that, based on that information, the person executing the certificate believes there is a reasonable and meritorious case for the private action. Factual information sufficient to establish the basis of the certificate of merit, including the information identified in paragraph (2) of subdivision (h), shall be attached to the certificate of merit that is served on the Attorney General.

(2) Neither the Attorney General, any district attorney, any city attorney nor any prosecutor has commenced and is diligently prosecuting an action against the violation.

(e) Any person bringing an action in the public interest pursuant to subdivision (d) and any person filing any action in which a violation of this chapter is alleged shall notify the Attorney General that the action has been filed. Neither this subdivision nor the procedures provided in subdivisions (f) to (j), inclusive, shall affect the requirements imposed by the statute or a court decision in existence on January 1, 2002 concerning whether any person filing any action in which a violation of this chapter is alleged is required to comply with the requirements of subdivision (d).

(f) (1) Any person bringing an action in the public interest pursuant to subdivision (d), any person filing any action in which a violation of this chapter is alleged, or any private person settling any violation of this chapter alleged in a notice given pursuant to paragraph (1) of subdivision (d), shall, after the action or violation is either subject to a settlement or to a judgment, submit to the Attorney General a reporting form that includes the results of that settlement or judgment and the final disposition of the case, even if dismissed. At the time of the filing of any judgment pursuant to an action brought in the public interest pursuant to subdivision (d), or any action brought by a private person in which a violation of this chapter is alleged, the plaintiff shall file an affidavit verifying that the report required by this subdivision has been accurately completed and submitted to the Attorney General.

(2) Any person bringing an action in the public interest pursuant to subdivision (d) or any private person bringing an action in which a violation of this chapter is alleged, shall, after the action is either subject to a settlement, with or without court approval, or to a judgment, submit to the Attorney General a report that includes information on any corrective action being taken as a part of the settlement or resolution of the action.

(3) The Attorney General shall develop a reporting form that specifies the information that shall be reported, including, but not limited to, for purposes of subdivision (e), the date the action was filed, the nature of the relief sought, and for purposes of this subdivision, the amount of the settlement or civil penalty assessed, other financial terms of the settlement, and any other information the Attorney General deems appropriate.

(4) If there is a settlement of an action brought by a person in the public interest under subdivision (d), the plaintiff shall submit the settlement, other than a voluntary dismissal in which no consideration is received from the defendant, to the court for approval upon noticed motion, and the court may approve the settlement only if the court makes all of the following findings:

(A) Any warning that is required by the settlement complies with this chapter.

(B) Any award of attorney's fees is reasonable under California law.

(C) Any penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b).

(5) The plaintiff subject to paragraph (4) has the burden of producing evidence sufficient to sustain each required finding. The plaintiff shall serve the motion and all supporting papers on the Attorney General, who may appear and participate in any proceeding without intervening in the case.

(6) Neither this subdivision nor the procedures provided in subdivision (e) and subdivisions (g) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on the January 1, 2002 concerning whether claims raised by any person or public prosecutor not a party to the action are precluded by a settlement approved by the court.

(g) The Attorney General shall maintain a record of the information submitted pursuant to subdivisions (e) and (f) and shall make this information available to the public.

(h) (1) Except as provided in paragraph (2), the basis for the certificate of merit required by subdivision (d) is not discoverable. However, nothing in this subdivision shall preclude the discovery of information related to the certificate of merit if that information is relevant to the subject matter of the action and is otherwise discoverable, solely on the ground that it was used in support of the certificate of merit.

(2) Upon the conclusion of an action brought pursuant to subdivision (d) with respect to any defendant, if the trial court determines that there was no actual or threatened exposure to a listed chemical, the court may, upon the motion of that alleged violator or upon the court's own motion, review the basis for the belief of the person executing the certificate of merit, expressed in the certificate of merit, that an exposure to a listed chemical had occurred or was threatened. The information in the certificate of merit, including the identity of the persons consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by those persons, shall be disclosed to the court in an in-camera proceeding at which the moving party shall not be present. If the court finds that there was no credible factual basis for the certifier's belief that an exposure to a listed chemical has occurred or was threatened, then the action shall be deemed frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action. The court shall not find a factual basis credible on the basis of a legal theory of liability that is frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action.

(i) The Attorney General may provide the factual information submitted to establish the basis of the certificate of merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain, the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code.

(j) In any action brought by the Attorney General, a district attorney, a city attorney, or a prosecutor pursuant to this chapter, the Attorney General, district attorney, city attorney, or prosecutor may seek and recover costs and attorney's fees on behalf of any party who provides a notice pursuant to subdivision (d) and who renders assistance in that action.

25249.8. List Of Chemicals Known to Cause Cancer Or Reproductive Toxicity.

(a) On or before March 1, 1987, the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity within the meaning of this chapter, and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor Code Section 6382(b)(1) and those substances identified additionally by reference in Labor Code Section 6382(d).

(b) A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

(c) On or before January 1, 1989, and at least once per year thereafter, the Governor shall cause to be published a separate list of those chemicals that at the time of publication are required by state or federal law to have been tested for potential to cause cancer or reproductive toxicity but that the state's qualified experts have not found to have been adequately tested as required.

(d) The Governor shall identify and consult with the state's qualified experts as necessary to carry out his duties under this section.

(e) In carrying out the duties of the Governor under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act as defined in Government Code Section 11370.

25249.9. *Exemptions from Discharge Prohibition*.

(a) Section 25249.5 shall not apply to any discharge or release that takes places less than twenty months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(b) Section 25249.5 shall not apply to any discharge or release that meets both of the following criteria:

(1) The discharge or release will not cause any significant amount of the discharged or released chemical to enter any source of drinking water.

(2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order. In any action brought to enforce Section 25249.5, the burden of showing that a discharge or release meets the criteria of this subdivision shall be on the defendant.

25249.10. *Exemptions from Warning Requirement*. Section 25249.6 shall not apply to any of the following:

(a) An exposure for which federal law governs warning in a manner that preempts state authority.

(b) An exposure that takes place less than twelve months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(c) An exposure for which the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause reproductive toxicity, based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of such chemical pursuant to subdivision (a) of Section 25249.8. In any action brought to enforce Section 25249.6, the burden of showing that an exposure meets the criteria of this subdivision shall be on the defendant.

25249.11. *Definitions*. For purposes of this chapter:

(a) "Person" means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association.

(b) "Person in the course of doing business" does not include any person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 4010.1.

(c) "Significant amount" means any detectable amount except an amount which would meet the exemption test in subdivision (c) of Section 25249.10 if an individual were exposed to such an amount in drinking water.

(d) "Source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses.

(e) "Threaten to violate" means to create a condition in which there is a substantial probability that a violation will occur.

(f) "Warning" within the meaning of Section 25249.6 need not be provided separately to each exposed individual and may be provided by general methods such as labels on consumer products, inclusion of notices in mailings to water customers, posting of notices, placing notices in public news media, and the like, provided that the warning accomplished is clear and reasonable. In order to minimize the burden on retail sellers of consumer products including foods, regulations implementing Section 25249.6 shall to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller, except where the retail seller itself is responsible for introducing a chemical known to the state to cause cancer or reproductive toxicity into the consumer product in question.

25249.12. (a) The Governor shall designate a lead agency and other agencies that may be Required to implement this chapter, including this section. Each agency so designated may adopt and modify regulations, standards, and permits as necessary to conform with and implement this chapter and to further its purposes.

(b) The Safe Drinking Water and Toxic Enforcement Fund is hereby established in the State Treasury. The director of the lead agency designated by the Governor to implement this chapter may expend the funds in the Safe Drinking Water and Toxic Enforcement Fund, upon appropriation by the Legislature, to implement and administer this chapter.

(c) In addition to any other money that may be deposited in the Safe Drinking Water and Toxic Enforcement Fund, all of the following amounts shall be deposited in the fund:

(1) Seventy-five percent of all civil and criminal penalties collected pursuant to this chapter.

(2) Any interest earned upon the money deposited into the Safe Drinking Water and Toxic Enforcement Fund.

(d) Twenty-five percent of all civil and criminal penalties collected pursuant to this chapter shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, or in the case of an action brought by a person under subdivision (d) of Section 25249.7, to that person.

25249.13. *Preservation Of Existing Rights, Obligations, and Penalties*. Nothing in this chapter shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this chapter shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this chapter shall be in addition to any penalties or sanctions otherwise prescribed by law.

25180.7. (a) Within the meaning of this section, a "designated government employee" is any person defined as a "designated employee" by Government Code Section 82019, as amended.

(b) Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer. No disclosure of information is required under this subdivision when otherwise prohibited by law, or when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(c) Any designated government employee who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (b) shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in state prison for not more than three years. The court may also impose upon the person a fine of not less than five thousand dollars ($5000) or more than twenty-five thousand dollars ($25,000). The felony conviction for violation of this section shall require forfeiture of government employment within thirty days of conviction.

(d) Any local health officer who receives information pursuant to subdivision (b) shall take appropriate action to notify local news media and shall make such information available to the public without delay.

TITLE 27, California Code of Regulations

ARTICLE 1. Preamble and Definitions

Preamble

(a) It is the practice of the Office of Environmental Health Hazard Assessment, as lead agency for implementing the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code Section 25249.5 et seq.) to answer inquiries of individuals and organizations, whenever appropriate, as to the application of the Act to their activities. One of the lead agency's functions is to issue public rulings on the requirements of the Act.

(b) It is the practice of the lead agency to respond to inquiries concerning the Act as expeditiously as possible. Requests for consideration of an interpretive guideline, safe use determination or information letter ahead of its regular order or by a specified date will be considered as circumstances warrant. However, persons or organizations making such requests should consider the time necessary to comply with public notice and hearing requirements specified in these procedures and any additional delay that may result from compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), if necessary prior to issuing a guideline or determination. Therefore, no assurance can be given that any request will be processed by the time requested.

§ 25102. Definitions

The following definitions shall apply to the regulations contained in this chapter:

(a) The "Act" means the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code Sections 25249.5 et seq.) which was originally adopted by California voters as Proposition 65 on November 4, 1986.

(b) "Certified emergency medical personnel" includes emergency medical technicians I and II and emergency medical technician-paramedics as those terms are defined in Health and Safety Code Sections 1797.80, 1797.82, and 1797.84 (1980).

(c) "Committees" means the Carcinogen Identification Committee and the Developmental and Reproductive Toxicant (DART) Identification Committee of the Office of Environmental Health Hazard Assessment's Science Advisory Board.

(1) The members of the "Carcinogen Identification Committee" shall be the "state's qualified experts" as the term is used in Section 25249.8 of the Act with respect to those functions identified in subsection (a) of Section 25305.

(2) The members of the "Developmental and Reproductive Toxicant (DART) Identification Committee," hereafter referred to as the "DART Identification Committee"

shall be the "state's qualified experts" as the term is used in Section 25249.8 of the Act with respect to those functions identified in subsection (b) of Section 25305.

(d) "Dental personnel" includes dentists and all dental assisting categories as those categories are defined or described in the Dental Practice Act (Bus. &Prof. Code, div. 2 ch. 4, § 1600 et seq.).

(e) "Director" means the Director of the Office of Environmental Health Hazard Assessment.

(f) "Discharge or release into water or onto or into land" includes a discharge or release to air that is directly and immediately deposited into water or onto land. Except as provided in paragraphs (1) and (2) this subsection, "discharge or release into water or onto or into land" includes the direct or indirect transfer by any person in the course of doing business of any listed chemical to any person within the meaning of Section 25249.11(a) of the Act for the purpose of discharging or releasing the chemical to land or water in a manner which, if committed by the transferor, would violate Section 25249.5 of the Act.

(1) "Discharge or release into water or onto or into land" does not include the sale, exchange or other transfer of a listed chemical to a solid waste disposal facility as defined in Public Resources Code Sections 40121 and 40191, or a hazardous waste facility as defined in Health and Safety Code Section 25117.1 provided that the disposal to such facility complies with all applicable state and federal statutes, rules, regulations, permits, requirements and orders. "Sale, exchange or other transfer," as used in this paragraph, does not include disposal to a facility owned or operated by the transferor.

(2) "Discharge or release into water or onto or into land" does not include the sale, exchange or other transfer of a listed chemical to any treatment works as defined in 33 United States Code Section 1292 provided that the discharge or release to such treatment works complies with all applicable standards and limitations imposed, and permits required, under federal law or an approved state program. "Sale, exchange or other transfer," as used in this paragraph, does not include disposal to a facility owned or operated by the transferor.

(g) "Emergency or urgent medical or dental care" means immediate care administered for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical or dental conditions, which, if not immediately diagnosed or treated, would lead to serious disability or death.

(h) "Employee" shall have the same meaning as it does in Unemployment Insurance Code Section 621 and in Labor Code Section 3351. Generally, and without limiting the applicability of the definitions in these two statutes, this means that an employee is a person who performs services for remuneration under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.

In computing whether a person employs ten or fewer employees in his business, all full-time and part-time employees on the date on which the discharge, release or exposure occurs must be counted. Thus, the prohibitions on discharge or release and exposures to certain chemicals will apply to any person who has ten or more full-time or part-time employees on the date in question.

(i) "Expose" means to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical. An individual may come into contact with a listed chemical through water, air, food, consumer products and any other environmental exposure as well as occupational exposures.

(j) "General public knowledge" means knowledge which has been disseminated to the general public, including information in newspapers of general circulation or radio or television reports in the geographic area affected by the discharge. In order to demonstrate general public knowledge, it shall not be necessary to prove that any members of the public have actually acquired such knowledge but only that the information has been disseminated.

(k) "In the course of doing business" means any act or omission, whether or not for profit, or any act or omission of any employee which furthers the purpose or operation of the business, or which is expressly or implicitly authorized within the meaning of Section 25249.6 of the Act to a listed chemical, except:

(1) as excluded by subdivision (b) of Section 25249.11 of the Act; or

(2) when caused by acts of war or grave and irresistible natural disasters such that no reasonable amount of resistance or advance preparation would be sufficient to avoid the discharge, release or exposure.

(3) for the personal use, consumption or production of listed chemicals by an employee on the business premises or while performing activities for the business, unless the employer knows or should know of such use, consumption or production and knows or should know that such use, consumption or production will expose other individuals.

(l) "Information letter" means a statement issued by the lead agency which does no more than call attention to an established interpretation of the Act or a related principle, without applying it to a specific set of facts.

(m) "Interpretive guideline" means a draft regulatory proposal which has been published for the information, comment, and guidance of California businesses, law enforcement agencies and others concerned.

(n) "Knowingly" refers only to knowledge of the fact that a discharge of, release of, or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No knowledge that the discharge, release or exposure is unlawful is required. However, a

person in the course of doing business who, through misfortune or accident and without evil design, intention or negligence, commits an act or omits to do something which results in a discharge, release or exposure has not violated Sections 25249.5 or 25249.6 of the Act.

(o) "Lead agency" means the Office of Environmental Health Hazard Assessment as designated by the Governor in Executive Order W-15-91, dated July 17, 1991.

(p) "Listed chemical" means a chemical listed pursuant to Section 25249.8(a) of the Act.

(q) "Medical personnel" includes, physicians, nurse practitioners, physician assistants, and nurses.

(r) "Probably will pass into any source of drinking water" means a discharge or release which more likely than not will pass into any source of drinking water.

(s) "Safe use determination" means a written statement issued by the lead agency to a person affected by the Act or an authorized representative which interprets and applies the Act to a specific set of facts.

(t) "State's qualified experts" as the term is used in Section 25249.8 of the Act includes the Carcinogen Identification Committee and the DART Identification Committee.

(u) "Substantial injury" means a real and immediate physical injury or a resulting adverse physical condition of a substantial nature to one or more persons.

(v) "Threatened illegal discharge" means the creation of a condition or the taking of an action which is intended to or will foreseeably create a substantial probability that an illegal discharge will occur.

(w) "Water" includes both surface and ground water.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25180.7, 25249.5, 25249.6, 25249.8, 25249.9, 25249.10, 25249.11 and 25249.12, Health and Safety Code.

§ 25103. Interpretive Guideline Request
Section Repealed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.12, Health and Safety Code.

§ 25104. Safe Use Determination
Section Repealed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25249.10 and 25249.12, Health and Safety Code.

ARTICLE 2. Guideline and Safe Use Determination Procedures

§ 25201. Definitions
Section Repealed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25180.7, 25249.5, 25249.6, 25249.9, 25249.10, and 25249.11, Health and Safety Code.

§ 25203. Interpretive Guideline Request

(a) Any interested person may request the lead agency to issue an interpretive guideline concerning any subject related to the Act. A request for interpretive guideline shall contain:

(1) A clear and concise description of the substance or nature of the guideline requested; and

(2) A description of the reason for the request.

(b) Upon receipt of a request for interpretive guideline, the lead agency shall notify the requester in writing of the receipt and provide an estimate of the time required to determine whether an interpretive guideline will be proposed or adopted. Except where the proposed guideline will be considered by the appropriate Committee, a decision on the request will normally be made within 60 days. Where the proposed guideline is considered by the appropriate Committee, a decision will normally be made not later than 30 days after the guideline is considered by such Committee.

(c) When appropriate, in the discretion of the lead agency, a request for interpretive guideline may be treated as a request for a safe use determination under these procedures, or the lead agency may issue an information letter to the requester.

(d) All interpretive guidelines issued by the lead agency will be numbered and published either by the lead agency or in the California Regulatory Notice Register.

(e) Within a reasonable time after an interpretive guideline is published pursuant to paragraph (d), the lead agency may rescind the interpretive guideline, propose that it be formally adopted as originally published, or modify it and either republish it as an interpretive guideline for further comment or propose formal regulatory adoption of the modified interpretive guideline. Nothing in this section shall preclude the lead agency from making proposals for formal regulatory adoption which have not been published as interpretive guidelines.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.12, Health and Safety Code.

§ 25204. Safe Use Determination

(a) As a part of this overall responsibility to provide guidance to persons or organizations that are or may be affected by the Act, the lead agency will consider the applicability of the Act or the exemptions specified in the Act to business activities or prospective business activities. A safe use determination issued by the lead agency represents the state's best judgment concerning the application of the Act to the particular facts presented in the request.

(b) Safe use determinations will not be issued under the following circumstances:

(1) Where the subject matter of a request for safe use determination is at issue in a civil or criminal case pending in any court except when a request has been received and accepted in writing by the lead agency before:

(A) service of a notice pursuant to Section 25903(c) for actions subject to Section 25249.7(d) of the Act unless the safe use determination request is ultimately accepted and determined to be complete as submitted prior to the service of the notice; or

(B) filing of a complaint for actions subject to Section 25249.7(c) of the Act unless the safe use determination request is ultimately accepted and determined to be complete as submitted prior to the filing of the complaint. For purposes of this section, a case is not pending after entry of judgment even though the court retains jurisdiction over the matter for purposes of injunctive relief, supervision of compliance with the court's orders or any other purpose. Nor is a case pending simply because a settlement entered as a final judgment is subject to modification or other "reopeners."

(2) If the individual or organization requesting the safe use determination receives a notice pursuant to Section 25903(c) or a complaint is filed pursuant to Section 25249.7(c) of the Act before receiving a written acceptance from the lead agency of its request, the individual or organization shall notify the lead agency's Deputy Director for Scientific Affairs in writing within 5 business days of receiving the notice or filing of the complaint. Upon notification, the lead agency shall terminate the safe use determination process and return all data and information submitted by the requester observing full confidentiality unless the safe use determination request is ultimately accepted and determined to be complete as submitted prior to the service of the notice or filing of the complaint, whichever is applicable. No refund of fees imposed or costs incurred by the lead agency prior to such termination will be made.

(3) Where the individual or organization requesting the safe use determination is not directly required to enforce or comply with the provisions of the Act; provided, however, where two or more businesses which are members of the same trade association share a business practice which may be the subject matter of a request for a safe use determination, the request may be made by the trade association on behalf of such members.

(4) Where the request for determination concerns compliance with laws other than the Act, or with regulations, permits, requirements or orders of any federal, state or local agency. For example, questions concerning whether chemical discharges comply with the Water Code, state regulations and waste discharge requirements should be addressed to the appropriate Regional Water Quality Control Board.

(5) Where the request for determination does not involve a current or planned activity of the requester. Safe use determination will not be issued concerning hypothetical situations or on each of several alternative plans in a proposed activity.

(6) Where, in the discretion of the lead agency, issuance of a safe use determination will not further the public interest, or is otherwise inappropriate under the circumstances presented in or related to a particular request for safe use determination. For example, where the subject matter of the request is at issue in an administrative proceeding before a government agency that began before the request for a safe use determination was received and accepted in writing by the lead agency or does not concern a chemical listed pursuant to Section 25249.8 of the Act.

(c) A request for a safe use determination shall be clearly marked "Official Information Pursuant to Evidence Code Section 1040" and submitted in writing to the lead agency's Deputy Director for Scientific Affairs. Except as provided in paragraph (2) of subsection (d), the request for safe use determination is deemed official information pursuant to Evidence Code Section 1040. The request shall contain all of the following:

(1) A complete statement of all relevant facts related to the activity for which the safe use determination is requested. Such facts include the names and addresses of all interested parties, a description of the business reason for the activity and a carefully detailed description of the activity.

(2) True copies of any contracts, agreements, instruments, reports, analyses or other documents directly related to the activity for which the safe use determination is requested and to the applicability of the Act to the activity.

(3) A clear statement of the issue or issues on which a safe use determination is sought.

(4) If the determination request includes references to a specific chemical, the request should include the chemical name and the Chemical Abstract Services (CAS) Registry Number, if applicable.

(5) If the activity for which the safe use determination is sought is only one step of a larger integrated process, the description of the activity shall include a description of the entire process.

(6) If the requester is contending for a particular result in the determination, the request shall include an explanation of the grounds for the contention together with an identification of any relevant authorities which support such view.

(7) If a request for safe use determination contains any information which the requester claims should not be available for public inspection under the Public Records Act (Government Code Section 6250 et seq.), the request shall specifically identify the information and the basis for the claim.

(A) If the request for determination contains information which the requester claims should not be available for public inspection, it shall be accompanied by a copy of the request and any supporting documents on which shall be indicated, by the use of brackets, the material which the requester contends should be deleted.

(B) All requests for safe use determination shall be open for public inspection except as otherwise specifically identified by the requester under this section. If the lead agency determines that information which the requester claims should not be available for public inspection must be released to the public under the Public Records Act (Government Code Section 6250 et seq.), it will promptly notify the requester by telephone or in writing of this determination and provide a reasonable opportunity for the requester to submit additional justification for the claim or to contest the determination in an appropriate proceeding.

(8) If the requester claims that fees or other charges for safe use determination should be waived, the request shall include an explanation of the basis for the claim.

(9) A statement concerning whether to the best of the requester's knowledge the subject matter of the request is:

(A) An issue in a civil or criminal case pending in any court.

(B) An issue in any administrative proceeding pending before a federal, state or local agency.

(C) The subject of a notice of violation to the Attorney General, a district attorney or a city attorney as described in Section 25249.7(d) of the Act.

(10) The signature of the person making the request for determination. Where the request is made by an authorized representative for an individual or organization, the request shall indicate the source of the authority to make the request.

(d) (1) Each request for a safe use determination shall be accompanied by a nonrefundable processing fee of $1,000. In addition, the requester shall be assessed a charge in the amount of any costs to the lead agency or other state agency which are necessarily incurred in considering the request and which exceed $1,000. Such additional assessment shall be made only after the requester has been provided an estimate of the

amount, has elected to proceed with the request for safe use determination and has agreed to pay the additional assessment. All or part of the processing fee or other charges assessed pursuant to this section may be waived if the lead agency determines that payment of the fee would present a hardship to the requester or that it is otherwise in the public interest to proceed with the request without payment of such fees or charges.

(2) The lead agency will not publicly disclose the existence, data, or information in a request for a safe use determination until a written acceptance of the request is issued as specified in subsection (f). Upon issuance of a written acceptance by the lead agency, the request shall no longer be regarded as "official information" and shall be subject to disclosure upon request. If a request is withdrawn prior to the issuance of written acceptance of the request, all data and information submitted by the requester will be returned to the requester observing full confidentiality. No refund of fees imposed or costs incurred by the lead agency for a withdrawn request will be made.

(e) If during the initial review of the request for safe use determination, the lead agency requests essential information and it is not received within 30 days, the request shall be closed and all data and information submitted by the requester thus far will be returned to the requester observing full confidentiality. No refund of fees imposed or costs incurred by the lead agency for a closed request will be made. If the information requested by the lead agency is received after the request is closed, the request will be reopened and treated as a new request as of the date of receipt.

(f) In the case of a request for safe use determination that appears to comply with these procedures, the lead agency shall issue a written acceptance of the request. At the same time, a public notice of the acceptance of the request will be submitted for publication in the California Regulatory Notice Register and sent to interested persons. The public notice will include the text or a summary of the request as appropriate. It will advise interested persons that they may comment on the request in writing or in person at a public hearing which shall be held on a date not less than 30 days after the notice is published.

(g) At any time while an accepted request for a safe use determination is pending, the lead agency or any other state agency that is considering the request may ask for any additional information or explanation from the requester as necessary to complete a consideration of the request. The information requested must be received within sixty (60) days, unless the lead agency agrees to an extension in writing.

(h) After considering the request, any comments of the public received in writing or at the public hearing, and the comments of any other state agencies that have considered the request, the lead agency shall in response to the request:

(1) Issue a safe use determination.

(2) Decline to issue a safe use determination because the facts are insufficient to clearly establish the basis for the requested determination or for any other reason.

(3) Issue an information letter to the requester.

(4) Issue an interpretive guideline.

(i) The lead agency's response to the request shall be sent to the requester and the text or a summary of the response shall be published in the California Regulatory Notice Register and sent to interested persons, including any person who submitted comments on the request.

(j) Safe use determinations issued by the lead agency are limited to the particular facts on which they are based and they reflect the lead agency's view of the best interpretation of the Act and the state of scientific knowledge at the time they are issued. Whenever the issuance of a safe use determination requires the performance by a state agency of a risk assessment of the carcinogenicity or reproductive toxicity of a chemical, such assessment shall be performed pursuant to the methodologies adopted by the lead agency. A safe use determination found to be in error or not in accord with the best interpretation of the Act or the current state of scientific knowledge may be modified or revoked. Modification or revocation of a safe use determination may be effected by a notice to the individual or organization that requested the ruling along with notice in the California Regulatory Notice Register or by the issuance of an interpretive guideline.

(k) A safe use determination shall be issued to a particular individual or organization with respect to the application of particular provisions of the act to particular facts. Determinations are not intended to affect other individuals or organizations, or other activities of the requester.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5 through 25249.13, Health and Safety Code.

ARTICLE 3. Science Advisory Board: Carcinogen Identification Committee and Developmental and Reproductive Toxicant (DART) Identification Committee

§ 25301. Definitions

Section Repealed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25249.8 and 25249.12, Health and Safety Code.

§ 25302. Science Advisory Board

(a) There are created in the lead agency two Committees of the Science Advisory Board, the Carcinogen Identification Committee and the DART Identification Committee defined in paragraphs (1) and (2), respectively, of subsection (b) of Section 25102, to advise and assist the Governor and the Director in the implementation of Section 25249.8 of the Act.

(b)(1) The Carcinogen Identification Committee shall be composed of no less than seven (7) members and no greater than eleven (11) members, and shall include experts from among the following areas of specialization: epidemiology, oncology, pathology, medicine, public health, biostatistics, biology, toxicology, and related fields.

(2) The DART Identification Committee shall be composed of no less than seven (7) members and no greater than eleven (11) members, and shall include experts from among the following areas of specialization: epidemiology, developmental toxicology, reproductive toxicology, teratology, medicine, public health, biostatistics, biology, toxicology, and related fields.

(3) The members of the Committees shall be appointed by the Governor and shall serve at the pleasure of the Governor.

The terms shall be for a period of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Members of each Committee shall be eligible for reappointment.

(c) The Carcinogen Identification Committee and the DART Identification Committee shall meet not less than once in any calendar year. The Governor shall designate from among the members of each Committee respective Chairpersons who will call and preside over Committee meetings, and shall designate an Executive Secretary who shall be a state employee who has expertise in one or more of the areas of specialization listed in subsection (b). Each Chairperson, with the consent of the other Committee members, shall designate from among the respective Committee members such subcommittees as may be appropriate in fully discharging the responsibilities of that Committee.

(d)(1) Except as otherwise expressly authorized by statute, all meetings of the Committees, and all subcommittee meetings shall be open to the public and convened only after reasonable public notice of the meeting, including the date, time, location and agenda of items of business to be transacted or discussed, has been provided.

(2) All correspondence to or from the Committees, or any subcommittee shall be available for public inspection as provided in the Public Records Act (Government Code Section 6250 et seq.).

(e) Members of the Committees may be asked to provide advice and counsel at formally convened Committee meetings and other subcommittee meetings and individually in response to written materials submitted to them by the lead agency, the Executive Secretary, or the Governor. Each of the two Committees shall act~~,~~ as a body in making recommendations to the Governor or the lead agency.

(f) A quorum of the Committee shall be a majority of the members appointed to the Committee. An affirmative vote of the majority of the appointed members shall be required for any action of each Committee. A vacancy on a Committee shall not impair the right of the remaining members to exercise all powers of the Committee.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.8, Health and Safety Code.

§ 25303. Compensation

Members of the Committees shall be entitled to reimbursement for actual and necessary expenses incurred while attending meetings or otherwise carrying out the duties of their respective committees. In addition, members of the Committees shall be entitled to compensation for time spent attending Committee meetings and on the other actual and necessary work of the Committee as determined by the lead agency.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.8, Health and Safety Code.

§ 25304. Financial Disclosure

Upon appointment and annually thereafter, Committee members shall, consistent with the Political Reform Act of 1974 commencing with Section 81000 through 91015 of the Government Code and Title 2, California Code of Regulations, Division 6, Chapters 1 through 10, make a public disclosure on forms provided of investments in, income from or business positions in any partnership, corporation, or other entity that imports, manufactures, distributes, sells, buys, or uses chemicals that are or may be considered carcinogens or reproductive toxicants. Such disclosure made upon appointment shall cover the twelve-month period immediately prior to the date of appointment. Committee members shall, in addition to the requirements of Sections 81000 through 91015 of the Government Code and Title 2 CCR, Division 6, Chapters 1 through 10, also provide a

description of funding sources for all professional activities undertaken during the twelve months immediately prior to their appointment, and annually thereafter during their service on the Committee. In order to vote on an official action of a Committee, Committee members must be in compliance with Sections 81000 through 91015 of the Government Code and Title 2 CCR, Division 6, Chapters 1 through 10.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.8, Health and Safety Code.

§ 25305. Powers and Duties

(a) As an advisory body to the Governor and the lead agency, the Carcinogen Identification Committee may undertake the following activities:

(1) Render an opinion, pursuant to subdivision (b) of Section 25249.8 of the Act, as to whether specific chemicals have been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

(2) Identify bodies which are considered to be authoritative and which have formally identified chemicals as causing cancer.

(3) Identify specific chemicals that are required by state or federal law to have been tested for potential to cause cancer but which have not been adequately tested.

(4) Review or propose standards and procedures for determining carcinogenicity of chemicals.

(5) Review or propose standards, procedures and definitions related to the implementation, administration or interpretation of the Act in support of the duties specified in the Section 25249.8 of the Act and upon request by the lead agency.

(b) As an advisory body to the Governor and the lead agency, the DART Identification Committee may undertake the following activities:

(1) Render an opinion, pursuant to subdivision (b) of Section 25249.8 of the Act, as to whether specific chemicals have been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

(2) Identify bodies which are considered to be authoritative and which have formally identified chemicals as causing reproductive toxicity.

(3) Identify specific chemicals that are required by state or federal law to have been tested for potential to cause reproductive toxicity but which have not been adequately tested.

(4) Review or propose standards and procedures for determining reproductive toxicity of chemicals.

(5) Review or propose standards, procedures and definitions related to the implementation, administration or interpretation of the Act in support of the duties specified in Section 25249.8 of the Act and upon request by the lead agency.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.8, Health and Safety Code.

§ 25306. Chemicals Formally Identified by Authoritative Bodies

(a) Pursuant to Section 25249.8(b) of the Act, a chemical is known to the state to cause cancer or reproductive toxicity if the lead agency determines that an authoritative body has formally identified the chemical as causing cancer or reproductive toxicity, as specified in this section.

(b) A "body considered to be authoritative" is an agency or formally organized program or group which utilizes one of the methods set forth in subsection (d), for the identification of chemicals, and which the Carcinogen Identification Committee has identified as having expertise in the identification of chemicals as causing cancer or the DART Identification Committee has identified as having expertise in the identification of chemicals as causing reproductive toxicity. For purposes of this section, "authoritative body" means either a "body considered to be authoritative" in the identification of chemicals as causing cancer by the Carcinogen Identification Committee or a "body considered to be authoritative" in the identification of chemicals as causing reproductive toxicity by the DART Identification Committee. The Carcinogen Identification Committee and the DART Identification Committee shall have the authority to revoke or rescind any determination that a body is authoritative on the grounds that the respective Committee no longer considers the body to have expertise in the identification of chemicals as causing cancer or reproductive toxicity, respectively, in which case chemicals listed pursuant to this section prior to the effective date of the revocation shall remain on the list. Nothing in this section shall be construed to limit or otherwise interfere with such authority.

(c) The lead agency shall determine which chemicals have been formally identified by an authoritative body as causing cancer or reproductive toxicity.

(d) For purposes of this section a chemical is "formally identified" by an authoritative body when the lead agency determines that:

(1) the chemical has been included on a list of chemicals causing cancer or reproductive toxicity issued by the authoritative body; or is the subject of a report which is published by the authoritative body and which concludes that the chemical causes cancer or reproductive toxicity; or has otherwise been identified as causing cancer or

reproductive toxicity by the authoritative body in a document that indicates that such identification is a final action; and

(2) the list, report, or document specifically and accurately identifies the chemical, and has been:

(A) Reviewed by an advisory committee in a public meeting, if a public meeting is required, or

(B) Made subject to public review and comment prior to its issuance, or

(C) Published by the authoritative body in a publication, such as, but not limited to, the federal register for an authoritative body which is a federal agency, or

(D) Signed, where required, by the chief administrative officer of the authoritative body or a designee, or

(E) Adopted as a final rule by the authoritative body, or

(F) Otherwise set forth in an official document utilized by the authoritative body for regulatory purposes.

(e) For purposes of this section, "as causing cancer" means that either of the following criteria has been satisfied:

(1) Sufficient evidence of carcinogenicity exists from studies in humans. For purposes of this paragraph, "sufficient evidence" means studies in humans indicate that there is a causal relationship between the chemical and cancer.

(2) Sufficient evidence of carcinogenicity exists from studies in experimental animals. For purposes of this paragraph, "sufficient evidence" means studies in experimental animals indicate that there is an increased incidence of malignant tumors or combined malignant and benign tumors in multiple species or strains, in multiple experiments (e.g., with different routes of administration or using different dose levels), or, to an unusual degree, in a single experiment with regard to high incidence, site or type of tumor, or age at onset.

(f) The lead agency shall find that a chemical does not satisfy the definition of "as causing cancer" if scientifically valid data which were not considered by the authoritative body clearly establish that the chemical does not satisfy the criteria of subsection (e), paragraph (1) or subsection (e), paragraph (2).

(g) For purposes of this section, "as causing reproductive toxicity" means that either of the following criteria have been satisfied:

(1) Studies in humans indicate that there is a causal relationship between the chemical and reproductive toxicity, or

(2) Studies in experimental animals indicate that there are sufficient data, taking into account the adequacy of the experimental design and other parameters such as, but not limited to, route of administration, frequency and duration of exposure, numbers of test animals, choice of species, choice of dosage levels, and consideration of maternal toxicity, indicating that an association between adverse reproductive effects in humans and the toxic agent in question is biologically plausible.

(h) The lead agency shall find that a chemical does not satisfy the definition of "as causing reproductive toxicity" if scientifically valid data which were not considered by the authoritative body clearly establish that the chemical does not satisfy the criteria of subsection (g), paragraph (1) or subsection (g), paragraph (2).

(i) At least 60 days prior to adding a chemical determined to have been formally identified by an authoritative body as causing cancer or reproductive toxicity to the list of chemicals known to the state to cause cancer or reproductive toxicity, the lead agency shall cause to be published in the California Regulatory Notice Register a notice identifying the authoritative body and the chemical, and stating the lead agency's intention to cause the chemical to be added to the list. Copies of the notice shall be provided to the Carcinogen Identification Committee or the DART Identification Committee, as appropriate, to permit the appropriate Committee at least 30 days to review and comment on the proposed action. Within 30 days following the publication of the notice, interested parties, including any member of the appropriate Committee, shall submit to the lead agency their written objections to the addition of the chemical to the list of chemicals known to the state to cause cancer or reproductive toxicity, along with any supporting documentation. Objections shall be made on the basis that there is no substantial evidence that the criteria identified in subsection (e) or in subsection (g) have been satisfied. The lead agency shall review such objections. If the lead agency finds that there is no substantial evidence that the criteria identified in subsection (e) or in subsection (g) have been satisfied, the lead agency shall refer the chemical to the appropriate Committee to determine whether, in the Committee's opinion, the chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity.

(j) Subsequent to the addition of a chemical determined to have been formally identified by an authoritative body as causing cancer or reproductive toxicity to the list of chemicals known to the state to cause cancer or reproductive toxicity, the lead agency shall reconsider its determination that the chemical has been formally identified as causing cancer or reproductive toxicity if the lead agency finds:

(1) there is no substantial evidence that the criteria identified in subsection (e) or subsection (g) have been satisfied, or

(2) the chemical is no longer identified as causing cancer or reproductive toxicity by the authoritative body.

Reconsideration may be initiated by the lead agency on its own motion, or on a request from an interested party, including any member of the appropriate Committee. The lead agency shall refer chemicals under reconsideration pursuant to this subsection to the appropriate Committee for a recommendation concerning whether the chemical should continue to be included on the list of chemicals known to the state to cause cancer or reproductive toxicity. Pending such reconsideration, the chemical shall remain on the list.

(k) The Carcinogen Identification Committee or the DART Identification Committee may condition any determination that a body is considered to be authoritative upon the subsequent application of the controls set forth in this section to the determination of which chemicals have been formally identified by the body as causing cancer or reproductive toxicity. In the event that this section or any portion thereof is found to be invalid by any court of competent jurisdiction, the Carcinogen Identification Committee or the DART Identification Committee may determine that such invalidation constitutes a failure of the condition. Upon finding such failure of condition, the determination that the body is authoritative shall be deemed to be revoked. Chemicals which the lead agency has determined have been formally identified by the body as causing cancer or reproductive toxicity pursuant to the controls set forth in this section and which have been placed upon the list of chemicals known to the state to cause cancer or reproductive toxicity prior to such revocation shall remain on the list.

(l) The following have been identified as authoritative bodies for purposes of this section for the identification of chemicals as causing reproductive toxicity.

(1) International Agency for Research on Cancer solely as to transplacental carcinogenicity
(2) National Institute for Occupational Safety and Health
(3) National Toxicology Program solely as to final reports of the National Toxicology Program's Center for Evaluation of Risks to Human Reproduction
(4) U.S. Environmental Protection Agency
(5) U.S. Food and Drug Administration

(m) The following have been identified as authoritative bodies for the identification of chemicals as causing cancer.

(1) International Agency for Research on Cancer
(2) National Institute for Occupational Safety and Health
(3) National Toxicology Program
(4) U.S. Environmental Protection Agency
(5) U.S. Food and Drug Administration

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25249.8 and 25249.12, Health and Safety Code.

ARTICLE 4. Discharge

§ 25401. Discharge of Water Containing a Listed Chemical at Time of Receipt

(a) Whenever a person otherwise responsible for the discharge or release receives water containing a listed chemical from:

(1) a public water system, as defined in Section 116275 of the Health and Safety Code (1997);

(2) a commercial supplier of drinking water; or

(3) a source of drinking water in compliance with all primary drinking water standards and the chemical is the result of treatment of the water in order to achieve such compliance; the person does not "discharge" or "release" within the meaning of the Act to the extent that the person can show that the listed chemical was contained in the water received. "Discharge or release" shall apply only to that amount of the listed chemical derived from sources other than the drinking water.

(b) Whenever a person otherwise responsible for the discharge or release receives water containing a listed chemical from a source other than a source specified in subsection (a) the person does not "discharge" or "release" within the meaning of the Act to the extent that the person can show that the listed chemical was contained in the water received, and "discharge or release" shall apply only to that amount of the listed chemical derived from sources other than the water, provided that:

(1) The water is returned to the same source of water supply, or

(2) The water meets all primary drinking water standards for the listed chemical or, where there is no primary drinking water standard established for the listed chemical, the water shall not contain a significant amount of the chemical.

(c) Stormwater runoff from a place of doing business containing a listed chemical, the presence of which is not the direct and immediate result of the business activities conducted at the place from which the runoff flows, is not a "discharge" or "release" within the meaning of the Act. For purposes of this subsection, "business activities" does not include parking lots.

(d) The movement of naturally occurring chemicals as the result of the application, unavoidable runoff, or percolation of agricultural irrigation water is not a "discharge" or "release" within the meaning of Section 25249.5 of the Act. For purposes of this subsection, "naturally occurring chemicals" means chemicals present in the soil solely as a result of natural geologic processes.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25249.5, and 25249.11, Health and Safety Code.

§ 25403. Discharges from Hazardous Waste Facilities

(a) For a discharge or release of a listed chemical from a low-level radioactive waste disposal facility licensed pursuant to Chapter 7.6 of Division 20 (commencing with Section 25800) of the Health and Safety Code, a solid waste "disposal facility" as defined in Public Resources Code Section 40121 (1990) or a hazardous waste "disposal site" as defined in Health and Safety Code Section 25114, it shall be presumed that the chemical probably will not pass into any source of drinking water for purposes of Section 25249.5 of the Act provided that the operator of the facility or site can show that the facility or site is subject to and in compliance with requirements of state or federal statutes, regulations, permits and orders adopted to avoid contamination of surface or groundwater.

(b) The presumption in subsection (a) may be rebutted by any admissible evidence including, but not limited to, that compliance with the same or substantially the same requirements of state or federal statutes, regulations, permits and orders adopted to avoid contamination of surface or groundwater has failed to prevent surface or groundwater contamination at similar facilities or sites under similar circumstances.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.5, Health and Safety Code.

§ 25405. Discharge of Pesticide

For a discharge or release of a listed chemical which is an active ingredient, other specified ingredient, or degradation product of a pesticide as defined in Section 12753 of the Food and Agricultural Code (1996), if the person responsible for the application can show that the registrant of the pesticide has completely and adequately satisfied all of the data submission requirements of Section 13143(a) of the Food and Agricultural Code (1996) and that the pesticide has not been placed on the Groundwater Protection List described in Section 13145 of the Food and Agricultural Code (1996) and that the application is otherwise in compliance with the Pesticide Contamination Prevention Act of 1985 (1996) and all regulations promulgated thereunder, then it shall be presumed that the chemical probably will not pass into any source of drinking water for purposes of Section 25249.5 of the Act. For purposes of this section only, the person responsible for the application may rely upon information regarding a registrant's compliance with Section 13143(a), Food and Agricultural Code (1996), which is obtained from the Department of Pesticide Regulation through the office of a county agriculture commissioner.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.5, Health and Safety Code.

ARTICLE 5. Extent of Exposure

§ 25501. Exposure to a Naturally Occurring Chemical in a Food

(a) Human consumption of a food shall not constitute an "exposure" for purposes of Section 25249.6 of the Act to a listed chemical in the food to the extent that the person responsible for the exposure can show that the chemical is naturally occurring in the food.

(1) For the purposes of this section, a chemical is "naturally occurring" if it is a natural constituent of a food, or if it is present in a food solely as a result of absorption or accumulation of the chemical which is naturally present in the environment in which the food is raised, or grown, or obtained; for example, minerals present in the soil solely as a result of natural geologic processes, or toxins produced by the natural growth of fungi.

(2) The "naturally occurring" level of a chemical in a food may be established by determining the natural background level of the chemical in the area in which the food is raised, or grown, or obtained, based on reliable local or regional data.

(3) A chemical is naturally occurring only to the extent that the chemical did not result from any known human activity. Where a food contains a chemical, in part naturally occurring and in part added as a result of known human activity, "exposure" can only occur as to that portion of the chemical which resulted from such human activity. For purposes of this section, "human activity" does not include sowing, planting, irrigation, or plowing or other mechanical preparation of soil for agricultural purposes; but does include the addition of chemicals to irrigation water applied to soil or crops.

(4) Where a chemical contaminant can occur naturally in a food, the chemical is naturally occurring only to the extent that it was not avoidable by good agricultural or good manufacturing practices. The producer, manufacturer, distributor, or holder of the food shall at all times utilize quality control measures that reduce natural chemical contaminants to the "lowest level currently feasible," as this term is used in Title 21, Code of Federal Regulations, Section 110.110, subdivision (c) (2001).

(b) A person otherwise responsible for an exposure to a listed chemical in a consumer product, other than food, does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the chemical was a naturally occurring chemical in food, and the food was used in the manufacture, production, or processing of the consumer product. Where a consumer product contains a listed chemical, and the source of the chemical is in part from a naturally occurring chemical in food and in part from other sources, "exposure" can only occur as to that portion of the chemical from other sources.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.6, Health and Safety Code.

§ 25502. Exposure to a Listed Chemical in Drinking Water

(a) A person otherwise responsible for an exposure to a listed chemical which involves the use of drinking water, including the use of drinking water in food or any other consumer product, does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the listed chemical was contained in drinking water which was received from:

(1) a public water system, as defined in Section 116275 of the Health and Safety Code (1997);

(2) a commercial supplier of drinking water, or

(3) a source of drinking water in compliance with all applicable primary drinking water standards for all listed chemicals and the chemical in question is the result of treatment of the water in order to achieve compliance with primary drinking water standards.

Where the source of the listed chemical is in part from such drinking water and in part from other sources, "exposure" can occur only as to that portion of the listed chemical from sources other than such drinking water.

(b) For purposes of subsection (a), the amount of a listed chemical contained in drinking water shall be determined by sampling of the drinking water at the point of delivery and by testing pursuant to Section 25901. If sampling and testing is impractical, the amount of a listed chemical shall be based on test results of the most recent sample of the drinking water taken by the public water system or the commercial drinking water supplier, provided that all sampling and testing has been conducted at the frequency and in the manner required by law, or alternatively, such amount shall be calculated at five percent of the maximum contaminant level set forth in the primary drinking water standard for the listed chemical.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.6 and 25249.11, Health and Safety Code.

§ 25503. Exposure to Water

A person otherwise responsible for an exposure to a listed chemical does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the listed chemical was contained in water which the person moved or which was handled in the manner described in Section 25401. Nothing in this section shall be interpreted to affect the responsibility for an exposure which arises from any activity other than that described in Section 25401.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25504. Exposure to Air

A person otherwise responsible for an exposure to a listed chemical in air does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the listed chemical was contained in air that the person received from the ambient air. Where the source of the listed chemical is in part from the ambient air and in part from other sources, "exposure" does not occur as to that portion of the listed chemical from the ambient air to the extent that the person did not put the listed chemical into the ambient air.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.6, Health and Safety Code.

§ 25505. Miscellaneous

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.6 and 25249.11 Health and Safety Code.

ARTICLE 6. Clear and Reasonable Warnings

§ 25601 Clear and Reasonable Warnings

Whenever a clear and reasonable warning is required under Section 25249.6 of the Act, the method employed to transmit the warning must be reasonably calculated, considering the alternative methods available under the circumstances, to make the warning message available to the individual prior to exposure. The message must clearly communicate that the chemical in question is known to the state to cause cancer, or birth defects or other reproductive harm. Nothing in this section shall be construed to preclude a person from providing warnings other than those specified in this article that satisfy the requirements of this article, or to require that warnings be provided separately to each exposed individual.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25602 Definitions

(a) “Affected area” means the area in which an exposure to a chemical known to the state to cause cancer or reproductive toxicity is at a level that requires a warning.

(b) "Consumer products exposure" is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.

(c) "Environmental exposure" is an exposure that may foreseeably occur as the result of contact with an environmental medium, including, but not limited to, ambient air, indoor air, drinking water, standing water, running water, soil, vegetation, or manmade or natural substances, either through inhalation, ingestion, skin contact, or otherwise. Environmental exposures include all exposures that are not consumer products exposures, or occupational exposures.

(d) "Label" means a display of written, printed or graphic matter upon a product or its immediate container.

(e) “Labeling" means any label or other written, printed or graphic matter affixed to or accompanying a product or its container or wrapper.

(f) "Occupational exposure" means an exposure to any employee in his or her employer’s workplace.

(g) “Sign” means a presentation of written, printed, or graphic matter.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code

§ 25603 Consumer Products Warnings

(a) Warnings for consumer products exposures that include the methods of transmission and the warning messages as specified by this section shall be deemed to be clear and reasonable.

(b) 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 product, rather than by the retail seller.

(c) A person in the course of doing business, who manufactures, produces, assembles, processes, handles, distributes, stores, sells, or otherwise transfers a consumer product which he or she knows to contain a chemical known to the state to cause cancer or reproductive toxicity in an amount that requires a warning shall provide a warning to any person to whom the product is sold or transferred unless the product is packaged or labeled with a clear and reasonable warning.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25603.1 Consumer Products Exposure Warnings – Method of Transmission

The warning may be provided by using one or more of the following methods singly or in combination:

(a) A warning that appears on a product's label or other labeling.

(b) Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.

(c) The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's label or other labeling or displayed at the retail outlet 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.

(d) A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25603.2 Consumer Products Exposure Warnings – Content

(a) The warning message must include the following language:

1. For consumer products that contain a chemical known to the state to cause cancer:

"WARNING: This product contains a chemical known to the State of California to cause cancer."

2. For consumer products that contain a chemical known to the state to cause reproductive toxicity:

"WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25603.3 Warnings for Specific Consumer Products Exposure

(a) For food, other than alcoholic beverages, sold, served, or otherwise provided in food facilities, as defined in Health and Safety Code Section 27521(a), which is intended for immediate consumption:

"WARNING: Chemicals known to the State of California to cause cancer, or birth defects or other reproductive harm may be present in foods or beverages sold or served here."

(b) For fresh fruits, nuts, and vegetables:

"WARNING: This product may contain a chemical known to the State of California to cause cancer, or birth defects or other reproductive harm."

(c) For prescription drugs, the labeling approved or otherwise provided under federal law and the prescriber's accepted practice of obtaining a patient's informed consent shall be deemed to be a clear and reasonable warning.

(d) For exposures resulting from emergency or urgent medical or dental care as defined in Section 25102(g), the accepted practice of obtaining the patient's informed consent shall be deemed to be a clear and reasonable warning when any of the following circumstances exists:

1. the patient is unconscious; or

2. the procedure must be undertaken because the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care, as these terms are defined in Sections 25102(q), 25102(d), and 25102(b), respectively, reasonably believes that the

procedure should be undertaken immediately; and therefore, there is insufficient time to fully inform the patient; or

3. the procedure must be performed on a person legally incapable of giving consent, and the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care reasonably believes the procedure should be undertaken immediately; and therefore, there is insufficient time to obtain the informed consent of a person authorized to give such consent for the patient.

(e) Alcoholic Beverages. For alcoholic beverages, including, without limitation, beer, malt beverages, wine and distilled spirits:

1. The warning message must include the following language:

"WARNING: Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk, and, During Pregnancy, Can Cause Birth Defects."

2. Beverages primarily intended for consumption off the premises where sold or distributed:

(A) at least one notice or sign, no smaller than 10 inches wide by 10 inches high, and bearing the warning message set forth in subparagraph (e)(1) of this subsection; or

(B) at least one horizontal strip marker no smaller than 10 1/2 inches wide by 1 1/4 inches high, and bearing the warning message set forth in paragraph (e)(1) of this subsection; or

(C) a notice no smaller than 5 inches by 5 inches, and bearing the warning message set forth in subparagraph (e)(1) of this subsection.

(D) If signs 10 inches high by 10 inches wide are used, the word "warning" shall be centered three-quarters of an inch from the top of the sign in ITC Garamond bold condensed type face all in one-inch capital letters. Three-sixteenths of an inch from the base of the word "warning" shall be a line extending from left to right across the width of the sign one-sixteenth of an inch in thickness. Centered one-half inch below the line shall be the body of the warning message in 36/50 ITC Garamond bold condensed type face with the initial letter of each word, other than the conjunctive "and," capitalized. For the body of the warning message, left and right margins of at least one-half of an inch, and a bottom margin of at least one-half inch shall be observed. Larger signs shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide.

(E) If the 10 1/2 inch by 1 1/4 inch horizontal strip markers are used, the word "WARNING," punctuated by a colon, shall be justified left and located three-sixteenths of an inch from the top of the strip notice in ITC Garamond bold condensed type face all in capital letters measuring eleven sixteenths of an inch in height. Three thirty-seconds of an inch from the base of the word "WARNING" shall be a line extending from left to right across the width of the word "WARNING" and the punctuating colon one thirty-second of an inch in thickness. Located one-fourth of an inch from the top and one-fourth of an inch from the bottom of the strip notice, and to the immediate right of the word "WARNING," shall be the body of the warning message in 12/16 point ITC Garamond bold condensed type face with the initial letter of each word, other than the conjunctive "and," capitalized. The word "WARNING" shall be one-half inch from the left edge of the strip notice and the requisite warning message shall extend to within one-half inch from the right edge.

(F) If the 5 inch by 5 inch signs are used, they shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide, with both the word "WARNING" and the warning text set in white on a contrasting red background.

(G) Such sign or notice shall be placed in the retail establishment so as to assure that it is readable and likely to be read either at each retail point of sale or each point of display. Such sign or notice shall be placed either at all retail points of sale or all points of display, but need not be placed at both. If 10 inch by 10 inch signs or notices are placed at the point of display, each shall be placed no more than ten feet from any alcoholic beverage container and in a manner associating the sign or notice with the display. If horizontal strip notices are used, they shall be placed at ten-foot intervals horizontally along the display. If a 5 inch by 5 inch sign is used, it shall be conspicuously placed at each retail point of sale (e.g., check-out counter, cash register, cash box) so that it is likely to be read and understood during the sales transaction.

(H) All measurements specified or referred to in paragraphs (D), (E) and (F), above, are not required to be precisely accurate.

3. For beverages provided for consumption on the premises at tables served by food or beverage persons, or sold or distributed through over the counter service;

(A) a notice or sign displayed at each of the tables where alcoholic beverages are served or may be consumed at least 5 inches high by 5 inches wide bearing substantially the same type face and substantially the same proportion of type size and spacing to sign dimension as described in paragraph (e)2. (F); or

(B) the warning message set forth in subparagraph (e)(1) of this subsection, placed upon a menu or list in association with the alcoholic beverages

listed thereon and served at such premises, or if alcoholic beverages are not listed thereon, on any menu or list provided to patrons in association with the listing of food or beverage offerings, in type size and design, such that the text is conspicuous and likely to be read prior to consumption of alcoholic beverages or,

(C) at least one 10 inch by 10 inch sign, meeting the specifications set forth in subparagraph (e)2. (D) of this subsection, placed so that it is readable and likely to be read by patrons as they enter each public entrance to the establishment. If the establishment does not have clearly defined physical boundaries delineating those areas where, by permit or license, alcoholic beverages are served, the 10 inch by 10 inch sign shall be posted so that it is readable and likely to be read by patrons as they enter the area or areas where, by permit or license, alcoholic beverages are served; and

(D) If sold or distributed through over-the-counter service, at least one sign, meeting the specifications set forth in paragraph (e)2. (D) of this subsection, placed in the retail establishment so that the warning message is, prior to the consumption of alcoholic beverages, readable and likely to be read from all counter locations available to the public. Therefore, a retail establishment providing a warning pursuant to the preceding sentence, also would be required to provide a warning in accordance with either paragraph 3. (A), 3.(B) or 3.(C) of this subsection.

4. For premises which are specially licensed to sell and serve alcoholic beverages both on and off the licensed premises (e.g., in facilities that offer both "tasting" and retail sales), the off-sale portion of the premises shall comply with the provisions of subparagraph (e)2, above, and the portion of the premises where alcoholic beverages are served shall comply with the provisions of subparagraph (e)3, above.

5. For alcoholic beverages sold or distributed to consumers through the mail or package delivery services, warnings may be provided by incorporating or placing the warning message set forth in subparagraph (e)(1) on or in the shipping container or delivery package in such a manner so that the warning message is likely to be read by the recipient prior to consumption of the alcoholic beverage(s).

6. All signs or notices referred to in subparagraphs (e)2., (e)3. and (e)4., above, shall be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.

7. For alcoholic beverages, the placement and maintenance of the warning shall be the responsibility of the manufacturer or its distributor at no cost to the retailer, and any consequences for failure to do the same shall rest solely with the manufacturer or its distributor, provided that the retailer does not remove, deface, or obscure the requisite signs or notices, or obstruct, interfere with, or otherwise

frustrate the manufacturer's reasonable efforts to post, maintain, or periodically replace said materials.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25604 Occupational Exposure

(a) Warnings for occupational exposures that include the methods of transmission and the warning messages as specified by this section shall be deemed clear and reasonable.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25604.1 Occupational Exposure Warnings – Methods of Transmission

(a) The method employed to transmit the warning must include one of the following alternative methods:

1. A warning that appears on the label or labeling of a product or substance present or used in the workplace. The label or labeling shall be prominently displayed on the product or substance and the product or substance shall be used under circumstances which make it likely that the warnings will be read and understood by employees or other individuals prior to the exposure for which the warning is given.

2. A warning that appears on a sign in the workplace posted in a conspicuous place and under conditions that make it likely to be read and understood by employees and other individuals prior to the exposure for which the warning is given.

3. A warning to the exposed employee about the chemical in question which fully complies with all information, training and labeling requirements of the federal Hazard Communication Standard (29 CFR section 1910.1200, as amended on March 7, 1996), the California Hazard Communication Standard (Cal. Code Regs., title 8, section 5194, as amended on July 6, 2004), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code Regs., title 3, section 6700 et seq., as amended on June 20, 2001) authorized in Food and Agricultural Code section 12981 as amended by Governor's Reorganization Plan No. 1 of 1991.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25604.2 Occupational Exposure Warnings – Content

(a) For purposes of subparagraph (a)1. of section 25604.1, the warning shall be provided in terms which would provide a clear warning for a consumer product as specified above.

(b) For purposes of subparagraph (a)2. of section 25604.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm.

1. For exposure to a chemical known to the state to cause cancer:

"WARNING: This area contains a chemical known to the State of California to cause cancer."

2. For exposure to a chemical known to the state to cause reproductive toxicity:

"WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25605 Environmental Exposure

(a) Warnings for environmental exposure that include the methods of transmission and the warning message~~s~~ content as specified by this section shall be deemed clear and reasonable.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25605.1 Environmental Exposure Warnings – Methods of Transmission

(a) The method employed to transmit the warning must include the most appropriate of the following alternative methods under the circumstances:

1. A warning that appears on a sign in the affected area.

2. A posting of signs in the manner described in Section 6776(d) of Title 3 of the California Code of Regulations as amended on May 10, 1999 shall be sufficient for purposes of this paragraph.

3. A warning which is in a notice mailed or otherwise delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period.

4. A warning provided by public media announcements which target the affected area. Such announcements shall be made at least once in any three-month period.

(b) Environmental exposure warnings shall be provided in a conspicuous manner and under such conditions as to make it likely to be read, seen or heard and understood by an ordinary individual in the course of normal daily activity, and reasonably associated with the location and source of the exposure.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25605.2 Environmental Exposure – Content

(a) For purposes of subsection (a)(1) of section 25605.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm.

1. For exposure to a chemical known to the state to cause cancer:

"WARNING: This area contains a chemical known to the State of California to cause cancer."

2. For exposure to a chemical known to the state to cause reproductive toxicity:

"WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

ARTICLE 7. NO SIGNIFICANT RISK LEVELS

§ 25701. General

(a) The determination of whether a level of exposure to a chemical known to the state to cause cancer poses no significant risk for purposes of Section 25249.10(c) of the Act shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of the chemical as known to the state to cause cancer. Nothing in this article shall preclude a person from using evidence, standards, risk assessment methodologies, principles, assumptions or levels not described in this article to establish that a level of exposure to a listed chemical poses no significant risk.

(b) A level of exposure to a listed chemical, assuming daily exposure at that level, shall be deemed to pose no significant risk provided that the level is determined:

(1) By means of a quantitative risk assessment that meets the standards described in Section 25703;

(2) By application of Section 25707 (Routes of Exposure); or

(3) By one of the following, as applicable:

(A) If a specific regulatory level has been established for the chemical in question in Section 25705, by application of that level.

(B) If no specific level is established for the chemical in question in Section 25705, by application of Section 25709 (Exposure to Trace Elements) or 25711 (Levels Based on State or Federal Standards) unless otherwise provided.

(c) The chemicals, routes of exposure and conditions of use specifically listed in this article do not include all chemicals, routes of exposure and conditions of use that pose no significant risk. The fact that a chemical, route of exposure or condition of use does not appear in this article does not mean that it poses a significant risk.

(d) This article establishes exposure levels posing no significant risk solely for purposes of Section 25249.10(c) of the Act. Nothing in this article shall be construed to establish exposure or risk levels for other regulatory purposes.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25703. Quantitative Risk Assessment

(a) A quantitative risk assessment which conforms to this section shall be deemed to determine the level of exposure to a listed chemical which, assuming daily exposure at that level, poses no significant risk. The assessment shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for listing the chemical as known to the state to cause cancer. In the absence of principles or assumptions scientifically more appropriate, based upon the available data, the following default principles and assumptions shall apply in any such assessment:

(1) Animal bioassay studies for quantitative risk assessment shall meet generally accepted scientific principles, including the thoroughness of experimental protocol, the degree to which dosing resembles the expected manner of human exposure, the temporal exposure pattern, the duration of study, the purity of test material, the number and size of exposed groups, the route of exposure, and the extent of tumor occurrence.

(2) The quality and suitability of available epidemiologic data shall be appraised to determine whether the study is appropriate as the basis of a quantitative risk assessment, considering such factors as the selection of the exposed and reference groups, reliable ascertainment of exposure, and completeness of follow-up. Biases and confounding factors shall be identified and quantified.

(3) Risk analysis shall be based on the most sensitive study deemed to be of sufficient quality.

(4) The results obtained for the most sensitive study deemed to be of sufficient quality shall be applicable to all routes of exposure for which the results are relevant.

(5) The absence of a carcinogenic threshold dose shall be assumed and no-threshold models shall be utilized. A linearized multistage model for extrapolation from high to low doses, with the upper 95 percent confidence limit of the linear term expressing the upper bound of potency shall be utilized. Time-to-tumor models may be appropriate where data are available on the time of appearance of individual tumors, and particularly when survival is poor due to competing toxicity.

(6) Human cancer potency shall be derived from data on human or animal cancer potency. Potency shall be expressed in reciprocal milligrams of chemical per kilogram of bodyweight per day. Interspecies conversion of animal cancer potency to human cancer potency shall be determined by multiplying by a scaling factor equivalent to the ratio of human to animal bodyweight, taken to the one-fourth power.

(7) When available data are of such quality that physiologic, pharmacokinetic and metabolic considerations can be taken into account with confidence, they may be used in the risk assessment for inter-species, inter-dose, and inter-route extrapolations.

(8) When the cancer risk applies to the general population, human body weight of 70 kilograms shall be assumed. When the cancer risk applies to a certain subpopulation, the following assumptions shall be made, as appropriate:

Subpopulation	Kilograms of Body Weight
Man (18+ years of age)	70
Woman (18+ years of age)	58
Woman with conceptus	58
Adolescent (11 – 18 years of age)	40
Child (2 – 10 years of age)	20
Infant (0 – 2 years of age)	10

(b) For chemicals assessed in accordance with this section, the risk level which represents no significant risk shall be one which is calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime exposure at the level in question, except where sound considerations of public health support an alternative level, as, for example:

(1) where chemicals in food are produced by cooking necessary to render the food palatable or to avoid microbiological contamination; or

(2) when chlorine disinfection in compliance with all applicable state and federal safety standards is necessary to comply with sanitation requirements; or

(3) where a clean-up and resulting discharge is ordered and supervised by an appropriate governmental agency or court of competent jurisdiction.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25705. Specific Regulatory Levels Posing No Significant Risk

(a) Daily exposure to a chemical at a level which does not exceed the level set forth in subsections (b), (c) and (d) for such chemical shall be deemed to pose no significant risk within the meaning of Section 25249.10(c) of the Act.

(b) Levels of exposure deemed to pose no significant risk may be determined by the lead agency based on a risk assessment conducted by the lead agency pursuant to the guidelines set forth in Section 25703, or a risk assessment reviewed by the lead agency and determined to be consistent with the guidelines set forth in Section 25703.

(1) The following levels based on risk assessments conducted or reviewed by the lead agency shall be deemed to pose no significant risk:

Chemical Name	Level (micrograms/day)
Acrylonitrile	0.7
Aldrin	0.04
Arsenic	0.06 (inhalation)
Asbestos	100 fibers inhaled/day*
Benz[a]anthracene	0.033 (oral)
Benzene	6.4 (oral 13 (inhalation)
Benzidine	0.001
Benzo[b]fluoranthene	0.096 (oral)
Benzo[j]fluoranthene	0.11 (oral)
Benzofuran	1.1
Bis(2-chloroethyl)ether	0.3
Bis(chloromethyl)ether	0.02
Bromoform	64
Butylated hydroxyanisole	4000
Cadmium	0.05 (inhalation)
Carbon tetrachloride	5
N-Carboxymethyl-N-nitrosourea	0.70
p-Chloroaniline	1.5
p-Chloroaniline hydrochloride	1.9
Chloroethane	150
Chromium (hexavalent compounds)	0.001 (inhalation)
Chrysene	0.35 (oral)
C.I. Direct Blue 218	50
DDT, DDE and DDD (in combination)	2
7H-Dibenzo[c,g]carbazole	0.0030 (oral)
Dibenzo[a,h]pyrene	0.0054 (oral)
Dibenzo[a,i]pyrene	0.0050 (oral)
1,2-Dibromo-3-chloropropane (DBCP)	0.1
para-Dichlorobenzene	20
3,3’-Dichlorobenzidine	0.6
Dichloromethane (Methylene chloride)	200 (inhalation)
1,2-Dichloropropane	9.7
Dieldrin	0.04
Di(2-ethylhexyl)phthalate (DEHP)	310
3,3'-Dimethoxybenzidine	0.15
3,3'-Dimethoxybenzidine dihydrochloride	0.19
3,3'-Dimethylbenzidine	0.044

3,3'-Dimethylbenzidine dihydrochloride	0.059
1,4-Dioxane	30
Epichlorohydrin	9
Ethylbenzene	54 (inhalation) 41 (oral)
Ethylene dibromide	0.2 (ingestion) 3 (inhalation)
Ethylene dichloride	10
Ethylene oxide	2
Glycidol	0.54
Hexachlorobenzene	0.4
Hexachlorodibenzodioxin	0.0002
Hexachlorocyclohexane (technical grade)	0.2
Lead	15 (oral)
Lead acetate	23 (oral)
Lead phosphate	58 (oral)
Lead subacetate	41 (oral)
2-Methylaziridine (propyleneimine)	0.028
5-Methylchrysene	0.0084 (oral)
Methylhydrazine	0.058 (oral) 0.090 (inhalation)
Methylhydrazine sulfate	0.18
5-Morpholinomethyl-3-[(5-nitrofurfurylidene)-amino]-2-oxazolidinone	0.18
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5*H*)-furanone)	0.11
Naphthalene	5.8
Nitromethane	39
N-Nitroso-n-dibutylamine	0.06
N-Nitrosodiethylamine	0.02
N-Nitrosodimethylamine	0.04
N-Nitrosodiphenylamine	80
N-Nitrosodi-n-propylamine	0.1
N-Nitroso-N-ethylurea	0.03
N-Nitroso-N-methylurea	0.006
Phenyl glycidyl ether	5.0
Phenylhydrazine	1.0
Phenylhydrazine hydrochloride	1.4
Polybrominated biphenyls	0.02
Polygeenan	1200

2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.000005
Tetranitromethane	0.059
Toxaphene	0.6
Trichloroethylene	50 (ingestion) 80 (inhalation)
2,4,6-Trichlorophenol	10
2,4,6-Trinitrotoluene	8.2
Urethane	0.7
Vinyl chloride	3
2,6-Xylidine	110

*Fibers equal to or greater than 5 micrometers in length and 0.3 micrometers in width, with a length to width radio of greater than or equal to 3:1 as measured by phase contrast microscopy.

(2) Whenever the lead agency proposes to formally adopt, pursuant to this subsection, a level which shall be deemed to pose no significant risk of cancer, assuming daily exposure at that level, the lead agency shall provide to each member of the Carcinogen Identification Committee notice of the proposed action, a copy of the proposed level, and a copy of the initial statement of reasons supporting the proposal. The close of the public comment period for any such proposal shall be scheduled by the lead agency so as to permit the Carcinogen Identification Committee the opportunity to review such proposal and provide comment to the lead agency. Any such comment by the Carcinogen Identification Committee shall become a part of the formal rulemaking file. Nothing in this subsection shall be construed to prevent members of the Carcinogen Identification Committee from providing comments individually on any such proposal, or to require the Carcinogen Identification Committee to submit any comment.

(c) Unless a specific regulatory level for a chemical known to the state to cause cancer has been established in subsection (b), levels of exposure deemed to pose no significant risk may be determined by the lead agency based on state or federal risk assessments.

(1) Any interested party may request the lead agency to reevaluate a level established in this subsection based on scientific considerations that indicate the need for the lead agency to develop its own risk assessment or to conduct a detailed review of the risk assessment used to derive the level in question. Such request shall be made in writing, and shall include a description of the scientific considerations that indicate the need for the lead agency to develop its own risk assessment or to conduct a detailed review of the risk assessment used to derive the level in question. The lead agency may establish a level for the chemical in question in subsection (b) as it deems necessary.

(2) The following levels based on state or federal risk assessments shall be deemed to pose no significant risk:

Chemical Name	Level (micrograms/day)
Acetaldehyde	90 (inhalation)
Acrylamide	0.2
Aniline	100
Azobenzene	6
Benzo[a]pyrene	0.06
Benzyl chloride	4
Beryllium oxide	0.1
Beryllium sulfate	0.0002
Bromodichloromethane	5
1,3-Butadiene	0.4
Chlordane	0.5
Chloroform	20 (ingestion) 40 (inhalation)
Coke oven emissions	0.3
DDVP (Dichlorvos)	2
Dichloromethane (Methylene chloride)	50
2,4-Dinitrotoluene	2
Folpet	200
Formaldehyde (gas)	40
Furmecyclox	20
Heptachlor	0.2
Heptachlor epoxide	0.08
Hexachlorocyclohexane	
alpha isomer	0.3
beta isomer	0.5
gamma isomer	0.6
Hydrazine	0.04
Hydrazine sulfate	0.2
4,4’-Methylene bis(N,N-dimethyl)benzeneamine	20
Nickel refinery dust	0.8
Nickel subsulfide	0.4
N-Nitrosodiethanolamine	0.3
N-Nitrosomethylethylamine	0.03
N-Nitrosopyrrolidine	0.3

Pentachlorophenol	40
Polychlorinated biphenyls (PCBs)	0.09
Tetrachloroethylene	14

(d) Unless a specific regulatory level has been established for a chemical known to the state to cause cancer in subsection (b) or (c), levels of exposure deemed to pose no significant may be determined by the lead agency using an expedited method consistent with the procedures specified in Section 25703.

(1) An interested party may request the lead agency to reevaluate a level established in this subsection and to consider the adoption, in subsection (c), of a level based on a state or federal risk assessment. Such request shall be made in writing, and shall include a copy of the state or federal risk assessment which the interested party wishes the lead agency to consider as the basis for a level in subsection (c). The lead agency may establish a level in subsection (c) for the chemical in question based on a state or federal risk assessment as it deems necessary.

(2) An interested party may request the lead agency to reevaluate a level established in this subsection based on scientific considerations that indicate the need for a conventional risk assessment. Such request shall be made in writing, and shall include a description of the scientific considerations that indicate the need for a conventional risk assessment. The lead agency may conduct a conventional risk assessment for the chemical in question, and establish a level in subsection (b) as it deems necessary.

(3) The following levels of exposure based on risk assessments conducted by the lead agency using an expedited method consistent with the procedures specified in Section 25703 shall be deemed to pose no significant risk:

Chemical Name	Level (micrograms/day)
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	2
Acetamide	10
2-Acetylaminofluorene	0.2
Actinomycin D	0.00008
AF-2;[2-(2-furyl)-3(5-nitro-2-furyl)acrylamide]	3
2-Aminoanthraquinone	20
o-Aminoazotoluene	0.2
4-Aminobiphenyl (4-aminodiphenyl)	0.03
3-Amino-9-ethylcarbazole hydrochloride	9
1-Amino-2-methylanthraquinone	5
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	0.04
Amitrole	0.7
o-Anisidine	5
o-Anisidine hydrochloride	7

Aramite	20
Auramine	0.8
Azaserine	0.06
Azathioprine	0.4
Benzyl violet 4B	30
beta-Butyrolactone	0.7
Carbazole	4.1
Captafol	5
Captan	300
Chlorambucil	0.002
Chlordecone (Kepone)	0.04
Chlorendic acid	8
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	8
Chloromethyl methyl ether (technical grade)	0.3
3-Chloro-2-methylpropene	5
4-Chloro-ortho-phenylenediamine	40
Chlorothalonil	200
p-Chloro-*o*-toluidine	3
p-Chloro-*o*-toluidine hydrochloride	3.3
Chlorozotocin	0.003
C.I. Basic Red 9 monohydrochloride	3
Cinnamyl anthranilate	200
p-Cresidine	5
Cupferron	3
Cyclophosphamide (anhydrous)	1
Cyclophosphamide (hydrated)	1
D&C Red No. 9	100
Dacarbazine	0.01
Daminozide	40
Dantron (Chrysazin;1,8-Dihydroxyanthraquinone)	9
2,4-Diaminoanisole	30
2,4-Diaminoanisole sulfate	50
4,4’-Diaminodiphenyl ether (4,4’-Oxydianiline)	5
2,4-Diaminotoluene	0.2
Dibenz[a,h]anthracene	0.2
1,1-Dichloroethane	100
Diethylstilbestrol	0.002
Diglycidyl resorcinol ether (DGRE)	0.4
Dihydrosafrole	20
4-Dimethylaminoazobenzene	0.2
trans-2[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	2

7,12-Dimethylbenz(a)anthracene	0.003
Dimethylcarbamyl chloride	0.05
1,2-Dimethylhydrazine	0.001
Dimethylvinylchloride	20
Direct Black 38 (technical grade)	0.09
Direct Blue 6 (technical grade)	0.09
Direct Brown 95 (technical grade)	0.1
Disperse Blue 1	200
Estradiol 17B	0.02
Ethyl-4,4'-dichlorobenzilate (chlorobenzilate)	7
Ethylene thiourea	20
Ethyleneimine	0.01
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	0.3
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	0.1
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	0.5
Gyromitrin (Acetaldehyde methylformylhydrazone)	0.07
HC Blue 1	10
Hexachloroethane	20
Hydrazobenzene (1,2-Diphenylhydrazine)	0.8
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	0.5
Isobutyl nitrite	7.4
Lasiocarpine	0.09
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	0.6
MeIQ (2-Amino-3,4-dimethylimidazo[4,5-*f*] quinoline)	0.46
MeIQx (2-Amino-3,8-dimethylimidazo[4,5-*f*] quinoxaline)	0.41
Melphalan	0.005
Methyl carbamate	160
3-Methylcholanthrene	0.03
4,4'-Methylene bis(2-chloroaniline)	0.5
4,4'-Methylene bis(2-methylaniline)	0.8
4,4'-Methylenedianiline	0.4
4,4'-Methylenedianiline dihydrochloride	0.6
Methyl methanesulfonate	7
2-Methyl-1-nitroanthraquinone (of uncertain purity)	0.2
N-Methyl-N'-nitro-N-nitrosoguanidine	0.08
Methylthiouracil	2
Michler's ketone	0.8
Mirex	0.04
Mitomycin C	0.00009

Monocrotaline	0.07
Nalidixic acid	28
2-Naphthylamine	0.4
Nitrilotriacetic acid	100
Nitrilotriacetic acid, trisodium salt monohydrate	70
5-Nitroacenaphthene	6
Nitrofen (technical grade)	9
Nitrofurazone	0.5
1-[(5-Nitrofurfurylidine)-amino]-2-imidazolidinone	0.4
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	0.5
p-Nitrosodiphenylamine	30
4-(N-Nitrosomethylamino)-1-(3-pyridyl)-1-butanone	0.014
N-Nitroso-N-methylurethane	0.006
N-Nitrosomorpholine	0.1
N-Nitrosonornicotine	0.5
N-Nitrosopiperidine	0.07
Phenacetin	300
Phenazopyridine	4
Phenazopyridine hydrochloride	5
Phenesterin	0.005
Phenobarbital	2
Phenoxybenzamine	0.2
Phenoxybenzamine hydrochloride	0.3
o-Phenylenediamine	26
o-Phenylenediamine dihydrochloride	44
o-Phenylphenate, sodium	200
Ponceau MX (D&C Red No. 5)	200
Ponceau 3R (FD&C Red No. 1)	40
Potassium bromate	1
Procarbazine	0.05
Procarbazine hydrochloride	0.06
1,3-Propane sultone	0.3
beta-Propiolactone	0.05
Propylthiouracil	0.7
Reserpine	0.06
Safrole	3
Sterigmatocystin	0.02
Streptozotocin	0.006
Styrene oxide	4
Sulfallate	4
1,1,2,2-Tetrachloroethane	3

Thioacetamide	0.1
4,4'-Thiodianiline	0.05
Thiourea	10
Toluene diisocyanate	20
o-Toluidine	4
o-Toluidine hydrochloride	5
Trimethyl phosphate	24
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	0.06
Tris(2,3-dibromopropyl)phosphate	0.3
Trp-P-1 (Tryptophan-P-1)	0.03
Trp-P-2 (Tryptophan-P-2)	0.2
Vinyl trichloride (1,1,2-Trichloroethane)	10

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25707. Route of Exposure

(a) Where scientifically valid absorption studies conducted according to generally accepted standards demonstrate that absorption of a chemical through a specific route of exposure can be reasonably anticipated to present no significant risk of cancer at levels of exposure not in excess of current regulatory levels, the lead agency may identify the chemical as presenting no significant risk by that route of exposure. Any exposure, discharge or release of a chemical so identified shall be deemed to present no significant risk to the extent that it results in exposure to humans by the identified route, and does not exceed the level established in any other applicable federal or state standard, regulation, guideline, action level, license, permit, condition, requirement or order.

(b) The following chemicals present no significant risk of cancer by the route of ingestion:

(1) Asbestos
(2) Beryllium and beryllium compounds
(3) Cadmium and cadmium compounds
(4) Chromium (hexavalent compounds)
(5) Nickel and nickel compounds

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25709. Exposure to Trace Elements

(a) Except where a specific regulatory level is established in Section 25705, exposure to a trace element listed in subsection (b) shall be deemed to pose no significant

cancer risk so long as the reasonably anticipated level of exposure to the chemical does not exceed the level set forth in subsection (b).

(b) Element	No Significant Risk Level in micrograms per day
Arsenic (inorganic)	10 (except inhalation)
Beryllium	0.1

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25711. Levels Based on State or Federal Standards

(a) Except as otherwise provided in Section 25705, 25707, or 25709, levels of exposure deemed to pose no significant risk may be determined as follows:

(1) Where a state or federal agency has developed a regulatory level for a chemical known to the state to cause cancer which is calculated to result in not more than one excess case of cancer in an exposed population of 100,000, such level constitute the no significant risk level.

(2) For drinking water, the following levels shall be deemed to pose no significant risk:

(A) Drinking water maximum contaminant levels adopted by the Department of Health Services for chemicals known to the state to cause cancer;

(B) Drinking water action levels for chemicals known to the state to cause cancer for which maximum contaminant levels have not been adopted;

(C) Specific numeric levels of concentration for chemicals known to the state to cause cancer which are permitted to be discharged or released into sources of drinking water by a Regional Water Quality Control Board in a water quality control plan or in waste discharge requirements, when such levels are based on considerations of minimizing carcinogenic risks associated with such discharge or release.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25713. Exposure to Food, Drugs, Cosmetics and Medical Devices
Section Repealed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25721. Level of Exposure to Chemicals Causing Cancer

(a) For the purposes of the Act, "level in question" means the chemical concentration of a listed chemical for the exposure in question. The exposure in question includes the exposure for which the person in the course of doing business is responsible and does not include exposure to a listed chemical from any other source or product.

(b) For purposes of the Act, "lifetime exposure" means the reasonably anticipated rate of exposure for an individual to a given medium of exposure measured over a lifetime of seventy years.

(c) For purposes of Section 25249.10(c) of the Act, the level of exposure to a chemical listed as causing cancer, assuming lifetime exposure at the level in question, shall be determined by multiplying the level in question (stated in terms of a concentration of a chemical in a given medium) times the reasonably anticipated rate of exposure for an individual to the given medium of exposure measured over a lifetime of seventy years.

(d) The following assumptions shall be used to calculate the reasonably anticipated rate of exposure to a chemical listed as causing cancer, unless more specific and scientifically appropriate data are available:

(1) For an exposure reasonably expected to affect the general population in any geographic area:

(A) The exposed individual ingests two litters of drinking water per day.

(B) The exposed individual inhales twenty cubic meters of air per day.

(C) The exposed individual has a lifespan of seventy years.

(2) For an exposure reasonably anticipated to affect a certain subpopulation of the general population in any geographic area, specific data (if available) relating to that subpopulation shall be used to determine the level of exposure.

(A) In the absence of more specific and scientifically appropriate data, the following assumptions should be made as appropriate:

Subpopulation	Water liters/day	Air cubic meters/day
Man (18+ years of age)	2	20
Woman (18 + years of age)	2	20
Woman with conceptus	2	20
Adolescent (10-18 years of age)	2	20
Child (2-10 years of age)	2	15
Infant (0-2 years of age)	1	4

(B) For an exposure reasonably expected to affect the conceptus (embryo or fetus), the gestation period for the exposed conceptus is nine months.

(3) For workplace exposures, the exposed worker inhales ten cubic meters of workplace air per eight-hour day, forty hours per week, fifty weeks per year over a forty-year period. The exposed individual from the general population who occasionally enters a workplace inhales 1.25 cubic meters of workplace air for one hour per month for a seventy-year lifetime.

(4) For exposures to consumer products, lifetime exposure shall be calculated using the average rate of intake or exposure for average users of the consumer product, and not on a per capita basis for the general population. The average rate of intake or exposure shall be based on data for use on a general category or categories of consumer products, such as the United States Department of Agriculture Home Economic Research Report, Foods Commonly Eaten by Individuals: Amount Per Day and Per Eating Occasion, where such data are available.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

ARTICLE 8. No Observable Effect Levels

§ 25801. General

(a) The determination of whether a level of exposure to a chemical known to the state to cause reproductive toxicity has no observable effect for purposes of Section 25249.10(c) of the Act shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of a chemical as known to the state to cause reproductive toxicity. Nothing in this article shall preclude a person from using evidence, standards, assessment methodologies, principles, assumptions or levels not described in this article to establish that a level of exposure has no observable effect at one thousand (1,000) times the level in question.

(b) A level of exposure to a listed chemical shall be deemed to have no observable effect, assuming exposure at one thousand times that level, provided that the level is determined:

(1) By means of an assessment that meets the standards described in Section 25803 to determine the maximum dose level having no observable effect, and dividing that level by one thousand (1,000) to arrive at the maximum allowable dose level, or

(2) By application of a specific regulatory level for the chemical in question as provided in Section 25805.

(c) For purposes of this article, "NOEL" shall mean that no observable effect level, which is the maximum level of exposure at which a chemical has no observable reproductive effect.

(d) The chemicals specifically contained in this article do not include all chemicals listed as causing reproductive toxicity for which there is a level of exposure which has no observable effect assuming exposure at one thousand times the level in question. The fact that a chemical does not specifically appear in this article does not mean that it has an observable effect at any level.

(e) This article establishes exposure levels solely for purposes of Section 25249.10(c) of the Act. Nothing in this article shall be construed to establish exposure levels for other regulatory purposes.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25803. Assessment

(a) A quantitative assessment which conforms to this section shall be deemed to determine the level of exposure to a listed chemical which will have no observable effect, assuming the exposure at one thousand times the level in question. The assessment shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for listing the chemical as known to the state to cause reproductive toxicity. In the absence of principles or assumptions scientifically more appropriate based upon the available data, the following default principles and assumptions shall apply in any such assessment:

(1) Only studies producing the reproductive effect which provides the basis for the determination that a chemical is known to the state to cause reproductive toxicity shall be utilized for the determination of the NOEL.

(2) Where multiple reproductive effects provide the basis for the determination that a chemical is known to the state to cause reproductive toxicity, the reproductive effect for which studies produce the lowest NOEL shall be utilized for the determination of the NOEL. The NOEL shall be the highest exposure level which results in no observable reproductive effect expressed in milligrams of chemical per kilogram of bodyweight per day. This may be the no observable effect level in a scientific study or, alternatively, may be calculated by means of a generally accepted scientific methodology such as the benchmark dose methodology. Where a study (e.g., epidemiological publication) reports a range of exposure levels associated with no observable effect, the NOEL may be selected from within the range or calculated by benchmark dose or other accepted scientific methodology.

(3) The quality and suitability of available epidemiologic data shall be appraised according to generally accepted scientific principles to determine whether the study is appropriate as the basis for an assessment. Factors for consideration in this appraisal include but are not limited to: the identification and selection of study subjects (e.g. cases, controls, exposed, unexposed), validity and reliability of the ascertainment of exposure, completeness of follow-up, assessment of outcomes, and appropriateness of the statistical analysis and power of the study to detect an effect. Biases and confounding factors shall be identified, quantified, or otherwise considered, as appropriate.

(4) Animal bioassay studies for assessment shall meet generally accepted scientific principles, including the thoroughness of experimental protocol, the degree to which dosing resembles the expected manner of human exposure, the temporal exposure pattern, the duration of study, the purity of test material, the number and size of exposed groups, and the route of exposure and the extent of occurrence of effects.

(5) The NOEL shall be based on the most sensitive study deemed to be of sufficient quality.

(6) The results obtained for the most sensitive study deemed to be of sufficient quality shall be applicable to all routes of exposure for which the results are relevant.

(7) When available data are of such quality that anatomic, physiologic, pharmacokinetic and metabolic considerations can be taken into account with confidence, they may be used in the assessment.

(8) When data do not allow the determination of a NOEL, the lowest observed effect level in a study shall be divided by 10 to establish a NOEL for purposes of assessment.

(b) In the absence of principles or assumptions scientifically more appropriate based upon the available data, the following default principles or assumptions shall apply in any such assessment. The NOEL shall be converted to a milligram per day dose level by multiplying it by the assumed human body weight. When the applicable reproductive effect is upon the adult male, human body weight of 70 kilograms shall be assumed. When the applicable reproductive effect is upon the adult female or conceptus, human body weight of 58 kilograms shall be assumed. When data indicate that exposure of the neonate, infant, child or adolescent results in the applicable reproductive effect, the bodyweights specified below shall be assumed:

Adolescent (age 11 – 18 years)	40 kg
Child (age 2 – 10 years)	20 kg
Infant (age 29 days – 1 year)	10 kg
Neonate (age 0 – 28 days)	3.5 kg

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25805. Specific Regulatory Levels: Chemicals Causing Reproductive Toxicity

(a) Exposure to a chemical at a level which does not exceed the level set forth in subsection (b) for such chemical has no observable effect assuming exposure at one thousand (1,000) times that level.

(b) Chemical Name	Level (micrograms/day)
Acrylamide	140
Avermectin B1	4.4
Benzene	24 (oral) 49 (inhalation)
Cadmium	4.1 (oral)
Chromium (hexavalent compounds)	8.2 (oral)

2,4-D butyric acid (2,4-DB, 2,4-dichlorophenoxy-butyric acid)	910
1,2-Dibromo-3-chloropropane (DBCP)	4.3 (inhalation) 3.1 (oral)
Di(*n*-butyl)phthalate (DBP)	8.7
Di(2-ethylhexyl)phthalate (DEHP), for intravenous exposures only	4200 (adults) 600 (infant boys, age 29 days – 24 months) 210 (neonatal infant boys, age 0-28 days) [Levels for male children and adolescents can be calculated by application of the default body-weights specified in Title 27, California Code of Regulations, Section 25703(a)(8) to the procedure specified in Title 27, California Code of Regulations, Sections 25801 and 25803]
Di(2-ethylhexyl)phthalate (DEHP), for oral exposures only	410 (adults) 58 (infant boys, age 29 days-24 months) 20 (neonatal infant boys, age 0-28 days) [Levels for male children and adolescents can be calculated by application of the default body-weights specified in Title 27, California Code of Regulations, Section 25703(a)(8) to the procedure specified in Title 27, California Code of Regulations, Sections 25801 and 25803]
Di-*n*-hexyl phthalate (DnHP)	2200 (oral)
Di-isodecyl phthalate (DIDP)	2200
m-Dinitrobenzene	38 (oral)
Disodium cyanodithioimidocarbonate	56 (oral) [170 (oral) as 32% pesticidal formulation]

Ethyl dipropylthiocarbamate	700 (oral and inhalation) 6700 (dermal)
Ethylene glycol monoethyl ether (EGEE)	750 (oral) 960 (inhalation)
Ethylene glycol monoethyl ether acetate (EGEEA)	1100 (oral) 1400 (inhalation)
Ethylene glycol monomethyl ether	63 (oral)
Ethylene glycol monomethyl ether acetate	98 (oral)
Ethylene oxide	20
Hydramethylnon	120 (oral)
Lead	0.5
Linuron	460
Methyl bromide as a structural fumigant	810 (inhalation)
N-Methylpyrrolidone	3200 (inhalation) 17000 (dermal)
Potassium dimethyldithiocarbamate	720
Quizalofop ethyl	590
Sodium dimethyldithiocarbamate	23 (oral) [58 (oral) as 40% pesticidal formulation]
Thiophanate-methyl	600 (oral)
Toluene	7000

(c) Unless a specific level is otherwise provided in this section, an assessment by an agency of the state or federal government that is the substantial equivalent of the assessment described in subsection (a) of Section 25803, and establishes a maximum allowable dose level in the manner provided in paragraph (b)(1) of Section 25801, shall constitute the allowable dose level having no observable effect within the meaning of Section 25249.10(c) of the Act.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

§ 25821. Level of Exposure to Chemicals Causing Reproductive Toxicity

(a) For purposes of the Act, "level in question" means the chemical concentration of a listed chemical for the exposure in question. The exposure in question includes the exposure for which the person in the course of doing business is responsible, and does not include exposure to a listed chemical from any other source or product.

(b) For purposes of Section 25249.10(c) of the Act, the level of exposure to a chemical listed as causing reproductive toxicity shall be determined by multiplying the level in question (stated in terms of a concentration of a chemical in a given medium) times the reasonably anticipated rate of exposure for an individual to a given medium. The reasonably anticipated rate of exposure shall be based on the pattern and duration of exposure that is relevant to the reproductive effect which provided the basis for the determination that a chemical is known to the state to cause reproductive toxicity. (For example, an exposure of short duration is appropriate for a teratogenic chemical, whereas a chronic or protracted exposure is appropriate for one that retards fetal growth.)

(c) The following assumptions shall be used to calculate the reasonably anticipated rate of exposure to a chemical listed as causing reproductive toxicity, unless more specific and scientifically appropriate data are available:

(1) The assumptions set forth in subsection (d) of Section 25721 shall be used to calculate the reasonably anticipated rate of exposure to a chemical listed as causing reproductive toxicity, unless more specific and scientifically appropriate data are available.

(2) For exposures to consumer products, the level of exposure shall be calculated using the reasonably anticipated rate of intake or exposure for average users of the consumer product, and not on a per capita basis for the general population. The rate of intake or exposure shall be based on data for use of a general category or categories of consumer products, such as the United States Department of Agriculture Home Economic Research Report, Foods Commonly Eaten by Individuals: Amount Per Day and Per Eating Occasion, where such data are available.

(3) Where a maternal exposure to a chemical listed as causing reproductive toxicity has an effect on the conceptus (embryo or fetus), the level of exposure shall be based on the reasonably anticipated rate of exposure for the mother during the nine-month gestation period.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

ARTICLE 9. Miscellaneous

§ 25900. Use of Specified Methods of Detection and Analysis as a Defense to an Enforcement Action.

(a) For purposes of Section 25249.5 of the Act, no knowing discharge or release, and for purposes of Section 25249.6 no knowing and intentional exposure occurs if a person in the course of doing business, otherwise responsible for an alleged release, discharge or exposure can show all of the following:

(1) That he or she has properly applied a method of detection and analysis as defined in subsection (g) below for the chemical in question at any time within the year prior to the service or filing of a notice or complaint concerning an alleged discharge, release or exposure to the chemical in question;

(2) That such method of detection and analysis was applied to the same matrix as defined in subsection (g) below, in which the discharge, release or exposure is alleged to have occurred or to be occurring;

(3) That the method of detection and analysis was conducted by a laboratory certified by the State of California or accredited by the State of California, a federal agency, the National Environmental Laboratory Accreditation Program or similar nationally recognized accrediting organization to perform the particular method of detection and analysis in question; and

(4) That all the reported results show that the chemical in question was not detected.

(b) The methods of detection and analysis that may be relied on for purposes of subsection (a) are those that are required or sanctioned by the federal Food and Drug Administration, the U.S. Environmental Protection Agency, the federal Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, the federal Consumer Product Safety Commission, the California Department of Health Services, the California Environmental Protection Agency and its constituent boards, departments or office; an Air District, a Regional Water Quality Control Board, a Certified Unified Program Agency, or other local enforcement agency in California with jurisdiction over the product or activity that is the cause of the alleged discharge, release or exposure.

(c) Where more than one method of detection and analysis exists that meets the criteria specified in subsection (b), the person in the course of doing business who seeks to rely on the reported results of that method of detection and analysis pursuant to subsection (a), must either use a method of detection and analysis required by that person's permit to be used for detecting or measuring the chemical in question in the

relevant matrix; or the person must use the most sensitive method of detection and analysis that meets the requirements of subsection (b).

(d) In any enforcement action for an alleged violation of Section 25249.5 or 25249.6 of the Act, the person asserting this section as an affirmative defense shall have the burden of proof as to all the facts that establish such defense including the burden of proving that all material protocols and procedures specified by the agency that requires or sanctions the method of detection and analysis applied, have been followed.

(e) Except as provided in subsection (a) of this section, nothing in this section restricts a plaintiff from proving an alleged discharge, release or exposure by any admissible evidence or a defendant from proving the absence of an alleged discharge, release or exposure by any admissible evidence, except that an alleged discharge, release, or exposure may not be established solely by applying a scientific inference that a listed chemical is present in a particular matrix at one half the limit of detection for the applicable method of detection and analysis.

(f) Nothing in this section requires any person in the course of doing business to conduct routine tests for discharges, releases or exposures to listed chemicals that may be subject to the provisions of the Act

(g) For purposes of this section, the following definitions apply:

(1) "Method of detection and analysis" means a specific analytical testing procedure appropriate for detecting a particular chemical in a particular matrix such as air, water, soil or food that is applied for the purpose of detecting the chemical or measuring its concentration.

(2) "Matrix" means the component or substrate that contains the chemical in question.

(3) The phrase "required or sanctioned" means that an agency listed in subsection (b) has identified the method of detection and analysis in a permit (as defined below), regulation, guideline or other official action of the agency that specifies or requires the use of that method of detection and analysis for purposes of detecting or measuring the concentration of the chemical in question in the relevant matrix.

(4) "Permit" means a document, license, registration, certificate, or other written means of authorization necessary for a business activity.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, and 25249.11, Health and Safety Code.

§ 25901. Methods of Detection. Section Repealed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6 and 25249.11, Health and Safety Code.

§ 25902. Formally Required to Be Labeled or Identified as Causing Cancer or Reproductive Toxicity.

(a) In accordance with Section 25249.8(b), of the Act, a chemical is known to the state to cause cancer or reproductive toxicity within the meaning of the Act, and shall be listed pursuant to Section 25249.8(a), of the Act, if the lead agency determines that an agency of the state or federal government has formally required the chemical to be labeled or identified as causing cancer or reproductive toxicity. In making such determination, the lead agency shall act in accordance with this section.

(b) The following definitions shall apply to this section:

(1) "agency of the state or federal government" means the United States Congress or the California State Legislature acting through legislation, any agency, department, office, officer, division, bureau, board or commission of California state government (excluding political subdivisions thereof) or of the United States government, which has the statutory or regulatory authority to require a person or entity outside of that agency to label or identify a chemical as causing cancer or reproductive toxicity.

(2) "formally required" means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application.

(3) "labeled" means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such chemical.

(4) "identified" means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure.

(5) "As causing cancer or reproductive toxicity" means:

(A) For chemicals that cause cancer, the required label or identification uses any words or phrases intended to communicate a risk of cancer or tumors.

(B) For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.

(c) Any person may petition the lead agency to consider listing a chemical pursuant to this section. The petition shall be considered only if the petition contains sufficient information to support a determination by the lead agency that substantial evidence exists to support a finding that the chemical meets the requirements of this section.

(d) Any determination by the lead agency under this section may be rescinded or modified in light of additional evidence received by the lead agency establishing that the listing does not satisfy the definitions set forth in this section. Any such action to rescind or modify shall be done pursuant to this section.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

§ 25903. Notices of Violation

(a) For purposes of Section 25249.7(d) of the Act, "notice of the violation which is the subject of the action" (hereinafter "notice") shall mean a notice meeting all requirements of this section. No person shall commence an action to enforce the provisions of the Act "in the public interest" pursuant to Section 25249.7(d) of the Act except in compliance with all requirements of this section.

(b) Contents of Notice.

(1) General Information. Each notice shall include as an attachment a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" (see Appendix A) prepared by the lead agency. This attachment need not be included in the copies of notices sent to public enforcement agencies. A copy of this attachment may be obtained by writing to the Office of Environmental Health Hazard Assessment at P.O. Box 4010, Sacramento, CA 95812-4010.

(2) Description of Violation. A notice shall provide adequate information from which to allow the recipient to assess the nature of the alleged violation, as set forth in this paragraph. The provisions of this paragraph shall not be interpreted to require more than reasonably clear information, expressed in terms of common usage and understanding, on each of the indicated topics.

(A) For all notices, the notice shall identify:

1. the name, address, and telephone number of the noticing individual or a responsible individual within the noticing entity and the name of the entity;

2. the name of the alleged violator or violators;

3. the approximate time period during which the violation is alleged to have occurred; and

4. the name of each listed chemical involved in the alleged violation;

(B) For notices of violations of Section 25249.5 of the Act, a general identification of the discharge or release and of the source of drinking water into which the discharges are alleged to have occurred, to be occurring or to be likely to occur.

(C) For all notices of violation of Section 25249.6 of the Act, the route of exposure by which exposure is alleged to occur (e.g., by inhalation, ingestion, dermal contact);

(D) For notices of violation of Section 25249.6 of the Act involving consumer product exposures, the name of the consumer product or service, or the specific type of consumer product or services, that cause the violation, with sufficient specificity to inform the recipients of the nature of the items allegedly sold in violation of the law and to distinguish those products or services from others sold or offered by the alleged violator for which no violation is alleged. The identification of a chemical pursuant to subsection (b)(2)(A)4. must be provided for each product or service identified in the notice.

(E) For notices of violation of Section 25249.6 of the Act involving occupational exposures:

1. the general geographic location of the unlawful exposure to employees, or where the exposure occurs at many locations, a description of the occupation or type of task performed by the exposed persons;

2. where the alleged violator is the manufacturer or distributor of the chemical or products causing the exposure, the notice shall identify products in the same manner as set forth for consumer product exposures in subparagraph (b)(2)(D), above;

(F) For notices of violation of Section 25249.6 of the Act involving environmental exposures as defined in subsection 12601(d) of this chapter, the notice shall identify, the location of the source of the exposure. Where numerous sources of the exposure are alleged, the location need not be stated if the notice identifies each facility or source of exposure by stating those common characteristics that result in the allegedly unlawful exposure in a manner sufficient to distinguish those facilities or sources from others for which no violation is alleged. The notice shall state whether the exposure for which a warning allegedly is required occurs beyond the property owned or controlled by the alleged violators.

(3) Where the alleged violations fall within more than one of the categories described in subparagraph (b)(2)(B) to (b)(2)(F) above, then the notice shall comply with all applicable requirements.

(4) A notice is not required to contain the following information:

(A) The specific retail outlet or time or date at which any product allegedly violating the Act was purchased;

(B) The level of exposure to the chemical in question;

(C) The specific admissible evidence by which the person providing the notice will attempt to prove the violation;

(D) For products, the UPC number, SKU number, model or design number or stock number or other more specific identification of products;

(E) For geographic areas, the lot, block, or other legal description of the property in question.

(c) Service of Notice.

(1) Notices shall be served by first class mail or in any manner that would be sufficient for service of a summons and complaint under the California Code of Civil Procedure. In lieu of service as prescribed in the California Code of Civil Procedure, a notice may be served on a district attorney or city attorney by electronic mail if:

(A) the District Attorney or City Attorney has specifically authorized such service and the authorization appears on the Attorney General's Web site;

(B) the Notice and related documents are sent to the electronic mail address specified, and in the format (e.g. Word, Adobe Acrobat) specified.

(C) Service by this method is not effective until the documents are actually received. Notice is actually received when it is acknowledged by the recipient.

(D) Where a document is served electronically, time shall be computed as it would for service by mail within the State of California.

(2) A certificate of service shall be attached to each notice listing the time, place, and manner of service and each of the parties upon which the notice was served.

(3) Notices shall be served upon each alleged violator, the Attorney General, the district attorney of every county in which a violation is alleged to have occurred, and

upon the city attorneys of any cities with populations according to the most recent decennial census of over 750,000 and in which the violation is alleged to have occurred.

(4) Where the alleged violator has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel of the corporation, the notice shall be addressed to one of those persons.

(d) Computation of Time.

(1) An action is deemed to have been "commenced more than sixty days after the person has given notice" where more than sixty days have elapsed from the date of service of the notice, as that date would be calculated for service of a document pursuant to the provisions of Code of Civil Procedure Section 1013.

(2) Where the sixtieth day after giving notice is a day identified as a "holiday" as defined in Code of Civil Procedure Section 12a, then the "sixtieth day" shall be extended to the next day which is not a "holiday".

(3) Determination of the first and last day shall be made in accordance with Section 12 of the Code of Civil Procedure.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.7, Health and Safety Code.

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65): A SUMMARY

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the

law, are found in Title 22 of the California Code of Regulations, Sections 12000 through 14000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemical listings have been included as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other

reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharges that do not result in a "significant amount" of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 12903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to $2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

§ 27000. Chemicals Required By State Or Federal Law To Have Been Tested For Potential To Cause Cancer Or Reproductive Toxicity, But Which Have Not Been Adequately Tested As Required.

(a) The Safe Drinking Water and Toxic Enforcement Act of 1986 requires the Governor to publish a list of chemicals formally required by state or federal agencies to have testing for carcinogenicity or reproductive toxicity, but that the state's qualified

experts have not found to have been adequately tested as required [Health and Safety Code Section 25249.8(c)].

Readers should note that a chemical that already has been designated as known to the state to cause cancer or reproductive toxicity is not included in the following listing as requiring additional testing for that particular toxicological endpoint. However, the "data gap" may continue to exist, for purposes of the state or federal agency's requirements. Additional information on the requirements for testing may be obtained from the specific agency identified below.

(b) Chemicals required to be tested by the California Department of Pesticide Regulation

The Birth Defect Prevention Act of 1984 (SB 950) mandates that the California Department of Pesticide Regulation (CDPR) review chronic toxicology studies supporting the registration of pesticidal active ingredients. Missing or unacceptable studies are identified as data gaps. The studies are conducted to fulfill generic data requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which is administered by the United States Environmental Protection Agency (U.S. EPA). The studies are reviewed by CDPR according to guidelines and standards promulgated under FIFRA. Thus, older studies may not meet current guidelines.

The existence of a data gap for a compound does not indicate a total lack of information on the carcinogenicity or reproductive toxicity of the compound. In some cases, information exists in the open scientific literature, but SB 950 requires specific additional information. A data gap does not necessarily indicate that an oncogenic or reproductive hazard exists. For the purposes of this list, a data gap is still considered to be present until the study is reviewed and found to be acceptable.

Following is a listing of SB 950 data gaps for oncogenicity, reproduction, and teratology studies for the non-200 pesticidal active ingredients. This list will change as data gaps are filled by additional data or replacement studies.

For purposes of this section, "onc mouse" means oncogenicity in mice, "onc rat" means oncogenicity in rats, "repro" means reproduction, "tera rat" means teratogenicity in rats, "tera rabbit" means teratogenicity in rabbits.

Chemical	*Testing Needed*
Acid Blue 9*	onc rat, onc mouse, repro, tera rat, tera rabbit
Acid Yellow 23*	onc rat, onc mouse, repro
Alkyl-1,3-propylene diamine acetate alkyl derived from coconut oil fatty acids	tera rat, tera rabbit (only one required)
Ammonium thiosulfate*	onc rat, onc mouse, repro, tera rat, tera rabbit

Borax*	onc rat, repro
Bromadiolone*	onc rat, onc mouse, repro, tera rabbit
Butoxy polypropylene glycol*	onc rat, onc mouse, repro, tera rat, tera rabbit
Butoxy polypropoxy polyethoxy ethanol-iodine complex	tera rat
Castor oil*	onc rat, onc mouse, repro, tera rat, tera rabbit
Chlorophacinone*	onc rat, onc mouse, repro
Chromic acid*	onc mouse, repro, tera rabbit
Copper salts of fatty and rosin acids*	onc rat, onc mouse, repro, tera rat, tera rabbit
Disodium octaborate tetrahydrate	onc rat, repro
Menthol*	onc rat, onc mouse, repro, tera rat, tera rabbit
Meta-cresol*	tera rat, onc rat, onc mouse, repro, tera rabbit
Methoprene*	onc mouse, onc rat, repro, tera rat, tera rabbit
Methyl isothiocyanate*	repro
2,2-(Methyl trimethylene dioxy)bis-(4-methyl-1,3,2-dioxaborinate)*	onc rat, onc mouse, repro, tera rabbit
Mineral oil*	onc rat, repro, tera rabbit
Petroleum distillates*	onc rat, onc mouse, repro, tera rat, tera rabbit
Petroleum distillates, refined*	onc rat, onc mouse, repro, tera rat, tera rabbit
Petroleum oil, paraffin based*	onc rat, onc mouse, repro, tera rat, tera rabbit
Petroleum oil, unclassified*	onc rat, onc mouse, repro, tera rat, tera rabbit
Polyethoxy polypropoxy polyethoxy ethanol-iodine complex*	tera rat
Propylene oxide*	tera rabbit, repro, tera rat
Sabadilla alkaloids*	onc rat, onc mouse, repro, tera rabbit
Sodium chlorate*	onc rat, onc mouse, repro, tera rabbit
Sodium fluoride*	onc rat, onc mouse, repro, tera rat, tera rabbit
Sodium phenate*	tera rat

Tetraglycine hydroperiodide*	tera rat, tera rabbit (only one required)
Triethylene glycol*	onc rat, onc mouse, repro, tera rat, tera rabbit
2,4-Xylenol*	onc rat, onc mouse, repro, tera rat, tera rabbit

*Claims are pending review that data should not be required

(c) Chemicals required to be tested by the U.S. EPA, Office of Toxic Substances.

Under Section 4(a) of the Toxic Substances Control Act, testing of a chemical is required when that chemical may present an unreasonable risk, or is produced in substantial quantities and enters the environment in substantial quantities, or may have significant or substantial human exposure.

For purposes of this section, "tera" means teratogenicity, "rtox" means reproductive toxicity, "onc" means oncogenicity.

Chemical	*Testing Needed*
Ethylene dichloride	rtox
1,1,2-Trichloroethane	onc, rtox, tera

NOTE: The testing of the above chemicals is being carried out under "Enforceable Consent Agreements" (or ECAs) under Section 4 of TSCA. In addition, there are a number of ongoing TSCA testing action development activities that may be of interest in the context of Proposition 65. When promulgated, these TSCA Section 4 Test Rules and/or ECAs will require industry to conduct reproductive toxicity, developmental toxicity, and/or cancer studies on a number of 1) harzardous air pollutants (or HAPs), 2) chemicals frequently found at Superfund sites, and 3) U.S. high production volume (or HPV) chemicals. As these, and possibly other, TSCA Section 4 Test Rules/ECAs become effective, this table will be revised to reflect those additional chemical substances for which developmental toxicity, reproductive toxicity, and/or oncogenicity testing is currently being required under Section 4 of TSCA.

(d) Chemicals required to be tested by the U.S. EPA, Office of Pesticide Programs.

The U.S. EPA is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA requires U.S. EPA to register pesticides based on data adequate to demonstrate that they will not result in unreasonable adverse effects to people or the environment when used in accordance with their U.S. EPA-approved labels.

In 1988, FIFRA was amended to strengthen U.S. EPA's pesticide regulatory authority and responsibilities to reregister pesticides registered prior to 1984 to ensure they meet today's stringent scientific and regulatory standards. Reregistration requires registrants to develop up-to-date data bases for each pesticide active ingredient. As part of the reregistration process, modifications may be made to registrations, labels or tolerances to ensure they are protective of human health and the environment. Also, reregistration reviews will identify any pesticides where regulatory action may be necessary to deal with unreasonable risks. U.S. EPA has been directed to accelerate the reregistration process so that the entire process is completed by 1997. The 1988 amendments set out a five-phase schedule to accomplish this task with deadlines applying to both pesticide registrants and the U.S. EPA. These amendments are requiring a substantial number of new studies to be conducted and old studies to be reformatted for U.S. EPA review to ensure they are adequate. U.S. EPA may, in the future, request additional data or information to further evaluate any concerns over the safety of pesticide products.

The chemicals listed below are those for which data are unavailable or inadequate to characterize oncogenicity, teratogenicity, or reproductive effects potential. For purposes of this section, "onc" means oncogenicity, "tera" means teratogenicity, and "repro" means reproductive toxicity.

Chemical	*Data Requirements*
Benzisothiostyrene	onc
Chlorflurenol methyl	repro
Alpha-Chlorohydrin	tera
Dithianon	tera
Endothall and salts	tera
Iodine-potassium iodide	onc, repro, tera
Maneb with ETU	tera
Mepiquat chloride	tera
Methyl isothiocyanate	onc, repro, tera
Nicotine and derivatives	repro, tera
Tetramethrin	tera

Revised: August 1, 2011

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY
FEBRUARY 17, 2012

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals or endpoints shown in strikeout were placed on the Proposition 65 list on the date noted, and have subsequently been removed.

Chemical	Type of Toxicity	CAS No.	Date Listed
A-alpha-C (2-Amino-9H-pyrido [2,3-b]indole)	cancer	26148-68-5	January 1, 1990
Acetaldehyde	cancer	75-07-0	April 1, 1988
Acetamide	cancer	60-35-5	January 1, 1990
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetochlor	cancer	34256-82-1	January 1, 1989
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
2-Acetylaminofluorene	cancer	53-96-3	July 1, 1987
Acifluorfen sodium	cancer	62476-59-9	January 1, 1990
Acrylamide	cancer	79-06-1	January 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Acrylonitrile	cancer	107-13-1	July 1, 1987
Actinomycin D	cancer developmental	50-76-0	October 1, 1989 October 1, 1992
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)] acrylamide	cancer	3688-53-7	July 1, 1987
Aflatoxins	cancer	---	January 1, 1988
Alachlor	cancer	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	cancer	---	July 1, 1988
Aldrin	cancer	309-00-2	July 1, 1988
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
~~Allyl chloride~~ Delisted October 29, 1999	~~cancer~~	~~107-05-1~~	~~January 1, 1990~~
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
2-Aminoanthraquinone	cancer	117-79-3	October 1, 1989
p-Aminoazobenzene	cancer	60-09-3	January 1, 1990
o-Aminoazotoluene	cancer	97-56-3	July 1, 1987

4-Aminobiphenyl (4-amino-diphenyl)	cancer	92-67-1	February 27, 1987
1-Amino-2,4-dibromo-anthraquinone	cancer	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	cancer	6109-97-3	July 1, 1989
2-Aminofluorene	cancer	153-78-6	January 29, 1999
Aminoglutethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	---	October 1, 1992
1-Amino-2-methylanthraquinone	cancer	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	cancer	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	cancer	119-34-6	January 29, 1999
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amitrole	cancer	61-82-5	July 1, 1987
Amoxapine	developmental	14028-44-5	May 15, 1998
Amsacrine	cancer	51264-14-3	August 7, 2009
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Anabolic steroids	female, male	---	April 1, 1990
Analgesic mixtures containing phenacetin	cancer	---	February 27, 1987
Androstenedione	cancer	27208-37-3	May 3, 2011
Angiotensin converting enzyme (ACE) inhibitors	developmental	---	October 1, 1992
Aniline	cancer	62-53-3	January 1, 1990
Aniline hydrochloride	cancer	142-04-1	May 15, 1998
o-Anisidine	cancer	90-04-0	July 1, 1987
o-Anisidine hydrochloride	cancer	134-29-2	July 1, 1987
Anisindione	developmental	117-37-3	October 1, 1992
Anthraquinone	cancer	84-65-1	September 28, 2007
Antimony oxide (Antimony trioxide)	cancer	1309-64-4	October 1, 1990
Aramite	cancer	140-57-8	July 1, 1987
Areca nut	cancer	---	February 3, 2006
Aristolochic acids	cancer	---	July 9, 2004
Arsenic (inorganic arsenic compounds)	cancer	--	February 27, 1987
Arsenic (inorganic oxides)	developmental	---	May 1, 1997
Asbestos	cancer	1332-21-4	February 27, 1987
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auramine	cancer	492-80-8	July 1, 1987
Auranofin	developmental	34031-32-8	January 29, 1999

Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azacitidine	cancer	320-67-2	January 1, 1992
Azaserine	cancer	115-02-6	July 1, 1987
Azathioprine	cancer	446-86-6	February 27, 1987
Azathioprine	developmental	446-86-6	September 1, 1996
Azobenzene	cancer	103-33-3	January 1, 1990
Barbiturates	developmental	---	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benthiavalicarb-isopropyl	cancer	177406-68-7	July 1, 2008
Benz[a]anthracene	cancer	56-55-3	July 1, 1987
Benzene	cancer	71-43-2	February 27, 1987
Benzene	developmental, male	71-43-2	December 26, 1997
Benzidine [and its salts]	cancer	92-87-5	February 27, 1987
Benzidine-based dyes	cancer	---	October 1, 1992
Benzodiazepines	developmental	---	October 1, 1992
Benzo[b]fluoranthene	cancer	205-99-2	July 1, 1987
Benzo[j]fluoranthene	cancer	205-82-3	July 1, 1987
Benzo[k]fluoranthene	cancer	207-08-9	July 1, 1987
Benzofuran	cancer	271-89-6	October 1, 1990
Benzo[a]pyrene	cancer	50-32-8	July 1, 1987
Benzotrichloride	cancer	98-07-7	July 1, 1987
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Benzyl chloride	cancer	100-44-7	January 1, 1990
Benzyl violet 4B	cancer	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	cancer	---	October 1, 1987
Betel quid with tobacco	cancer	---	January 1, 1990
Betel quid without tobacco	cancer	---	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	cancer	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	cancer	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	cancer	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	cancer	154-93-8	July 1, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bis(chloromethyl)ether	cancer	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	cancer	---	October 29, 1999
Bitumens, extracts of steam-refined and air refined	cancer	---	January 1, 1990
Bracken fern	cancer	---	January 1, 1990
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
Bromacil lithium salt	male	53404-19-6	January 17, 2003
Bromate	cancer	15541-45-4	May 31, 2002
Bromochloroacetic acid	cancer	5589-96-8	April 6, 2010
Bromodichloromethane	cancer	75-27-4	January 1, 1990
Bromoethane	cancer	74-96-4	December 22, 2000
Bromoform	cancer	75-25-2	April 1, 1991

1-Bromopropane (1-BP)	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane (2-BP)	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	cancer	106-99-0	April 1, 1988
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethanesulfonate (Busulfan)	cancer	55-98-1	February 27, 1987
1,4-Butanediol dimethanesulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butylated hydroxyanisole	cancer	25013-16-5	January 1, 1990
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
beta-Butyrolactone	cancer	3068-88-0	July 1, 1987
Cacodylic acid	cancer	75-60-5	May 1, 1996
Cadmium	developmental, male	---	May 1, 1997
Cadmium and cadmium compounds	cancer	---	October 1, 1987
Caffeic acid	cancer	331-39-5	October 1, 1994
Captafol	cancer	2425-06-1	October 1, 1988
Captan	cancer	133-06-2	January 1, 1990
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	cancer	63-25-2	February 5, 2010
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbazole	cancer	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	cancer	1333-86-4	February 21, 2003
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carbon tetrachloride	cancer	56-23-5	October 1, 1987
Carbon-black extracts	cancer	---	January 1, 1990
Carboplatin	developmental	41575-94-4	July 1, 1990
N-Carboxymethyl-N-nitrosourea	cancer	60391-92-6	January 25, 2002
Catechol	cancer	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	cancer	---	July 1, 1990
Certain combined chemotherapy for lymphomas	cancer	---	February 27, 1987
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	cancer	305-03-3	February 27, 1987
Chlorambucil	developmental	305-03-3	January 1, 1989
Chloramphenicol	cancer	56-75-7	October 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordane	cancer	57-74-9	July 1, 1988
Chlordecone (Kepone)	cancer	143-50-0	January 1, 1988

Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
Chlordimeform	cancer	6164-98-3	January 1, 1989
Chlorendic acid	cancer	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	cancer	108171-26-2	July 1, 1989
p-Chloroaniline	cancer	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	cancer	20265-96-7	May 15, 1998
~~Chlorodibromomethane~~ Delisted October 29, 1999	~~cancer~~	~~124-48-1~~	~~January 1, 1990~~
Chloroethane (Ethyl chloride)	cancer	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	cancer	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) Lomustine)	developmental	13010-47-4	July 1, 1990
1-(2-Chloroethyl)-3-(4-methyl-cyclohexyl) -1-nitrosourea (Methyl-CCNU)	cancer	13909-09-6	October 1, 1988
Chloroform	cancer	67-66-3	October 1, 1987
Chloroform	developmental	67-66-3	August 7, 2009
Chloromethyl methyl ether (technical grade)	cancer	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	cancer	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	cancer	100-00-5	October 29, 1999
4-Chloro-*o*-phenylenediamine	cancer	95-83-0	January 1, 1988
Chloroprene	cancer	126-99-8	June 2, 2000
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorothalonil	cancer	1897-45-6	January 1, 1989
p-Chloro-*o*-toluidine	cancer	95-69-2	January 1, 1990
p-Chloro-*o*-toluidine, strong acid salts of	cancer	---	May 15, 1998
5-Chloro-*o*-toluidine and its strong acid salts	cancer	---	October 24, 1997
Chlorotrianisene	cancer	569-57-3	September 1, 1996
Chlorozotocin	cancer	54749-90-5	January 1, 1992
Chlorsulfuron	developmental, female, ~~male~~	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	cancer	---	February 27, 1987
Chromium (hexavalent compounds)	developmental, female, male	---	December 19, 2008
Chrysene	cancer	218-01-9	January 1, 1990
C.I. Acid Red 114	cancer	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	cancer	569-61-9	July 1, 1989
C.I. Direct Blue 15	cancer	2429-74-5	August 26, 1997
C.I. Direct Blue 218	cancer	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	cancer	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	cancer	59865-13-3 79217-60-0	January 1, 1992
Cidofovir	cancer, developmental, female, male	113852-37-2	January 29, 1999

Cinnamyl anthranilate	cancer	87-29-6	July 1, 1989
Cisplatin	cancer	15663-27-1	October 1, 1988
Citrus Red No. 2	cancer	6358-53-8	October 1, 1989
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clofibrate	cancer	637-07-0	September 1, 1996
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cobalt metal powder	cancer	7440-48-4	July 1, 1992
Cobalt [II] oxide	cancer	1307-96-6	July 1, 1992
Cobalt sulfate	cancer	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	cancer	10026-24-1	June 2, 2000
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Coke oven emissions	cancer	---	February 27, 1987
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	cancer	---	February 27, 1987
Conjugated estrogens	developmental	---	April 1, 1990
Creosotes	cancer	---	October 1, 1988
p-Cresidine	cancer	120-71-8	January 1, 1988
Cumene	cancer	98-82-8	April 6, 2010
Cupferron	cancer	135-20-6	January 1, 1988
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycasin	cancer	14901-08-7	January 1, 1988
Cycloate	developmental	1134-23-2	March 19, 1999
~~Cyclohexanol~~ Delisted January 25, 2002	~~male~~	~~108-93-0~~	~~November 6, 1998~~
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclopenta[cd]pyrene	cancer	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	cancer	50-18-0	February 27, 1987
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	cancer	6055-19-2	February 27, 1987
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Cytembena	cancer	21739-91-3	May 15, 1998
D&C Orange No. 17	cancer	3468-63-1	July 1, 1990
D&C Red No. 8	cancer	2092-56-0	October 1, 1990
D&C Red No. 9	cancer	5160-02-1	July 1, 1990
D&C Red No. 19	cancer	81-88-9	July 1, 1990
Dacarbazine	cancer	4342-03-4	January 1, 1988
Dacarbazine	developmental	4342-03-4	January 29, 1999
Daminozide	cancer	1596-84-5	January 1, 1990
Danazol	developmental	17230-88-5	April 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	cancer	117-10-2	January 1, 1992
Daunomycin	cancer	20830-81-3	January 1, 1988
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990

2,4-D butyric acid	~~developmental~~, male	94-82-6	June 18, 1999
DDD (Dichlorodiphenyl-dichloroethane)	cancer	72-54-8	January 1, 1989
DDE (Dichlorodi-phenyldichloroethylene)	cancer	72-55-9	January 1, 1989
DDT (Dichlorodi-phenyltrichloroethane)	cancer	50-29-3	October 1 , 1987
o,p'-DDT	developmental, female, male	789-02-6	May 15, 1998
p,p'-DDT	developmental, female, male	50-29-3	May 15, 1998
DDVP (Dichlorvos)	cancer	62-73-7	January 1, 1989
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
~~2,4-DP (dichloroprop)~~ Delisted January 25, 2002	~~developmental~~	~~120-36-5~~	~~April 27, 1999~~
N,N'-Diacetylbenzidine	cancer	613-35-4	October 1, 1989
2,4-Diaminoanisole	cancer	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	cancer	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	cancer	101-80-4	January 1, 1988
2,4-Diaminotoluene	cancer	95-80-7	January 1, 1988
Diaminotoluene (mixed)	cancer	---	January 1, 1990
Diazepam	developmental	439-14-5	January 1, 1992
Diazoaminobenzene	cancer	136-35-6	May 20, 2005
Diazoxide	developmental	364-98-7	February 27, 2001
Dibenz[a,h]acridine	cancer	226-36-8	January 1, 1988
Dibenz[a,j]acridine	cancer	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	cancer	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	cancer	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	cancer	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	cancer	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	cancer	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	cancer	191-30-0	January 1, 1988
Dibromoacetic acid	cancer	631-64-1	June 17, 2008
Dibromoacetonitrile	cancer	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	cancer	96-12-8	July 1, 1987
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
2,3-Dibromo-1-propanol	cancer	96-13-9	October 1, 1994
Dichloroacetic acid	cancer	79-43-6	May 1, 1996
Dichloroacetic acid	male	79-43-6	August 7, 2009
p-Dichlorobenzene	cancer	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	cancer	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	cancer	612-83-9	May 15, 1998
1,1-Dichloro-2,2-bis(*p*-chlorophenyl)ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
1,4-Dichloro-2-butene	cancer	764-41-0	January 1, 1990

3,3'-Dichloro-4,4'-diaminodiphenyl ether	cancer	28434-86-8	January 1, 1988
1,1-Dichloroethane	cancer	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	cancer	75-09-2	April 1, 1988
Dichlorophene	developmental	97-23-4	April 27, 1999
1,2-Dichloropropane	cancer	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	cancer	96-23-1	October 8, 2010
1,3-Dichloropropene	cancer	542-75-6	January 1, 1989
Dichlorphenamide	developmental	120-97-8	February 27, 2001
Diclofop-methyl	cancer	51338-27-3	April 6, 2010
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Dieldrin	cancer	60-57-1	July 1, 1988
Dienestrol	cancer	84-17-3	January 1, 1990
Diepoxybutane	cancer	1464-53-5	January 1, 1988
Diesel engine exhaust	cancer	---	October 1, 1990
Di(2-ethylhexyl)phthalate (DEHP)	cancer	117-81-7	January 1, 1988
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
1,2-Diethylhydrazine	cancer	1615-80-1	January 1, 1988
Diethylstilbestrol (DES)	cancer	56-53-1	February 27, 1987
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diethyl sulfate	cancer	64-67-5	January 1, 1988
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Diglycidyl resorcinol ether (DGRE)	cancer	101-90-6	July 1, 1989
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Dihydrosafrole	cancer	94-58-6	January 1, 1988
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diisopropyl sulfate	cancer	2973-10-6	April 1, 1993
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
3,3'-Dimethoxybenzidine (*o*-Dianisidine)	cancer	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (*o*-Dianisidine dihydrochloride)	cancer	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	cancer	---	June 11, 2004
N, N-Dimethylacetamide	developmental	127-19-5	May 21, 2010
4-Dimethylaminoazobenzene	cancer	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methyl-imino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	cancer	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	cancer	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	cancer	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	cancer	---	June 11, 2004

3,3'-Dimethylbenzidine dihydrochloride	cancer	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	cancer	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	cancer	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	cancer	540-73-8	January 1, 1988
Dimethyl sulfate	cancer	77-78-1	January 1, 1988
Dimethylvinylchloride	cancer	513-37-1	July 1, 1989
Di-*n*-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Di-*n*-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
3,7-Dinitrofluoranthene	cancer	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	cancer	22506-53-2	August 26, 1997
1,6-Dinitropyrene	cancer	42397-64-8	October 1, 1990
1,8-Dinitropyrene	cancer	42397-65-9	October 1, 1990
Dinitrotoluene (technical grade)	female, male	---	August 20, 1999
Dinitrotoluene mixture, 2,4-/2,6-	cancer	---	May 1, 1996
2,4-Dinitrotoluene	cancer	121-14-2	July 1, 1988
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	cancer	606-20-2	July 1, 1995
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Di-*n*-propyl isocinchomeronate (MGK Repellent 326)	cancer	136-45-8	May 1, 1996
1,4-Dioxane	cancer	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	cancer	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Diphenylhydantoin (Phenytoin), sodium salt	cancer	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	cancer	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	cancer	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	cancer	16071-86-6	October 1, 1988
Disodium cyanodithioimido-carbonate	developmental	138-93-2	March 30, 1999
Disperse Blue 1	cancer	2475-45-8	October 1, 1990
Diuron	cancer	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	cancer	25316-40-9	July 1, 1987
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998

Environmental tobacco smoke (ETS)	developmental	---	June 9, 2006
Epichlorohydrin	cancer	106-89-8	October 1, 1987
Epichlorohydrin	male	106-89-8	September 1, 1996
Epoxiconazole	cancer	135319-73-2	April 15, 2011
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Erionite	cancer	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	cancer	50-28-2	January 1, 1988
Estragole	cancer	140-67-0	October 29, 1999
Estrogens, steroidal	cancer	---	August 19, 2005
Estrogen-progestogen (combined) as menopausal therapy	cancer	---	November 4, 2011
Estrone	cancer	53-16-7	January 1, 1988
Estropipate	cancer, developmental	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	cancer	---	April 29, 2011
Ethinylestradiol	cancer	57-63-6	January 1, 1988
Ethionamide	developmental	536-33-4	August 26, 1997
Ethoprop	cancer	13194-48-4	February 27, 2001
Ethyl acrylate	cancer	140-88-5	July 1, 1989
Ethyl alcohol in alcoholic beverages	developmental	---	October 1, 1987
Ethylbenzene	cancer	100-41-4	June 11, 2004
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethyl-4,4'-dichlorobenzilate	cancer	510-15-6	January 1, 1990
Ethylene dibromide	cancer	106-93-4	July 1, 1987
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene dichloride (1,2-Dichloroethane)	cancer	107-06-2	October 1, 1987
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethyleneimine	cancer	151-56-4	January 1, 1988
Ethylene oxide	cancer	75-21-8	July 1, 1987
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene oxide	developmental, male	75-21-8	August 7, 2009
Ethylene thiourea	cancer	96-45-7	January 1, 1988
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Ethyl methanesulfonate	cancer	62-50-0	January 1, 1988
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	cancer	33419-42-0	November 4, 2011
Etoposide	developmental	33419-42-0	July 1, 1990
Etoposide in combination with cisplatin and bleomycin	cancer	---	November 4, 2011
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999

Fenoxycarb	cancer	72490-01-8	June 2, 2000
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Folpet	cancer	133-07-3	January 1, 1989
Formaldehyde (gas)	cancer	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	cancer	3570-75-0	January 1, 1988
Fumonisin B_1	cancer	116355-83-0	November 14, 2003
Furan	cancer	110-00-9	October 1, 1993
Furazolidone	cancer	67-45-8	January 1, 1990
Furmecyclox	cancer	60568-05-0	January 1, 1990
Fusarin C	cancer	79748-81-5	July 1, 1995
Gallium arsenide	cancer	1303-00-0	August 1, 2008
Ganciclovir	cancer, developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	cancer	---	October 1, 1990
Gemfibrozil	cancer	25812-30-0	December 22, 2000
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Glass wool fibers (inhalable and biopersistent)	cancer	---	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido [1,2- a:3',2'-d]imidazole)	cancer	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido [1,2-a:3',2'-d]imidazole)	cancer	67730-10-3	January 1, 1990
Glycidaldehyde	cancer	765-34-4	January 1, 1988
Glycidol	cancer	556-52-5	July 1, 1990
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Griseofulvin	cancer	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	cancer	16568-02-8	January 1, 1988
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
HC Blue 1	cancer	2784-94-3	July 1, 1989
Heptachlor	cancer	76-44-8	July 1, 1988
Heptachlor	developmental	76-44-8	August 20, 1999
Heptachlor epoxide	cancer	1024-57-3	July 1, 1988

Herbal remedies containing plant species of the genus Aristolochia	cancer	---	July 9, 2004
Hexachlorobenzene	cancer	118-74-1	October 1, 1987
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexachlorobutadiene	cancer	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	cancer	---	October 1, 1987
Hexachlorodibenzodioxin	cancer	34465-46-8	April 1, 1988
Hexachloroethane	cancer	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	cancer	---	March 4, 2005
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	cancer	680-31-9	January 1, 1988
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	---	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrazine	cancer	302-01-2	January 1, 1988
Hydrazine sulfate	cancer	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	cancer	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	cancer	129-43-1	May 27, 2005
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Imazalil	cancer	35554-44-0	May 20, 2011
Indeno[1,2,3-cd]pyrene	cancer	193-39-5	January 1, 1988
Indium phosphide	cancer	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo [4,5-f] quinoline)	cancer	76180-96-6	April 1, 1990
Iprodione	cancer	36734-19-7	May 1, 1996
Iprovalicarb	cancer	140923-17-7 140923-25-7	June 1, 2007
Iron dextran complex	cancer	9004-66-4	January 1, 1988
Isobutyl nitrite	cancer	542-56-3	May 1, 1996
Isoprene	cancer	78-79-5	May 1, 1996
~~Isosafrole~~ Delisted December 8, 2006	~~cancer~~	~~120-58-1~~	~~October 1, 1989~~
Isotretinoin	developmental	4759-48-2	July 1, 1987
Isoxaflutole	cancer	141112-29-0	December 22, 2000
Kresoxim-methyl	cancer	143390-89-0	February 3, 2012
Lactofen	cancer	77501-63-4	January 1, 1989
Lasiocarpine	cancer	303-34-4	April 1, 1988
Lead	developmental, female, male	---	February 27, 1987
Lead and lead compounds	cancer	---	October 1, 1992
Lead acetate	cancer	301-04-2	January 1, 1988
Lead phosphate	cancer	7446-27-7	April 1, 1988

Lead subacetate	cancer	1335-32-6	October 1, 1989
Leather dust	cancer	---	April 29, 2011
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Lindane and other hexachloro-cyclohexane isomers	cancer	---	October 1, 1989
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Lynestrenol	cancer	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	cancer	24382-04-5	May 3, 2011
Mancozeb	cancer	8018-01-7	January 1, 1990
Maneb	cancer	12427-38-2	January 1, 1990
Marijuana smoke	cancer	---	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	cancer	68006-83-7	January 1, 1990
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	cancer	71-58-9	January 1, 1990
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
MeIQ (2-Amino-3,4-dimethyl-imidazo[4,5-f]quinoline)	cancer	77094-11-2	October 1, 1994
MeIQx (2-Amino-3,8-dimethyl-imidazo[4,5-f]quinoxaline)	cancer	77500-04-0	October 1, 1994
Melphalan	cancer	148-82-3	February 27, 1987
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Mepanipyrim	cancer	110235-47-7	July 1, 2008
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	---	July 1, 1990
Merphalan	cancer	531-76-0	April 1, 1988
Mestranol	cancer	72-33-3	April 1, 1988
Metam potassium	cancer	137-41-7	December 31, 2010
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	cancer	137-42-8	November 6, 1998
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
5-Methoxypsoralen with ultraviolet A therapy	cancer	484-20-8	October 1, 1988
8-Methoxypsoralen with ultraviolet A therapy	cancer	298-81-7	February 27, 1987
2-Methylaziridine (Propyleneimine)	cancer	75-55-8	January 1, 1988
Methylazoxymethanol	cancer	590-96-5	April 1, 1988

Methylazoxymethanol acetate	cancer	592-62-1	April 1, 1988
Methyl bromide, as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl carbamate	cancer	598-55-0	May 15, 1998
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl chloride	male	74-87-3	August 7, 2009
3-Methylcholanthrene	cancer	56-49-5	January 1, 1990
5-Methylchrysene	cancer	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	cancer	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl) benzenamine	cancer	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	cancer	838-88-0	April 1, 1988
4,4'-Methylenedianiline	cancer	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	cancer	13552-44-8	January 1, 1988
Methyleugenol	cancer	93-15-2	November 16, 2001
Methylhydrazine and its salts	cancer	---	July 1, 1992
4-Methylimidazole	cancer	822-36-6	January 7, 2011
Methyl iodide	cancer	74-88-4	April 1, 1988
Methyl isobutyl ketone	cancer	108-10-1	November 4, 2011
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	---	July 1, 1987
Methylmercury compounds	cancer	---	May 1, 1996
Methyl methanesulfonate	cancer	66-27-3	April 1, 1988
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
2-Methyl-1-nitroanthraquinone (of uncertain purity)	cancer	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	cancer	70-25-7	April 1, 1988
N-Methylolacrylamide	cancer	924-42-5	July 1, 1990
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α-Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Methylthiouracil	cancer	56-04-2	October 1, 1989
Metiram	cancer	9006-42-2	January 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Metronidazole	cancer	443-48-1	January 1, 1988
Michler's ketone	cancer	90-94-8	January 1, 1988
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Mirex	cancer	2385-85-5	January 1, 1988
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitomycin C	cancer	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	cancer	71526-07-3	March 22, 2011
MON 13900 (furilazole)	cancer	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	cancer	96-24-2	October 8, 2010

Monocrotaline	cancer	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitrofurfuryl-idene)-amino]-2-oxazolidinone	cancer	139-91-3	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	cancer	113803-47-7	November 4, 2011
Mustard Gas	cancer	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl) 5-hydroxy-2(5H)-furanone)	cancer	77439-76-0	December 22, 2000
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Nafenopin	cancer	3771-19-5	April 1, 1988
Nalidixic acid	cancer	389-08-2	May 15, 1998
Naphthalene	cancer	91-20-3	April 19, 2002
1-Naphthylamine	cancer	134-32-7	October 1, 1989
2-Naphthylamine	cancer	91-59-8	February 27, 1987
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel (Metallic)	cancer	7440-02-0	October 1, 1989
Nickel acetate	cancer	373-02-4	October 1, 1989
Nickel carbonate	cancer	3333-67-3	October 1, 1989
Nickel carbonyl	cancer	13463-39-3	October 1, 1987
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nickel compounds	cancer	---	May 7, 2004
Nickel hydroxide	cancer	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	cancer	1271-28-9	October 1, 1989
Nickel oxide	cancer	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	cancer	---	October 1, 1987
Nickel subsulfide	cancer	12035-72-2	October 1, 1987
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Niridazole	cancer	61-57-4	April 1, 1988
Nitrapyrin	cancer	1929-82-4	October 5, 2005
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrilotriacetic acid	cancer	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	cancer	18662-53-8	April 1, 1989
5-Nitroacenaphthene	cancer	602-87-9	April 1, 1988
~~5-Nitro-*o*-anisidine~~ Delisted December 8, 2006	~~cancer~~	~~99-59-2~~	~~October 1, 1989~~
o-Nitroanisole	cancer	91-23-6	October 1, 1992
Nitrobenzene	cancer	98-95-3	August 26, 1997
Nitrobenzene	male	98-95-3	March 30, 2010
4-Nitrobiphenyl	cancer	92-93-3	April 1, 1988
6-Nitrochrysene	cancer	7496-02-8	October 1, 1990

Nitrofen (technical grade)	cancer	1836-75-5	January 1, 1988
2-Nitrofluorene	cancer	607-57-8	October 1, 1990
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrofurazone	cancer	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	cancer	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl] acetamide	cancer	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	cancer	51-75-2	January 1, 1988
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	cancer	55-86-7	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrogen mustard N-oxide	cancer	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	cancer	302-70-5	April 1, 1988
Nitromethane	cancer	75-52-5	May 1, 1997
2-Nitropropane	cancer	79-46-9	January 1, 1988
1-Nitropyrene	cancer	5522-43-0	October 1, 1990
4-Nitropyrene	cancer	57835-92-4	October 1, 1990
N-Nitrosodi-*n*-butylamine	cancer	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	cancer	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	cancer	55-18-5	October 1, 1987
N-Nitrosodimethylamine	cancer	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	cancer	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	cancer	86-30-6	April 1, 1988
N-Nitrosodi-*n*-propylamine	cancer	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	cancer	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)-propionitrile	cancer	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	cancer	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	cancer	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	cancer	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	cancer	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	cancer	4549-40-0	January 1, 1988
N-Nitrosomorpholine	cancer	59-89-2	January 1, 1988
N-Nitrosonornicotine	cancer	16543-55-8	January 1, 1988
N-Nitrosopiperidine	cancer	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	cancer	930-55-2	October 1, 1987
N-Nitrososarcosine	cancer	13256-22-9	January 1, 1988
o-Nitrotoluene	cancer	88-72-2	May 15, 1998
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	cancer	68-22-4	October 1, 1989
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990

Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norethynodrel	cancer	68-23-5	February 27, 2001
Norgestrel	developmental	6533-00-2	April 1, 1990
Ochratoxin A	cancer	303-47-9	July 1, 1990
Oil Orange SS	cancer	2646-17-5	April 1, 1988
Oral contraceptives, combined	cancer	---	October 1, 1989
Oral contraceptives, sequential	cancer	---	October 1, 1989
Oryzalin	cancer	19044-88-3	September 12, 2008
Oxadiazon	cancer	19666-30-9	July 1, 1991
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	cancer	604-75-1	October 1, 1994
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	cancer	434-07-1	January 1, 1988
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	cancer	2439-01-2	August 20, 1999
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Palygorskite fibers (> 5μm in length)	cancer	12174-11-7	December 28, 1999
Panfuran S	cancer	794-93-4	January 1, 1988
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentachlorophenol	cancer	87-86-5	January 1, 1990
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenacetin	cancer	62-44-2	October 1, 1989
Phenazopyridine	cancer	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	cancer	136-40-3	January 1, 1988
Phenesterin	cancer	3546-10-9	July 1, 1989
Phenobarbital	cancer	50-06-6	January 1, 1990
Phenolphthalein	cancer	77-09-8	May 15, 1998
Phenoxybenzamine	cancer	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	cancer	63-92-3	April 1, 1988
Phenprocoumon	developmental	435-97-2	October 1, 1992
o-Phenylenediamine and its salts	cancer	95-54-5	May 15, 1998
Phenyl glycidyl ether	cancer	122-60-1	October 1, 1990
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylhydrazine and its salts	cancer	---	July 1, 1992
o-Phenylphenate, sodium	cancer	132-27-4	January 1, 1990
o-Phenylphenol	cancer	90-43-7	August 4, 2000

Phenylphosphine	developmental	638-21-1	August 7, 2009
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	cancer	105650-23-5	October 1, 1994
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Pirimicarb	cancer	23103-98-2	July 1, 2008
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	cancer	---	January 1, 1988
Polybrominated biphenyls	developmental	---	October 1, 1994
Polychlorinated biphenyls	cancer	---	October 1, 1989
Polychlorinated biphenyls	developmental	---	January 1, 1991
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	cancer	---	January 1, 1988
Polychlorinated dibenzo-*p*-dioxins	cancer	---	October 1, 1992
Polychlorinated dibenzofurans	cancer	---	October 1, 1992
Polygeenan	cancer	53973-98-1	January 1, 1988
Ponceau MX	cancer	3761-53-3	April 1, 1988
Ponceau 3R	cancer	3564-09-8	April 1, 1988
Potassium bromate	cancer	7758-01-2	January 1, 1990
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Primidone	cancer	125-33-7	August 20, 1999
Procarbazine	cancer	671-16-9	January 1, 1988
Procarbazine hydrochloride	cancer	366-70-1	January 1, 1988
	developmental		July 1, 1990
Procymidone	cancer	32809-16-8	October 1, 1994
Progesterone	cancer	57-83-0	January 1, 1988
Pronamide	cancer	23950-58-5	May 1, 1996
Propachlor	cancer	1918-16-7	February 27, 2001
1,3-Propane sultone	cancer	1120-71-4	January 1, 1988
Propargite	cancer	2312-35-8	October 1, 1994
Propargite	developmental	2312-35-8	June 15, 1999
beta-Propiolactone	cancer	57-57-8	January 1, 1988
Propoxur	cancer	114-26-1	August 11, 2006
Propylene glycol mono-*t*-butyl ether	cancer	57018-52-7	June 11, 2004
Propylene oxide	cancer	75-56-9	October 1, 1988
Propylthiouracil	cancer	51-52-5	January 1, 1988
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pymetrozine	cancer	1233112-89-0	March 22, 2011
Pyridine	cancer	110-86-1	May 17, 2002
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quinoline and its strong acid salts	cancer	---	October 24, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Radionuclides	cancer	---	July 1, 1989
Reserpine	cancer	50-55-5	October 1, 1989
Residual (heavy) fuel oils	cancer	---	October 1, 1990

Resmethrin	cancer	10453-86-8	July 1, 2008
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	---	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
Ribavirin	male	36791-04-5	February 27, 2001
Riddelliine	cancer	23246-96-0	December 3, 2004
Rifampin	developmental, female	13292-46-1	February 27, 2001
~~Saccharin~~ Delisted April 6, 2001	~~cancer~~	~~81-07-2~~	~~October 1, 1989~~
~~Saccharin, sodium~~ Delisted January 17, 2003	~~cancer~~	~~128-44-9~~	~~January 1, 1988~~
Safrole	cancer	94-59-7	January 1, 1988
Salted fish, Chinese-style	cancer	---	April 29, 2011
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Selenium sulfide	cancer	7446-34-6	October 1, 1989
Sermorelin acetate	developmental	---	August 20, 1999
Shale-oils	cancer	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	cancer	---	October 1, 1988
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	cancer	---	February 27, 1987
Spirodiclofen	cancer	148477-71-8	October 8, 2010
Spironolactone	cancer	52-01-7	May 1, 1997
Stanozolol	cancer	10418-03-8	May 1, 1997
Sterigmatocystin	cancer	10048-13-2	April 1, 1988
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Streptozotocin (streptozocin)	cancer	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	cancer	---	March 14, 2003
Styrene oxide	cancer	96-09-3	October 1, 1988
Sulfallate	cancer	95-06-7	January 1, 1988
Sulfasalazine (salicylazosulfapyridine)	cancer	599-79-1	May 15, 1998
Sulfasalazine (salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999

Talc containing asbestiform fibers	cancer	---	April 1, 1990
Tamoxifen and its salts	cancer	10540-29-1	September 1, 1996
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Terrazole	cancer	2593-15-9	October 1, 1994
Testosterone and its esters	cancer	58-22-0	April 1, 1988
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-*p*-dioxin (TCDD)	cancer	1746-01-6	January 1, 1988
2,3,7,8-Tetrachlorodibenzo-*p*-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
1,1,2,2-Tetrachloroethane	cancer	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	cancer	127-18-4	April 1, 1988
p-*a,a,a*-Tetrachlorotoluene	cancer	5216-25-1	January 1, 1990
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	---	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Tetrafluoroethylene	cancer	116-14-3	May 1, 1997
Tetranitromethane	cancer	509-14-8	July 1, 1990
Thalidomide	developmental	50-35-1	July 1, 1987
Thioacetamide	cancer	62-55-5	January 1, 1988
4,4'-Thiodianiline	cancer	139-65-1	April 1, 1988
Thiodicarb	cancer	59669-26-0	August 20, 1999
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Thiouracil	cancer	141-90-2	June 11, 2004
Thiourea	cancer	62-56-6	January 1, 1988
Thorium dioxide	cancer	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	cancer	---	September 2, 2011
Tobacco, oral use of smokeless products	cancer	---	April 1, 1988
Tobacco smoke	cancer	---	April 1, 1988
Tobacco smoke (primary)	developmental, female, male	---	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
Toluene	female	108-88-3	August 7, 2009
Toluene diisocyanate	cancer	26471-62-5	October 1, 1989
o-Toluidine	cancer	95-53-4	January 1, 1988
o-Toluidine hydrochloride	cancer	636-21-5	January 1, 1988
~~para-Toluidine~~ Delisted October 29, 1999	~~cancer~~	~~106-49-0~~	~~January 1, 1990~~
Toxaphene (Polychlorinated camphenes)	cancer	8001-35-2	January 1, 1988

Toxins derived from *Fusarium Moniliforme Fusarium verticillioides)*	cancer	---	August 7, 2009
Treosulfan	cancer	299-75-2	February 27, 1987
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	cancer	78-48-8	February 25, 2011
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichlormethine (Trimustine hydrochloride)	cancer	817-09-4	January 1, 1992
Trichloroethylene	cancer	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	cancer	88-06-2	January 1, 1988
1,2,3-Trichloropropane	cancer	96-18-4	October 1,1992
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetrione	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
2,4,5-Trimethylaniline and its strong acid salts	cancer	---	October 24, 1997
Trimethyl phosphate	cancer	512-56-1	May 1, 1996
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
2,4,6-Trinitrotoluene	cancer	118-96-7	December 19, 2008
Triphenyltin hydroxide	cancer	76-87-9	July 1, 1992
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
~~Tris(aziridinyl)-*p*-benzoquinone (Triaziquone)~~ Delisted December 8, 2006	~~cancer~~	~~68-76-8~~	~~October 1, 1989~~
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	cancer	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	cancer	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	cancer	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	cancer	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	cancer	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	cancer	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	cancer	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	cancer	---	April 1, 1988
Uracil mustard	cancer developmental, female, male	66-75-1	April 1, 1988 January 1, 1992
Urethane (Ethyl carbamate)	cancer developmental	51-79-6	January 1, 1988 October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987

Vanadium pentoxide (orthorhombic crystalline form)	cancer	1314-62-1	February 11, 2005
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	cancer developmental	50471-44-8	August 20, 1999 May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
Vinyl bromide	cancer	593-60-2	October 1, 1988
Vinyl chloride	cancer	75-01-4	February 27, 1987
4-Vinylcyclohexene	cancer	100-40-3	May 1, 1996
4-Vinyl-cyclohexene	female, male	100-40-3	August 7, 2009
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	cancer	106-87-6	July 1, 1990
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Vinyl fluoride	cancer	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	cancer	79-00-5	October 1, 1990
Warfarin	developmental	81-81-2	July 1, 1987
Wood dust	cancer	---	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	cancer	87-62-7	January 1, 1991
Zalcitabine	cancer	7481-89-2	August 7, 2009
Zidovudine (AZT)	cancer	30516-87-1	December 18, 2009
Zileuton	cancer, developmental, female	111406-87-2	December 22, 2000
~~Zineb~~ Delisted October 29, 1999	~~cancer~~	~~12122-67-7~~	~~January 1, 1990~~

Date: February 17, 2012

PROPOSITION 65 SAFE HARBOR LEVELS:

No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity

January 2008

Reproductive and Cancer Hazard Assessment Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.

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Proposition 65 Safe Harbor Levels Development

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act). In that role, OEHHA has developed Proposition 65 safe harbor levels -- no significant risk levels (NSRLs) for carcinogens and maximum allowable dose levels (MADLs) for chemicals that cause reproductive toxicity. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime (70-year) exposure at the level in question. The MADL is the level at which chemicals listed for reproductive toxicity would have no observable effect assuming exposure at 1,000 times that level. The NSRLs and MADLs are promulgated in Title 22, California Code of Regulations*, sections 12705 and 12805 respectively to assist interested parties in determining whether warnings are required for exposures to listed chemicals, and whether discharges to sources of drinking water are prohibited.

Safe harbor levels may be based on risk assessments conducted outside OEHHA, as provided for in Sections 12705(b), 12705(c), and 12805. In some cases, this can expedite safe harbor development. However, it should be noted that the process of review and consideration of existing risk assessments can be a lengthy one, and will depend on the complexity of the scientific information underlying the assessment, as well as on available resources.

This document provides the status of the development and adoption of intake levels calculated for all chemicals on the Proposition 65 list. In units of micrograms per day (µg/day), Part A reports NSRLs adopted in regulation for carcinogens and Part B reports MADLs adopted in regulation for chemicals that cause reproductive toxicity.

Parts C and D of this document give priority levels for development of dose response assessments for chemicals that cause cancer and reproductive toxicity, respectively. OEHHA assigns priority levels based on the availability and quality of scientific data for dose-response assessments, potential for exposure, resources available to perform the assessment, needs expressed by interested parties and input from the public and the Attorney General's office. Priority assignments change as assessments are completed or the basis for the priority changes. Interested parties are invited to recommend changes in priority levels. In general, OEHHA will give priority to chemicals that are newly added to the Proposition 65 list and propose safe harbor levels for them within one year of their addition to the list.

Parts C and D include safe harbor levels that have been proposed for adoption in regulation.

This report will be updated on a regular basis.

* All further section references are to Title 22 of the California Code of Regulations unless otherwise indicated.

A. No Significant Risk Levels (NSRLs) Adopted in Regulation for Carcinogens

The table below lists NSRLs for Proposition 65 carcinogens in regulation (Sections 12705 and 12709). These levels are intended to provide "safe harbors" for persons subject to the Act, and do not preclude the use of alternative levels that can be demonstrated by their users as being scientifically valid.

A three-tiered procedure for development of NSRLs is currently in place. NSRLs may be based on a *de novo* dose response assessment conducted or reviewed by OEHHA (Section 12705(b)), an assessment conducted by another state or federal agency (Section 12705(c)), or an expedited process conducted by OEHHA (Section 12705(d)). The last column of the table below indicates which of these processes was used to develop the NSRL for each chemical. NSRLs represent the daily intake level calculated to result in a cancer risk of one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime.

NSRLs for chemicals in bold have been adopted since the last report. As chemicals are removed from the Proposition 65 list, the regulatory process to remove the safe harbor level from regulation will be initiated.

Carcinogen	Level (µg/day)	Section
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	2	12705(d)
Acetaldehyde	90 (inhalation)	12705(c)
Acetamide	10	12705(d)
2-Acetylaminofluorene	0.2	12705(d)
Acrylamide	0.2	12705(c)
Acrylonitrile	0.7	12705(b)
Actinomycin D	0.00008	12705(d)
AF-2; [2-(2-furyl)-3(5-nitro-2-furyl)acrylamide]	3	12705(d)
Aldrin	0.04	12705(b)
2-Aminoanthraquinone	20	12705(d)
o-Aminoazotoluene	0.2	12705(d)
4-Aminobiphenyl	0.03	12705(d)
3-Amino-9-ethylcarbazole hydrochloride	9	12705(d)
1-Amino-2-methylanthraquinone	5	12705(d)
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	0.04	12705(d)
Amitrole	0.7	12705(d)
Aniline	100	12705(c)
o-Anisidine	5	12705(d)
o-Anisidine hydrochloride	7	12705(d)
Aramite	20	12705(d)
Arsenic	0.06 (inhalation)	12705(b)
	10 (except inhalation)	12709
Asbestos	100 fibers/day (inhalation)	12705(b)
NSRL for fibers $\geq$ 5 micrometers (mm) long and 0.3 wide, with a length/width ratio $\geq$ 3:1 as measured by phase contrast microscopy.		
Auramine	0.8	12705(d)
Azaserine	0.06	12705(d)
Azathioprine	0.4	12705(d)
Azobenzene	6	12705(c)

Carcinogen	Level (µg/day)	Section
Benz[a]anthracene	0.033 (oral)	12705(b)
Benzene	6.4 (oral)	12705(b)
	13 (inhalation)	12705(b)
Benzidine	0.001	12705(b)
Benzo[b]fluoranthene	0.096 (oral)	12705(b)
Benzo[j]fluoranthene	0.11 (oral)	12705(b)
Benzofuran	1.1	12705(b)
Benzo[a]pyrene	0.06	12705(c)
Benzyl chloride	4	12705(c)
Benzyl violet 4B	30	12705(d)
Beryllium	0.1	12709
Beryllium oxide	0.1	12705(c)
Beryllium sulfate	0.0002	12705(c)
Bis(2-chloroethyl)ether	0.3	12705(b)
Bis(chloromethyl)ether	0.02	12705(b)
Bromodichloromethane	5	12705(c)
Bromoform	64	12705(b)
1,3-Butadiene	0.4	12705(c)
Butylated hydroxyanisole	4000	12705(b)
beta-Butyrolactone	0.7	12705(d)
Cadmium	0.05 (inhalation)	12705(b)
Captafol	5	12705(d)
Captan	300	12705(d)
Carbazole	4.1	12705(d)
Carbon tetrachloride	5	12705(b)
N-Carboxymethyl-N-nitrosourea	0.70	12705(b)
Chlorambucil	0.002	12705(d)
Chlordane	0.5	12705(c)
Chlordecone (Kepone)	0.04	12705(d)
Chlorendic acid	8	12705(d)
Chlorinated paraffins (Ave. chain length C12; approx. 60% chlorine by weight)	8	12705(d)
Chloroethane (Ethyl chloride)	150	12705(b)
Chloroform	20 (oral)	12705(c)
	40 (inhalation)	12705(c)
Chloromethyl methyl ether (technical grade)	0.3	12705(d)
3-Chloro-2-methylpropene	5	12705(d)
4-Chloro-ortho-phenylenediamine	40	12705(d)
Chlorothalonil	200	12705(d)
p-Chloro-ortho-toluidine	3	12705(d)
p-Chloro-*o*-toluidine, hydrochloride	3.3	12705(d)
Chlorozotocin	0.003	12705(d)
Chromium (hexavalent)	0.001 (inhalation)	12705(b)
Chrysene	0.35 (oral)	12705(b)
C.I. Basic Red 9 monohydrochloride	3	12705(d)
Cinnamyl anthranilate	200	12705(d)
Coke oven emissions	0.3	12705(c)

Carcinogen	Level (µg/day)	Section
p-Cresidine	5	12705(d)
Cupferron	3	12705(d)
Cyclophosphamide (anhydrous)	1	12705(d)
Cyclophosphamide (hydrated)	1	12705(d)
D&C Red No. 9	100	12705(d)
Dacarbazine	0.01	12705(d)
Daminozide	40	12705(d)
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	9	12705(d)
DDT, DDE, DDD (in combination)	2	12705(b)
DDVP (Dichlorvos)	2	12705(c)
2,4-Diaminoanisole	30	12705(d)
2,4-Diaminoanisole sulfate	50	12705(d)
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	5	12705(d)
2,4-Diaminotoluene	0.2	12705(d)
Dibenz[a,h]anthracene	0.2	12705(d)
7H-Dibenzo[c,g]carbazole	0.0030 (oral)	12705(b)
Dibenzo[a,h]pyrene	0.0054 (oral)	12705(b)
Dibenzo[a,i]pyrene	0.0050 (oral)	12705(b)
1,2-Dibromo-3-chloropropane	0.1	12705(b)
p-Dichlorobenzene	20	12705(b)
3,3'-Dichlorobenzidine	0.6	12705(b)
1,1-Dichloroethane	100	12705(d)
1,2-Dichloroethane (Ethylene dichloride)	10	12705(b)
Dichloromethane (Methylene chloride)	200 (inhalation)	12705(b)
	50	12705(c)
1,2-Dichloropropane	9.7	12705(b)
Dieldrin	0.04	12705(b)
Di(2-ethylhexyl)phthalate (DEHP)	310	12705(b)
Diethylstilbesterol	0.002	12705(d)
Diglycidyl resorcinol ether (DGRE)	0.4	12705(d)
Dihydrosafrole	20	12705(d)
3,3'-Dimethoxybenzidine (*o*-Dianisidine)	0.15	12705(b)
3,3'-Dimethoxybenzidine dihydrochloride	0.19	12705(b)
4-Dimethylaminoazobenzene	0.2	12705(d)
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	2	12705(d)
7,12-Dimethylbenz(a)anthracene	0.003	12705(d)
3,3'-Dimethylbenzidine (*o*-Tolidine)	0.044	12705(b)
3,3'-Dimethylbenzidine dihydrochloride	0.059	12705(b)
Dimethylcarbamoyl chloride	0.05	12705(d)
1,2-Dimethylhydrazine	0.001	12705(d)
Dimethylvinylchloride	20	12705(d)
2,4-Dinitrotoluene	2	12705(c)
1,4-Dioxane	30	12705(b)
Direct Black 38 (technical grade)	0.09	12705(d)
Direct Blue 6 (technical grade)	0.09	12705(d)
Direct Brown 95 (technical grade)	0.1	12705(d)
Disperse Blue 1	200	12705(d)

Carcinogen	Level (µg/day)	Section
Epichlorohydrin	9	12705(b)
Estradiol 17b	0.02	12705(d)
Ethyl-4,4'-dichlorobenzilate (Chlorobenzilate)	7	12705(d)
Ethylene dibromide	0.2 (oral)	12705(b)
	3 (inhalation)	12705(b)
Ethylene oxide	2	12705(b)
Ethylene thiourea	20	12705(d)
Ethyleneimine	0.01	12705(d)
Folpet	200	12705(c)
Formaldehyde (gas)	40	12705(c)
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	0.3	12705(d)
Furmecyclox	20	12705(c)
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	0.1	12705(d)
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]-imidazole)	0.5	12705(d)
Gyromitrin (Acetaldehyde methylformylhydrazone)	0.07	12705(d)
HC Blue 1	10	12705(d)
Heptachlor	0.2	12705(c)
Heptachlor epoxide	0.08	12705(c)
Hexachlorobenzene	0.4	12705(b)
Hexachlorocyclohexane		
alpha isomer	0.3	12705(c)
beta isomer	0.5	12705(c)
gamma isomer	0.6	12705(c)
technical grade	0.2	12705(b)
Hexachlorodibenzodioxin	0.0002	12705(b)
Hexachloroethane	20	12705(d)
Hydrazine	0.04	12705(c)
Hydrazine sulfate	0.2	12705(c)
Hydrazobenzene (1,2-Diphenylhydrazine)	0.8	12705(d)
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	0.5	12705(d)
Isobutyl nitrite	7.4	12705(d)
Lasiocarpine	0.09	12705(d)
Lead	15 (oral)	12705(b)
Lead acetate	23 (oral)	12705(b)
Lead phosphate	58 (oral)	12705(b)
Lead subacetate	41 (oral)	12705(b)
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	0.6	12705(d)
MeIQ (2-amino-3,4-dimethylimidazo-[4,5-*f*]quinoline)	0.46	12705(d)
MeIQx (2-Amino-3,8-dimethylimidazo[4,5-*f*]quinoxaline)	0.41	12705(d)
Melphalan	0.005	12705(d)
2-Methylaziridine (Propyleneimine)	0.028	12705(b)
Methyl carbamate	160	12705(d)

Carcinogen	Level (µg/day)	Section
3-Methylcholanthrene	0.03	12705(d)
5-Methylchrysene	0.0084 (oral)	12705(b)
4,4'-Methylene bis(2-chloroaniline)	0.5	12705(d)
4,4'-Methylene bis(N,N-dimethyl)benzeneamine	20	12705(c)
4,4'-Methylene bis(2-methylaniline)	0.8	12705(d)
4,4'-Methylenedianiline	0.4	12705(d)
4,4'-Methylenedianiline dihydrochloride	0.6	12705(d)
Methylhydrazine	0.058 (oral)	12705(b)
	0.090 (inhalation)	12705(b)
Methylhydrazine sulfate	0.18	12705(b)
Methyl methanesulfonate	7	12705(d)
2-Methyl-1-nitroanthraquinone (of uncertain purity)	0.2	12705(d)
N-Methyl-N'-nitro-N-nitrosoguanidine	0.08	12705(d)
Methylthiouracil	2	12705(d)
Michler's ketone	0.8	12705(d)
Mirex	0.04	12705(d)
Mitomycin C	0.00009	12705(d)
Monocrotaline	0.07	12705(d)
5-(Morpholinomethyl)-3-[(5-nitrofurfurylidene)-amino] -2-oxazolidinone	0.18	12705(b)
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(*5H*)-furanone)	0.11	12705(b)
Nalidixic acid	28	12705(d)
Naphthalene	5.8	12705(b)
2-Naphthylamine	0.4	12705(d)
Nickel refinery dust	0.8	12705(c)
Nickel subsulfide	0.4	12705(c)
Nitrilotriacetic acid	100	12705(d)
Nitrilotriacetic acid, trisodium salt monohydrate	70	12705(d)
5-Nitroacenaphthene	6	12705(d)
Nitrofen (technical grade)	9	12705(d)
Nitrofurazone	0.5	12705(d)
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	0.4	12705(d)
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	0.5	12705(d)
N-Nitrosodi-n-butylamine	0.06	12705(b)
N-Nitrosodiethanolamine	0.3	12705(c)
N-Nitrosodiethylamine	0.02	12705(b)
N-Nitrosodimethylamine	0.04	12705(b)
p-Nitrosodiphenylamine	30	12705(d)
N-Nitrosodiphenylamine	80	12705(b)
N-Nitrosodi-n-propylamine	0.1	12705(b)
N-Nitroso-N-ethylurea	0.03	12705(b)
4-(N-Nitrosomethylamino)-1-(3-pyridyl)-1-butanone	0.014	12705(d)
N-Nitrosomethylethylamine	0.03	12705(c)
N-Nitroso-N-methylurea	0.006	12705(b)
N-Nitroso-N-methylurethane	0.006	12705(d)
N-Nitrosomorpholine	0.1	12705(d)
N-Nitrosonornicotine	0.5	12705(d)
N-Nitrosopiperidine	0.07	12705(d)
N-Nitrosopyrrolidine	0.3	12705(c)

Carcinogen	Level (µg/day)	Section
Pentachlorophenol	40	12705(c)
Phenacetin	300	12705(d)
Phenazopyridine	4	12705(d)
Phenazopyridine hydrochloride	5	12705(d)
Phenesterin	0.005	12705(d)
Phenobarbital	2	12705(d)
Phenoxybenzamine	0.2	12705(d)
Phenoxybenzamine hydrochloride	0.3	12705(d)
o-Phenylenediamine	26	12705(d)
o-Phenylenediamine dihydrochloride	44	12705(d)
Phenyl glycidyl ether	5.0	12705(b)
Phenylhydrazine	1.0	12705(b)
Phenylhydrazine hydrochloride	1.4	12705(b)
o-Phenylphenate, sodium	200	12705(d)
Polybrominated biphenyls	0.02	12705(b)
Polychlorinated biphenyls	0.09	12705(c)
Polygeenan	1200	12705(b)
Ponceau MX	200	12705(d)
Ponceau 3R	40	12705(d)
Potassium bromate	1	12705(d)
Procarbazine	0.05	12705(d)
Procarbazine hydrochloride	0.06	12705(d)
1,3-Propane sultone	0.3	12705(d)
beta-Propiolactone	0.05	12705(d)
Propylthiouracil	0.7	12705(d)
Reserpine	0.06	12705(d)
Safrole	3	12705(d)
Sterigmatocystin	0.02	12705(d)
Streptozotocin	0.006	12705(d)
Styrene oxide	4	12705(d)
Sulfallate	4	12705(d)
2,3,7,8-Tetrachlorodibenzo-*p*-dioxin	0.000005	12705(b)
1,1,2,2-Tetrachloroethane	3	12705(d)
Tetrachloroethylene	14	12705(c)
Tetranitromethane	0.059	12705(b)
Thioacetamide	0.1	12705(d)
4,4'-Thiodianiline	0.05	12705(d)
Thiourea	10	12705(d)
Toluene diisocyanate	20	12705(d)
ortho-Toluidine	4	12705(d)
ortho-Toluidine hydrochloride	5	12705(d)
Toxaphene	0.6	12705(b)
Trichloroethylene	50 (oral)	12705(b)
	80 (inhalation)	12705(b)
2,4,6-Trichlorophenol	10	12705(b)
Trimethyl phosphate	24	12705(d)

Carcinogen	Level (µg/day)	Section
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	0.06	12705(d)
Tris(2,3-dibromopropyl)phosphate	0.3	12705(d)
Trp-P-1 (Tryptophan-P-1)	0.03	12705(d)
Trp-P-2 (Tryptophan-P-2)	0.2	12705(d)
Urethane (Ethyl carbamate)	0.7	12705(b)
Vinyl chloride	3	12705(b)
Vinyl trichloride (1,1,2-Trichloroethane)	10	12705(d)
2,6-Xylidine	110	12705(b)

B. Maximum Allowable Dose Levels (MADLs) Adopted in Regulation for Chemicals Causing Reproductive Toxicity

The following table is a compilation of MADLs in regulation (Section 12805) for Proposition 65 chemicals that cause reproductive toxicity. These levels represent the no observable effect level (NOEL) for the chemical, divided by 1,000. NOELs are set in accordance with procedures specified in Section 12803. MADLs for chemicals in bold have been adopted since the last report.

Chemical Listed as Causing Reproductive Toxicity	Level (µg/day) [a]
Benzene	24 (oral) 49 (inhalation)
Cadmium	4.1 (oral)
2,4-DB (2,4-dichlorophenoxybutyric acid)	910
1,2-Dibromo-3-chloropropane (DBCP)	3.1 (oral) 4.3 (inhalation)
Di(2-ethylhexyl)phthalate (DEHP), for intravenous exposures only	4200 (adults) 600 (infant boys, age 29 days- 24 months) 210 (neonatal infant boys, age 0-28 days) [Levels for male children and adolescents can be calculated by application of the default bodyweights specified in Section 12703(a)(8) to the procedure specified in Sections 12801 and 12803]
Di(2-ethylhexyl)phthalate (DEHP), for oral exposures only	410 (adults) 58 (infant boys, age 29 days-24 months) 20 (neonatal infant boys, age 0-28 days) [Levels for male children and adolescents can be calculated by application of the default bodyweights specified in Section 12703(a)(8) to the procedure specified in Sections 12801 and 12803]

Chemical Listed as Causing Reproductive Toxicity	Level (µg/day) [a]
m-Dinitrobenzene	38
Disodium cyanodithiomidocarbonate	56 (oral) [170 (oral) for a 32% pesticidal formulation]
Ethyl dipropylthiocarbamate	700 (oral and inhalation) 6700 (dermal)
Ethylene glycol monoethyl ether (EGEE)	750 (oral) 960 (inhalation)
Ethylene glycol monoethyl ether acetate (EGEEA)	1100 (oral) 1400 (inhalation)
Ethylene glycol monomethyl ether	63 (oral)
Ethylene glycol monomethyl ether acetate	98 (oral)
Ethylene oxide	20
Hydramethylnon	120 (oral)
Lead	0.5
Linuron	460
Methyl bromide as a structural fumigant	810 (inhalation)
N-Methylpyrrolidone	3200 (inhalation) 17000(dermal)
Potassium dimethyldithiocarbamate	720
Quizalofop-ethyl	590
Sodium dimethyldithiocarbamate	23 (oral) [58 (oral) for a 40% pesticidal formulation]
Thiophanate-methyl	600 (oral)
Toluene	7000[b]

[a] Where a source or product results in exposures by multiple routes, the total exposure must be considered. For example, the MADL for benzene is exceeded when the absorbed dose exceeds 24 µg/day. If only inhalation and oral exposure occurs, the benzene MADL is exceeded when:

$$(\text{oral dose} \div 24\ \mu g/day) + (\text{inhalation dose} \div 24\ \mu g/day) > 1.0$$

[b] Level represents absorbed dose (rounded from 6,525 µg/day). Since 100% of ingested toluene is absorbed, oral dose is equivalent to administered dose. It is assumed that roughly 50% of the dose administered by the inhalation route is absorbed. Therefore the MADL for inhaled toluene is 13,000 µg/day (rounded from 13,050 µg/day), corresponding to an absorbed dose of 6,525 µg/day.

C. Priority List for the Development of NSRLs for Proposition 65 Carcinogens

OEHHA has developed the following priority list, which classifies into four priorities carcinogens for which dose-response assessments have not been completed. OEHHA assigns priority levels based on the availability and quality of scientific data for dose-response assessments, potential for exposure, resources available to perform the assessment, need expressed by interested parties and input from the public and Attorney General's office. OEHHA anticipates proposing NSRLs for the majority of chemicals in the first priority group within the next year, and for second priority chemicals within the next two to five years. It is unlikely that NSRLs for third and fourth priority chemicals would be released within the next five years.

Priority assignments change as assessments are completed or the basis for the priority changes. Any interested party may submit recommendations to OEHHA for revising the priority assignment for any of the chemicals listed, preferably with supporting rationale for the change in priority In general, OEHHA will give priority to chemicals that are newly added to the Proposition 65 list and propose safe harbor levels for them within one year of their addition to the list.

If a level is currently being proposed for adoption in regulation, it is given below. Chemicals in bold font have been added to the Proposition 65 list or changed in priority status since the last report.

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1. First Priority for NSRL Development

Bromate
Bromoethane
C.I. Direct Blue 218
Ethylbenzene
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)
N-Methylolacrylamide
Nitromethane **(Proposed: 39 µg/day)**
Ochratoxin A
Propylene glycol mono-*t*-butyl ether
Pyridine
1,2,3-Trichloropropane

2. Second Priority for NSRL Development

Alachlor
p-Aminoazobenzene
Aniline hydrochloride
Anthraquinone
Antimony oxide
Benzotrichloride
2,2-Bis(bromomethyl)-1,3-propanediol
Catechol
Ceramic fibers (airborne particles of respirable size)
***p*-Chloroaniline**
***p*-Chloroaniline hydrochloride**
1-Chloro-4-nitrobenzene
Chloroprene
5-Chloro-*o*-toluidine and its strong acid salts
C. I. Acid Red 114

C.I. Direct Blue 15
Cobalt sulfate heptahydrate
D&C Orange No. 17
Diaminotoluene (mixed)
Dichloroacetic acid
3,3'-Dichlorobenzidine dihydrochloride
1,4-Dichloro-2-butene
1,3-Dichloropropene
Diesel engine exhaust
Diethyl sulfate
Dimethyl sulfate
1,1-Dimethylhydrazine (UDMH)
Fumonisin B_1
Furan
Glycidol
Indium phosphide
Isoprene
Methyleugenol
Methyl iodide
1-Naphthylamine
Nitrapyrin
Nitrobenzene
2-Nitropropane
o-Nitrotoluene
***o*-Phenylphenol**
Propylene oxide
Quinoline and its strong acid salts
Tetrafluoroethylene
Tris(2-chloroethyl)phosphate
Vanadium pentoxide (orthorhombic crystalline form)
Vinyl bromide
4-Vinylcyclohexene

3. Third Priority for NSRL Development

Acetochlor
Acifluorfen
Aflatoxins
1-Amino-2,4-dibromoanthraquinone
Areca nut
Azacitidine
Benzidine-based dyes
Benzo[k]fluoranthene
Betel quid without tobacco
N,N-Bis(2-chloroethyl)-2-naphthylamine
Bischloroethyl nitrosourea (BCNU) (Carmustine)
Bis(2-chloro-1-methylethyl)ether, technical grade
1,4-Butanediol dimethanesulfonate (Busulfan)
Cacodylic acid
Carbon black (airborne, unbound particles of respirable size)
Chloramphenicol
Chlordimeform
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea

Chlorotrianisene
Ciclosporin (Cyclosporin A; Cyclosporine)
Cidofovir
C.I. Solvent Yellow 14
Cisplatin
Clofibrate
Cobalt metal powder
Cobalt [II] oxide
Cobalt sulfate
Daunomycin
N,N'-Diacetylbenzidine
Diazoaminobenzene
Dibenz[a,h]acridine
Dibenz[a,j]acridine
Dibenzo[a,e]pyrene
Dibenzo[a,l]pyrene
2,3-Dibromo-1-propanol
3,3'-Dichloro-4,4'-diaminodiphenyl ether
Dienestrol
Diepoxybutane
1,2-Diethylhydrazine
Diisopropyl sulfate
3,3’-Dimethoxybenzidine-based dyes metabolized to 3,3’-dimethoxybenzidine
3,3’-Dimethylbenzidine-based dyes metabolized to 3,3’-dimethylbenzidine
1,6-Dinitropyrene
1,8-Dinitropyrene
2,6-Dinitrotoluene
2,4-/2,6-Dinitrotoluene mixture
Diphenylhydantoin (Phenytoin)
Diphenylhydantoin (Phenytoin), sodium salt
Di-n-propyl isocinchomeronate (MGK Repellent 326)
Diuron
Doxorubicin hydrochloride (adriamycin)
Estragole
Estrogens, steroidal
Estrone
Estropipate
Ethinylestradiol
Ethoprop
Ethyl acrylate
Fenoxycarb
Furazolidone
Fusarin C
Ganciclovir sodium
Gasoline engine exhaust (condensates/extracts)
Gemfibrozil
Glasswool fibers (airborne particles of respirable size)
Glycidaldehyde
Griseofulvin
Hexamethylphosphoramide
1-Hydroxyanthraquinone
Indeno[1,2,3-cd]pyrene
Iprodione
Iprovalicarb

Isoxaflutole
Lactofen
Mancozeb
Maneb
Medroxyprogesterone acetate
Merphalan
Mestranol
Metham sodium
Methylmercury compounds
Metiram
Metronidazole
Mustard Gas
Nafenopin
Nickel and nickel compounds
Nickel carbonyl
Niridazole
***o*-Nitroanisole**
4-Nitrobiphenyl
6-Nitrochrysene
2-Nitrofluorene
1-Nitropyrene
4-Nitropyrene
Nitrogen mustard (Mechlorethamine)
Nitrogen mustard hydrochloride (Mechlorethamine HC1)
***N*-Nitrosomethylvinylamine**
***N*-Nitrososarcosine**
Norethisterone (Norethindrone)
Oxadiazon
Oxazepam
Oxythioquinox (Chinomethionat)
Oxymetholone
Panfuran S
PhiP
Polychlorinated dibenzo-*p*-dioxins
Polychlorinated dibenzofurans
Primidone
Procymidone
Progesterone
Pronamide
Propachlor
Propargite
Propoxur
Radionuclides
Selenium sulfide
Silica, crystalline (airborne particles of respirable size)
Spironolactone
Stanozolol
Strong inorganic acid mists containing sulfuric acid
Sulfasalazine (salicylazosulfapyridine)
Tamoxifen and its salts
Terrazole
Testosterone and its esters
p-a,a,a-Tetrachlorotoluene
Thiodicarb

Thiouracil
Thorium dioxide
Treosulfan
Trichlormethine (Trimustine hydrochloride)
2,4,5-Trimethylaniline and its strong acid salts
Triphenyltin hydroxide
Trypan blue (commercial grade)
Uracil mustard
Vinclozolin
4-Vinyl-1-cyclohexene diepoxide
Vinyl fluoride
Zileuton

4. Fourth Priority for NSRL Development

Alcoholic beverages
2-Aminofluorene
4-Amino-2-nitrophenol
Analgesic mixtures containing phenacetin
Aristolochic acid
Betel quid with tobacco
Bitumens, extracts of steam-refined
Bracken fern
Caffeic acid
Carbon-black extracts
Certain combined chemotherapy for lymphomas
Citrus Red No. 2
Conjugated estrogens
Creosotes
Cycasin
Cytembena
D&C Red No. 8
D&C Red No. 19
3,7-Dinitrofluoranthene
3,9-Dinitrofluoranthene
Erionite
Ethyl methanesulfonate
Herbal remedies containing plant species of the genus Aristolochia
Iron dextran complex
Lynestrenol
8-Methoxypsoralen with ultraviolet A therapy
5-Methoxypsoralen with ultraviolet A therapy
Methylazoxymethanol
Methylazoxymethanol acetate
Nitrogen mustard N-oxide
Nitrogen mustard N-oxide hydrochloride
3-(N-Nitrosomethylamino)propionitrile
Norethynodrel
Oil Orange SS
Oral contraceptives, combined
Oral contraceptives, sequential
Palygorskite fibers
Phenolphthalein
Residual (heavy) fuel oils

Riddelliine
Shale-oils
Soots, tars, and mineral oils
Talc containing asbestiform fibers
Tobacco, oral use of smokeless products
Tobacco smoke
Unleaded gasoline (wholly vaporized)

D. Priority List for the Development of MADLs for Chemicals Causing Reproductive Toxicity

OEHHA has developed the following priority list, which divides into three priorities chemicals causing reproductive toxicity for which dose-response assessments have not been completed. OEHHA assigns priority levels based on the availability and quality of scientific data for dose-response assessments, potential for exposure, resources available to perform the assessment, need expressed by interested parties, and input from the public and the Attorney General's office. OEHHA anticipates proposing MADLs for the majority of chemicals in the first priority group within the next year, and for second priority chemicals within the next two to five years. It is unlikely that MADLs for chemicals in the third priority group would be released within the next five years.

Priority assignments change as assessments are completed or the basis for the priority changes. Any interested party may submit recommendations to OEHHA on revising the priority assignment for any of the chemicals listed, preferably with supporting rationale for the change in priority. In general, OEHHA will give priority to chemicals that are newly added to the Proposition 65 list and propose safe harbor levels for them within one year of their addition to the list. .

If a level is currently being proposed for adoption in regulation, it is given below. Chemicals in bold font have been added to the Proposition 65 list or changed in priority status since the last report.

1. First Priority for MADL Development

Amitraz
1-Bromopropane
Bromoxynil octanoate
1,3-Butadiene
Chlorsulfuron
Cycloate
Di-*n*-butyl phthalate (DBP) **(Proposed: 8.7 µg/day)**
Di-*n*-hexyl phthalate (DnHP)
Metham sodium
Myclobutanil
Vinclozolin

2. Second Priority for MADL Development

Arsenic (inorganic oxides)
Bromacil lithium salt
Bromoxynil
2-Bromopropane
Butyl benzyl phthalate (BBP)
Carbon disulfide
Cocaine
Dichlorophene
Diclofop methyl
Di-isodecyl phthalate (DIDP)
Ethylene thiourea
Fenoxaprop ethyl
Fluazifop butyl
Fluvalinate
Mercury and mercury compounds
Methazole
Methyl mercury

Metiram
Nabam
Nicotine
Nitrapyrin
Oxadiazon
Oxydemeton methyl
Oxythioquinox (Chinomethionat)
Propargite
Resmethrin
Sodium fluoroacetate
Terbacil
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)
Triadimefon
Tributyltin methacrylate
Triforine
Triphenyl tin hydroxide

3. Third Priority for MADL Development

Acetazolamide
Acetohydroxamic acid
Actinomycin D
All-trans retinoic acid
Alprazolam
Altretamine
Amantadine hydrochloride
Amikacin sulfate
Aminoglutethimide
Aminoglycosides
Aminopterin
Amiodarone hydrochloride
Amoxapine
Anabolic steroids
Angiotensin converting enzyme (ACE) inhibitors
Anisindione
Aspirin
Atenolol
Auranofin
Azathioprine
Barbiturates
Beclomethasone dipropionate
Benomyl
Benzphetamine hydrochloride
Benzodiazepines
Bischloroethyl nitrosourea (BCNU) (Carmustine)
Butabarbital sodium
1,4-Butanediol dimethanesulfonate (Busulfan)
Carbamazepine
Carbon monoxide
Carboplatin
Chenodiol
Chlorambucil
Chlorcyclizine hydrochloride
Chlordecone (Kepone)

Chlordiazepoxide
Chlordiazepoxide hydrochloride
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)
Cidofovir
Cladribine
Clarithromycin
Clobetasol propionate
Clomiphene citrate
Clorazepate dipotassium
Codeine phosphate
Colchicine
Conjugated estrogens
Cyanazine
Cycloheximide
Cyclophosphamide (anhydrous)
Cyclophosphamide (hydrated)
Cyhexatin
Cytarabine
Dacarbazine
Danazol
Daunorubicin hydrochloride
o,p'-DDT
p,p'-DDT
Demeclocycline hydrochloride (internal use)
Diazepam
Diazoxide
Dichlophenamide
Dicumarol
Diethylstilbestrol (DES)
Diflunisal
Dihydroergotamine mesylate
Diltiazem hydrochloride
o-Dinitrobenzene
p-Dinitrobenzene
2,4-Dinitrotoluene
2,6-Dinitrotoluene
Dinitrotoluene (technical grade)
Dinocap
Dinoseb
Diphenylhydantoin (Phenytoin)
Doxorubicin hydrochloride (adriamycin)
Doxycycline (internal use)
Doxycycline calcium (internal use)
Doxycycline hyclate (internal use)
Doxycycline monohydrate (internal use)
Endrin
Environmental tobacco smoke (ETS)
Epichlorohydrin
Ergotamine tartrate
Estropipate
Ethionamide
Ethyl alcohol in alcoholic beverages
Ethylene dibromide
Etodolac

Etoposide
Etretinate
Filgrastim
Flunisolide
Fluorouracil
Fluoxymesterone
Flurazepam hydrochloride
Flurbiprofen
Flutamide
Fluticasone propionate
Ganciclovir sodium
Gemfibrozil
Goserelin acetate
Halazepam
Halobetasol propionate
Haloperidol
Halothane
Heptachlor
Hexachlorobenzene
Hexamethylphosphoramide
Histrelin acetate
Hydroxyurea
Idarubicin hydrochloride
Ifosfamide
Iodine-131
Isotretinoin
Leuprolide acetate
Levodopa
Levonorgestrel implants
Lithium carbonate
Lithium citrate
Lorazepam
Lovastatin
Mebendazole
Medroxyprogesterone acetate
Megestrol acetate
Melphalan
Menotropins
Meprobamate
Mercaptopurine
Methacycline hydrochloride
Methimazole
Methotrexate
Methotrexate sodium
Methyl chloride
Methyltestosterone
Midazolam hydrochloride
Minocycline hydrochloride (internal use)
Misoprostol
Mitoxantrone hydrochloride
Nafarelin acetate
Neomycin sulfate (internal use)
Netilmicin sulfate
Nickel carbonyl

Nifedipine
Nimodipine
Nitrofurantoin
Nitrogen mustard (Mechlorethamine)
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)
Norethisterone (Norethindrone)
Norethisterone acetate (Norethindrone acetate)
Norethisterone (Norethindrone)/Ethinyl estradiol
Norethisterone (Norethindrone)/Mestranol
Norgestrel
Oxazepam
Oxymetholone
Oxytetracycline (internal use)
Oxytetracycline hydrochloride (internal use)
Paclitaxel
Paramethadione
Penicillamine
Pentobarbital sodium
Pentostatin
Phenacemide
Phenprocoumon
Pimozide
Pipobroman
Plicamycin
Polybrominated biphenyls
Polychlorinated biphenyls
Pravastatin sodium
Prednisolone sodium phosphate
Procarbazine hydrochloride
Propylthiouracil
Pyrimethamine
Quazepam
Retinol/retinyl esters, when in daily dosages in
excess of 10,000 IU, or 3,000 retinol equivalents.
Ribavirin
Rifampin
Secobarbital sodium
Sermorelin acetate
Streptomycin sulfate
Streptozocin (streptozotocin)
Sulfasalazine (salicylazosulfapyridine)
Sulindac
Tamoxifen citrate
Temazepam
Teniposide
Testosterone cypionate
Testosterone enanthate
Tetracycline (internal use)
Tetracyclines (internal use)
Tetracycline hydrochloride (internal use)
Thalidomide
Thioguanine
Tobacco smoke (primary)
Tobramycin sulfate

Triazolam
Trientine hydrochloride
Trilostane
Trimethadione
Trimetrexate glucuronate
Uracil mustard
Urethane
Urofollitropin
Valproate (Valproic acid)
Vinblastine sulfate
Vincristine sulfate
Warfarin
Zileuton

Proposition 65 Settlement Executive Summary 2010

Plaintiff	*Number of Settlements*	*Total of Settlements*	*Total Civil Penalty*	*Total Attorney Fees and Costs*	*Total Other Distribution*
As You Sow	4	$173,481.00	$45,859.00	$88,122.00	$39,500.00
Brimer, Russell	27	$1,221,300.00	$223,000.00	$998,300.00	$0.00
Brimer, Russell; Held, Anthony, Ph.D., P.E.	3	$148,500.00	$30,500.00	$118,000.00	$0.00
Center for Environmental Health	37	$6,933,300.00	$614,460.00	$2,723,156.00	$3,595,934.00
Consumer Advocacy Group	18	$1,250,500.00	$9,500.00	$1,171,500.00	$44,500.00
Held, Anthony E., Ph.D., P.E.	39	$1,767,150.00	$438,950.00	$1,327,700.00	$0.00
Held, Anthony E., Ph.D., P.E.; John Moore	14	$602,000.00	$140,000.00	$462,000.00	$0.00
Mateel Environmental Justice Foundation	26	$993,000.00	$0.00	$601,000.00	$393,000.00
Moore, John	5	$138,000.00	$11,250.00	$126,750.00	$0.00
Natural Resouces Defense Council, Inc.	1	$120,000.00	$80,000.00	$40,000.00	$0.00
Parker, Maureen	1	$22,000.00	$2,000.00	$20,000.00	$0.00
People of the State of California	7	$73,750.00	$25,160.00	$0.00	$48,590.00
Sowinski, Richard	1	$20,000.00	$0.00	$20,000.00	$0.00
Steinman, David	2	$125,000.00	$0.00	$79,311.00	$45,719.00

Settlements generally include injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings. This injunctive relief often is complex, cannot be presented in summary form, and requires reference to the actual settlement documents to accurately assess. This report should not be used by itself to evaluate Proposition 65 settlements.

Plaintiff	*Number of Settlements*	*Total of Settlements*	*Total Civil Penalty*	*Total Attorney Fees and Costs*	*Total Other Distribution*
Te'o, Jaime	1	$19,000.00	$2,000.00	$17,000.00	$0.00
Wimberley, Evelyn	1	$14,000.00	$0.00	$13,700.00	$300.00
Totals	187	$13,620,981.00	$1,622,679.00	$7,806,539.00	$4,167,543.00

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Cumulative Proposition 65 Settlement Report 2010

Date	*Plaintiff*	*Defendant*	*Injunctive Relief*	*Total Settlement*	*Civil Penalty*	*Attorney Fees Costs*	*Other Distribution*	*Explanantion of Other Distribution*
6/2/2010	As You Sow	Amazon.com, inc.; Amazon Services, LLC; Amazon.com International, Inc.	Stop selling product in California	$6,000.00	$0.00	$6,000.00	$0.00	
8/6/2010	As You Sow	Pet Food Express Ltd.; Vo-Toys Incorporated	Warnings and reformulation	$45,000.00	$3,000.00	$31,500.00	$10,500.00	To As You Sow
8/6/2010	As You Sow	CoopSport International, LP; Petco Animal Supplies; Petstages, Inc.	Warnings and reformulation	$50,000.00	$6,500.00	$19,500.00	$24,000.00	To As You Sow
8/6/2010	As You Sow	Multipet International, Inc.	Warnings and reformulation	$72,481.00	$36,359.00	$31,122.00	$5,000.00	To As You Sow
Total By Year		4		$173,481.00	$45,859.00	$88,122.00	$39,500.00	

Settlements generally include injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings. This injunctive relief often is complex, cannot be presented in a summary form, and requires reference to actual settlement documents to accurately assess. This report should not be used by itself to evaluate Proposition 65 settlements.

Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
1/29/2010	Brimer, Russell	Bangkit(USA), Inc.	Reformulation	$18,000.00	$1,000.00	$17,000.00	$0.00	
2/11/2010	Brimer, Russell	LC3S, Inc.; Brookfields Restaurant	Warnings and reformulation	$18,500.00	$500.00	$18,000.00	$0.00	
3/29/2010	Brimer, Russell	Officemate International Corporation	Reformulation	$88,700.00	$30,000.00	$58,700.00	$0.00	
4/13/2010	Brimer, Russell	A&W Products Co., Inc.	Warnings and reformulation	$55,000.00	$12,500.00	$42,500.00	$0.00	
4/13/2010	Brimer, Russell	Topco Associates, LLC	Warnings and reformulation	$60,500.00	$11,000.00	$49,500.00	$0.00	
4/20/2010	Brimer, Russell	Fantasia Accessories, Ltd.	Reformulation	$13,000.00	$1,000.00	$12,000.00	$0.00	
6/11/2010	Brimer, Russell	Kole Imports	Reformulation	$65,000.00	$20,000.00	$45,000.00	$0.00	
6/15/2010	Brimer, Russell	The Gillette Company	Reformulation	$39,000.00	$4,000.00	$35,000.00	$0.00	
7/8/2010	Brimer, Russell	Travel Caddy, Inc.	Warnings and reformulation	$33,700.00	$5,000.00	$28,700.00	$0.00	
7/15/2010	Brimer, Russell	Alvin and Company	Warnings and reformulation	$29,500.00	$1,000.00	$28,500.00	$0.00	
8/2/2010	Brimer, Russell	Coats & Clark, Inc.	Warnings and reformulation	$20,900.00	$1,000.00	$19,900.00	$0.00	
8/2/2010	Brimer, Russell	Four Season General Mechandise, Inc.	Reformulation	$40,000.00	$2,000.00	$38,000.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
8/2/2010	Brimer, Russell	The Ashley Collection, Inc.	Reformulation	$22,000.00	$2,000.00	$20,000.00	$0.00	
8/16/2010	Brimer, Russell	Central Garden & Pet Company; Matthews Redwood and Nursery Supply Inc.	Reformulation	$21,500.00	$1,000.00	$20,500.00	$0.00	
8/17/2010	Brimer, Russell	Prym Consumer USA, Inc.	Warnings and reformulation	$71,000.00	$17,000.00	$54,000.00	$0.00	
8/18/2010	Brimer, Russell	Daiso California, LLC; Daiso Holding U.S.A., Inc.	Warnings and reformulation	$100,000.00	$20,000.00	$80,000.00	$0.00	
8/23/2010	Brimer, Russell	Tung Yung International (USA), Inc.; Tung Yung International, Ltd.	Reformulation	$150,000.00	$30,000.00	$120,000.00	$0.00	
8/25/2010	Brimer, Russell	Great Neck Saw Mfg., Inc.	Warnings and reformulation	$37,000.00	$9,000.00	$28,000.00	$0.00	
8/27/2010	Brimer, Russell	MEDport, LLC	Warnings and reformulation	$26,000.00	$2,000.00	$24,000.00	$0.00	
8/31/2010	Brimer, Russell	Rite Aid Corporation; Faucet-Queens, Inc.	Warnings and reformulation	$58,500.00	$16,000.00	$42,500.00	$0.00	
10/6/2010	Brimer, Russell	Luster Leaf, Inc.	Reformulation	$26,500.00	$1,000.00	$25,500.00	$0.00	

Settlements generally include injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings. This injunctive relief often is complex, cannot be presented in a summary form, and requires reference to actual settlement documents to accurately assess. This report should not be used by itself to evaluate Proposition 65 settlements.

Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
10/11/2010	Brimer, Russell	Kingsbridge International, Inc.	Warnings and reformulation	$40,500.00	$8,000.00	$32,500.00	$0.00	
10/11/2010	Brimer, Russell	Accessories Marketing, Inc.	Reformulation	$32,000.00	$4,000.00	$28,000.00	$0.00	
10/20/2010	Brimer, Russell	OfficeMax, Inc.; Who's There, Inc.	Reformulation	$57,000.00	$10,000.00	$47,000.00	$0.00	
10/26/2010	Brimer, Russell	Stylemark, Inc. dba Riviera Trading	Reformulation	$20,000.00	$2,000.00	$18,000.00	$0.00	
11/18/2010	Brimer, Russell	Comptree, Inc.	Warnings and reformulation	$37,500.00	$8,000.00	$29,500.00	$0.00	
12/10/2010	Brimer, Russell	Jack Schwartz Shoes, Inc.	Warnings and reformulation	$40,000.00	$4,000.00	$36,000.00	$0.00	
Total By Year		27		$1,221,300.00	$223,000.00	$998,300.00	$0.00	

Settlements generally include injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings. This injunctive relief often is complex, cannot be presented in a summary form, and requires reference to actual settlement documents to accurately assess. This report should not be used by itself to evaluate Proposition 65 settlements.

Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
1/11/2010	Brimer, Russell; Held, Anthony, Ph.D., P.E.	Shims Bargains, Inc.	Reformulation and warnings	$85,000.00	$20,000.00	$65,000.00	$0.00	
4/19/2010	Brimer, Russell; Held, Anthony, Ph.D., P.E.	CPP International LLC, dba Carolina Pad & Paper	Warnings and reformulation	$38,500.00	$8,500.00	$30,000.00	$0.00	
9/16/2010	Brimer, Russell; Held, Anthony, Ph.D., P.E.	Nationwide Trading Corporation	Reformulation and warnings	$25,000.00	$2,000.00	$23,000.00	$0.00	
Total By Year		3		$148,500.00	$30,500.00	$118,000.00	$0.00	

Settlements generally include injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings. This injunctive relief often is complex, cannot be presented in a summary form, and requires reference to actual settlement documents to accurately assess. This report should not be used by itself to evaluate Proposition 65 settlements.

Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
1/21/2010	Center for Environmental Health	Lerner New York, Inc.; The Haddad Apparel Group Ltd.; Tri-Coastal Design Group, Inc.	Reformulation	$105,000.00	$3,000.00	$64,500.00	$37,500.00	Center for Environmental Health
1/21/2010	Center for Environmental Health	H&M Hennes & Mauritz, L.P.	Reformulation	$35,000.00	$1,000.00	$21,500.00	$12,500.00	Center for Environmental Health
3/5/2010	Center for Environmental Health	Dollar Tree Disrtibution, Inc.; Dollar Tree Stores, Inc.; Greenbrier International, Inc.	Reformulation	$45,000.00	$1,000.00	$29,500.00	$14,500.00	To Center for Environmental Health
3/23/2010	Center for Environmental Health	Pro-Stat, Inc.	Reformulation	$15,000.00	$1,000.00	$9,500.00	$4,500.00	To Center for Environmental Health
3/30/2010	Center for Environmental Health	Doskocil Manufacturing Co., Inc.	Reformulation	$30,000.00	$1,000.00	$19,500.00	$9,500.00	Center for Environmental Health
3/30/2010	Center for Environmental Health	Swing Ltd.	Reformulation	$25,000.00	$1,000.00	$16,200.00	$7,800.00	Center for Environmental Health
4/6/2010	Center for Environmental Health	Big Time Products, LLC	Reformulation	$16,000.00	$1,000.00	$10,000.00	$5,000.00	To Center for Environmental Health
4/6/2010	Center for Environmental Health	Shamrock Manufacturing Co., Inc.	Reformulation	$12,500.00	$500.00	$8,500.00	$3,500.00	To Center for Environmental Health
4/7/2010	Center for Environmental Health	San Francisco Baseball Associates, Inc.	Reformulation	$37,500.00	$1,000.00	$24,500.00	$12,000.00	To Center for Environmental Health

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
4/15/2010	Center for Environmental Health	Shaw Industries, Inc.	Reformulation	$85,000.00	$5,000.00	$54,000.00	$26,000.00	To Center for Environmental Health
4/19/2010	Center for Environmental Health	Schurman Fine Papers	Reformulation	$20,000.00	$800.00	$13,000.00	$6,200.00	To Center for Environmental Health
5/6/2010	Center for Environmental Health	DASH Medical Gloves, Inc.	Reformulation	$25,000.00	$500.00	$16,500.00	$8,000.00	To Center for Environmental Health
5/7/2010	Center for Environmental Health	Conair Corporation; Raley's	Reformulation	$90,000.00	$1,000.00	$59,500.00	$29,500.00	To Center for Environmental Health
5/13/2010	Center for Environmental Health	WWR International, LLC	Reformulation	$17,500.00	$500.00	$11,500.00	$5,500.00	To Center for Environmental Health
5/18/2010	Center for Environmental Health	A & W Products Co., Inc.	Reformulation	$30,000.00	$1,000.00	$19,500.00	$9,500.00	To Center for Environmental Health
6/1/2010	Center for Environmental Health	Lulu NYC LLC, et al.	Reformulation	$1,693,500.00	$40,000.00	$1,058,950.00	$594,550.00	To Center for Environmental Health
6/2/2010	Center for Environmental Health	Ammexx Corporation	Reformulation	$20,000.00	$0.00	$13,500.00	$6,500.00	To Center for Environmental Health
6/7/2010	Center for Environmental Health	The Kalencom Corporation	Reformulation	$24,750.00	$1,000.00	$16,000.00	$7,750.00	To Center for Environmental Health
6/7/2010	Center for Environmental Health	GS Roofing Products, Inc.	None	$3,050.00	$0.00	$3,050.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
6/22/2010	Center for Environmental Health	Boss Manufacturing Company	Reformulation	$12,500.00	$500.00	$8,200.00	$3,800.00	To Center for Environmental Health and Fashion Accessory Testing Fund
7/12/2010	Center for Environmental Health	A-List	Reformulation	$35,000.00	$1,000.00	$21,500.00	$12,500.00	Center for Environmental Health
7/12/2010	Center for Environmental Health	Melie Bianco Accessories, Inc.	Reformulation	$35,000.00	$1,000.00	$21,500.00	$12,500.00	To Center for Environmental Health
7/13/2010	Center for Environmental Health	Fantas-Eyes, Inc.	Reformulation	$35,000.00	$1,000.00	$21,500.00	$12,500.00	To Center for Environmental Health
7/14/2010	Center for Environmental Health	LaCrosse Footwear, Inc.	Reformulation	$80,000.00	$1,000.00	$52,800.00	$26,200.00	To Center for Environmental Health
7/16/2010	Center for Environmental Health	MOA International Corporation	Reformulation	$40,000.00	$1,000.00	$26,200.00	$12,800.00	To Center for Environmental Health
7/16/2010	Center for Environmental Health	Peninsula Beauty Supply, Inc.	Reformulation	$30,000.00	$1,000.00	$19,500.00	$9,500.00	To Center for Environmental Health
7/16/2010	Center for Environmental Health	Cousin Corporation of America	Reformulation	$85,000.00	$1,000.00	$56,200.00	$27,800.00	To Center for Environmental Health
7/16/2010	Center for Environmental Health	American Accessories, Inc.	Reformulation	$37,500.00	$1,000.00	$24,500.00	$12,000.00	To Center for Environmental Health

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
9/10/2010	Center for Environmental Health	Procter & Gamble Distributing, LLC; PUR Water Filtration Products, Inc.	Reformulation	$145,000.00	$5,000.00	$95,000.00	$45,000.00	To Center for Environmental Health
10/12/2010	Center for Environmental Health	Claire's Boutiques, Inc.	Reformulation	$50,000.00	$2,000.00	$32,500.00	$15,750.00	Center for Environmental Health
11/3/2010	Center for Environmental Health	Lulu NYC LLC, et al. (opt-ins)	Reformulation	$3,774,000.00	$528,360.00	$715,330.00	$2,530,310.00	Center for Environmental Health
11/3/2010	Center for Environmental Health	Exide Technologies	Installation of backup generator	$90,000.00	$4,500.00	$60,526.00	$24,974.00	To Center for Environmental Health
11/9/2010	Center for Environmental Health	Mapa Sontex, Inc.	Reformulation	$20,000.00	$800.00	$13,000.00	$6,200.00	To Center for Environmental Health
11/17/2010	Center for Environmental Health	Office Depot, Inc.	Reformulation	$55,000.00	$2,000.00	$35,500.00	$17,500.00	To Center for Environmental Health
11/23/2010	Center for Environmental Health	Basic International, Inc. dba Basic Medical	Reformulation	$10,000.00	$500.00	$6,500.00	$3,000.00	To Center for Environmental Health
12/8/2010	Center for Environmental Health	H&M Hennes & Mauritz, L.P.	Reformulation	$9,500.00	$500.00	$6,200.00	$2,800.00	Center for Environmental Health
12/8/2010	Center for Environmental Health	QS Wholesale, Inc.; Quiksilver Americas, Inc.; Quiksilver, Inc.	Reformulation	$60,000.00	$2,000.00	$37,500.00	$20,500.00	Center for Environmental Health
Total By Year		37		$6,933,300.00	$614,460.00	$2,723,156.00	$3,595,934.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
1/4/2010	Consumer Advocacy Group	A.J. Wholesale Distributors, Inc.	Warnings	$50,000.00	$0.00	$50,000.00	$0.00	
1/8/2010	Consumer Advocacy Group	Colomer U.S.A., Inc.	Reformulation	$49,000.00	$0.00	$40,000.00	$9,000.00	To Consumer Advocacy Group
1/28/2010	Consumer Advocacy Group	United Exchange Corporation	Reformulation	$63,500.00	$0.00	$58,500.00	$5,000.00	To Consumer Advocacy Group
2/2/2010	Consumer Advocacy Group	Bell Automotive Products, Inc.	Warnings	$20,000.00	$0.00	$15,000.00	$5,000.00	To Consumer Advocacy Group
2/9/2010	Consumer Advocacy Group	CTT Tools, Inc.	Warnings	$37,500.00	$0.00	$34,000.00	$3,500.00	To Consumer Advocacy Group
2/22/2010	Consumer Advocacy Group	Pacific Industrial Components, Inc.	Warnings	$48,000.00	$0.00	$38,500.00	$9,500.00	To Consumer Advocacy Group
5/21/2010	Consumer Advocacy Group	L'Oreal USA S/D, Inc.	Reformulation	$70,000.00	$0.00	$70,000.00	$0.00	
6/22/2010	Consumer Advocacy Group	Starbucks Corporation	Ban smoking in areas controlled by defendant	$30,000.00	$0.00	$30,000.00	$0.00	
7/2/2010	Consumer Advocacy Group	The Kittrich Corporation	Conspicuous warnings	$26,000.00	$0.00	$26,000.00	$0.00	
8/30/2010	Consumer Advocacy Group	Lil' Drug Store Products, Inc.	Warnings	$47,500.00	$0.00	$45,000.00	$2,500.00	To Consumer Advocacy Group

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9/21/2010	Consumer Advocacy Group	Grow More, Inc.; International Garden Center, Inc.	Warning	$25,000.00	$0.00	$0.00	$0.00	
9/28/2010	Consumer Advocacy Group	Peet's Coffe & Tea, Inc.; Peet's Operating Company	Warnings	$39,000.00	$9,500.00	$29,500.00	$0.00	
10/1/2010	Consumer Advocacy Group	Green Light Company	New precautionary and use instructions	$50,000.00	$0.00	$45,000.00	$5,000.00	To Consumer Advocacy Group
10/5/2010	Consumer Advocacy Group	7-Eleven, Inc.; Circle K Stores, Inc.; Sam's Club; TOSCO Corporation; Wal-Mart Stores, Inc.	Warnings	$480,000.00	$0.00	$480,000.00	$0.00	
10/6/2010	Consumer Advocacy Group	St. Gabriel Organics, Inc.	Warning	$13,000.00	$0.00	$13,000.00	$0.00	
11/3/2010	Consumer Advocacy Group	Navajo Manufacturing Co., Inc.	Warning	$10,000.00	$0.00	$10,000.00	$0.00	
11/15/2010	Consumer Advocacy Group	Rite Aid Corporation	Warnings and signage	$167,000.00	$0.00	$167,000.00	$0.00	
12/21/2010	Consumer Advocacy Group	Sawyer Products, Inc.	Revised cautionary statement	$25,000.00	$0.00	$20,000.00	$5,000.00	To Consumer Advocacy Group
Total By Year		18		$1,250,500.00	$9,500.00	$1,171,500.00	$44,500.00	

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1/4/2010	Held, Anthony E., Ph.D., P.E.	Hot Topic, Inc.	Reformulation and warnings	$81,000.00	$10,000.00	$71,000.00	$0.00	
1/8/2010	Held, Anthony E., Ph.D., P.E.	Tri-Coastal Design Group, Inc.	Reformulation and warnings	$21,000.00	$3,000.00	$18,000.00	$0.00	
1/19/2010	Held, Anthony E., Ph.D., P.E.	Haselson International Trading, Inc.	Reformulation and warnings	$20,000.00	$2,000.00	$18,000.00	$0.00	
1/19/2010	Held, Anthony E., Ph.D., P.E.	Fashion Options, Inc.	Reformulation and warnings	$23,000.00	$3,000.00	$20,000.00	$0.00	
1/19/2010	Held, Anthony E., Ph.D., P.E.	Daron Fashions, Inc.	Reformulation and warnings	$23,000.00	$3,000.00	$20,000.00	$0.00	
2/5/2010	Held, Anthony E., Ph.D., P.E.	HMS Host Corporation; HMS Host USA, Inc.	Reformulation	$34,000.00	$3,000.00	$31,000.00	$0.00	
2/18/2010	Held, Anthony E., Ph.D., P.E.	Fieldston Clothes, Inc.; S. Rothschild & Co.	Reformulation	$38,200.00	$4,000.00	$34,200.00	$0.00	
2/18/2010	Held, Anthony E., Ph.D., P.E.	Accessory Network Group, LLC	Warnings and reformulation	$45,000.00	$8,000.00	$37,000.00	$0.00	
2/18/2010	Held, Anthony E., Ph.D., P.E.	Cutie Pie Baby, Inc.	Reformulation and warnings	$29,500.00	$4,000.00	$25,500.00	$0.00	
2/22/2010	Held, Anthony E., Ph.D., P.E.	The Northwest Company	Reformulation	$17,000.00	$2,000.00	$15,000.00	$0.00	

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2/24/2010	Held, Anthony E., Ph.D., P.E.	Nancy Sales Company, Inc.	Reformulation and warnings	$43,500.00	$10,000.00	$33,500.00	$0.00	
3/5/2010	Held, Anthony E., Ph.D., P.E.	Big Lots Stores, Inc.	Reformulation and warnings	$248,450.00	$86,450.00	$162,000.00	$0.00	
3/5/2010	Held, Anthony E., Ph.D., P.E.	Navajo Manufacturing Company	Warnings	$53,000.00	$20,000.00	$33,000.00	$0.00	
3/10/2010	Held, Anthony E., Ph.D., P.E.	Franco Manufacturing Co., Inc.	Reformulation	$30,000.00	$4,000.00	$26,000.00	$0.00	
3/24/2010	Held, Anthony E., Ph.D., P.E.	California Optical Corporation	Warnings and reformulation	$25,000.00	$2,000.00	$23,000.00	$0.00	
3/29/2010	Held, Anthony E., Ph.D., P.E.	CVS Pharmacy, Inc.	Reformulation	$35,500.00	$4,000.00	$31,000.00	$0.00	
3/30/2010	Held, Anthony E., Ph.D., P.E.	National Pen Company	Reformulation and warnings	$182,500.00	$70,000.00	$112,500.00	$0.00	
3/31/2010	Held, Anthony E., Ph.D., P.E.	Golf Gifts and Gallery	Reformulation	$21,500.00	$1,500.00	$20,000.00	$0.00	
4/1/2010	Held, Anthony E., Ph.D., P.E.	Shalom International, Inc.	Warnings and reformulation	$40,500.00	$5,500.00	$35,000.00	$0.00	
4/2/2010	Held, Anthony E., Ph.D., P.E.	Leap Year Publishing, LLC	Reformulation and warnings	$27,000.00	$5,000.00	$22,000.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
4/12/2010	Held, Anthony E., Ph.D., P.E.	J.J. Paramount International, Inc.	Reformulation	$30,000.00	$2,000.00	$28,000.00	$0.00	
4/29/2010	Held, Anthony E., Ph.D., P.E.	Nakajima USA, Inc.	Reformulation	$45,000.00	$8,000.00	$37,000.00	$0.00	
5/3/2010	Held, Anthony E., Ph.D., P.E.	Accessory Innovations, LLC	Reformulation	$18,000.00	$2,000.00	$16,000.00	$0.00	
6/8/2010	Held, Anthony E., Ph.D., P.E.	Paris Accessories, Inc.	Reformulation	$24,000.00	$4,000.00	$20,000.00	$0.00	
7/8/2010	Held, Anthony E., Ph.D., P.E.	Burlington Coat Factory Warehouse Corporation	Reformulation	$56,000.00	$8,000.00	$48,000.00	$0.00	
7/27/2010	Held, Anthony E., Ph.D., P.E.	Russ Berrie and Co., Inc.	Reformulation and warnings	$35,000.00	$2,000.00	$33,000.00	$0.00	
8/2/2010	Held, Anthony E., Ph.D., P.E.	Target Corporation	Reformulation	$60,000.00	$22,500.00	$37,500.00	$0.00	
8/19/2010	Held, Anthony E., Ph.D., P.E.	Cosrich Group, Inc.; CWC Inventories, Inc.; PMC Global, Inc.	Reformulation and recall	$50,000.00	$6,000.00	$44,000.00	$0.00	
8/20/2010	Held, Anthony E., Ph.D., P.E.	S. Goldberg & Co., dba SG Footwear	Reformulation and warnings	$25,000.00	$6,000.00	$19,000.00	$0.00	
8/27/2010	Held, Anthony E., Ph.D., P.E.	Beverly Fabrics, Inc.	Warnings and reformulation	$37,500.00	$12,000.00	$25,500.00	$0.00	

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10/6/2010	Held, Anthony E., Ph.D., P.E.	Alpargatas USA, Inc.	Warnings and reformulation	$99,000.00	$59,000.00	$40,000.00	$0.00	
10/11/2010	Held, Anthony E., Ph.D., P.E.	Nina Footwear Corporation	Reformulation	$5,000.00	$1,000.00	$4,000.00	$0.00	
10/13/2010	Held, Anthony E., Ph.D., P.E.	K&M International, Inc.	Reformulation	$20,000.00	$2,000.00	$18,000.00	$0.00	
10/18/2010	Held, Anthony E., Ph.D., P.E.	Crown Crafts Infant Products, Inc.	Reformulation	$26,000.00	$3,000.00	$23,000.00	$0.00	
10/20/2010	Held, Anthony E., Ph.D., P.E.	H2O Plus, LLC	Reformulation	$29,000.00	$3,000.00	$26,000.00	$0.00	
11/5/2010	Held, Anthony E., Ph.D., P.E.	Charmant, Inc.	Reformulation	$38,000.00	$5,000.00	$33,000.00	$0.00	
11/18/2010	Held, Anthony E., Ph.D., P.E.	Staples, Inc.	Warnings and reformulation	$25,000.00	$25,000.00		$0.00	Attorney fees to be determined
11/23/2010	Held, Anthony E., Ph.D., P.E.	Advantus Corporation; Innovative Storage Designs, Inc.; Office Depot, Inc.	Reformulation	$70,000.00	$10,000.00	$60,000.00	$0.00	
12/14/2010	Held, Anthony E., Ph.D., P.E.	Zoom Eyeworks, Inc.	Reformulation and recall	$36,000.00	$8,000.00	$28,000.00	$0.00	
Total By Year		39		$1,767,150.00	$438,950.00	$1,327,700.00	$0.00	

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10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Collective Brands, Inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Liz Claiborne, Inc.; Kate Spade	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Limited Brands, Inc.,; Victoria's Secret Stores, LLC; Bath & Body Works, LLC	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Acme Accessories, Inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Trebbianno, LLC	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Steven Madden	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Loungefly, Inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Bueno of California, Inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Fossil, Inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Helen of Troy	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Jones Apparel Group, inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Phillips-Van Heusen Corporation	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Sears Roebuck & Co., Kmart Corporation	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
10/29/2010	Held, Anthony E., Ph.D., P.E.; John Moore	Aldo US, Inc.	Reformulation	$43,000.00	$10,000.00	$33,000.00	$0.00	
Total By Year		14		$602,000.00	$140,000.00	$462,000.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
1/22/2010	Mateel Environmental Justice Foundation	L.D. Kichler Company	Reformulation and warnings	$32,500.00	$0.00	$25,000.00	$7,500.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
1/22/2010	Mateel Environmental Justice Foundation	Modern Marketing Concepts, Inc.	Reformulation and warnings	$35,000.00	$0.00	$20,000.00	$15,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
2/3/2010	Mateel Environmental Justice Foundation	Veyance Technologies, Inc.	Warnings and reformulation	$32,500.00	$0.00	$20,000.00	$12,500.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
3/3/2010	Mateel Environmental Justice Foundation	Coilhose Pneumatics, Inc.	Warnings and reformulation	$25,000.00	$0.00	$20,000.00	$5,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
3/3/2010	Mateel Environmental Justice Foundation	Kohl's Department Stores, Inc.	Reformulation and warnings	$35,000.00	$0.00	$20,000.00	$15,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
4/19/2010	Mateel Environmental Justice Foundation	Maine Ornamental, LLC; Mendocino Forest Products Co., LLC; Universal Forest Products, Inc.	Reformulation and warnings	$40,000.00	$0.00	$22,000.00	$18,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
4/20/2010	Mateel Environmental Justice Foundation	Onward Multi-Corp, onc.	Reformulation	$30,000.00	$0.00	$16,000.00	$14,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
4/28/2010	Mateel Environmental Justice Foundation	CB2; Crate & Barrel; Euromarket Designs, Inc.	Reformulation and warnings	$60,000.00	$0.00	$40,000.00	$20,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
5/25/2010	Mateel Environmental Justice Foundation	Kingman International Corporation	Reformulation and warnings	$35,000.00	$0.00	$20,000.00	$15,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
6/8/2010	Mateel Environmental Justice Foundation	Cooper Tools, Inc.	Reformulation and warnings	$75,000.00	$0.00	$27,500.00	$47,500.00	To Ecological Rights Foundation
6/10/2010	Mateel Environmental Justice Foundation	Reed & Barton Corporation	Reformulation and warnings	$40,000.00	$0.00	$30,000.00	$10,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
7/19/2010	Mateel Environmental Justice Foundation	America Retold, Inc.; Go Home Ltd.; The Neiman Marcus Group, Inc.	Reformulation and warnings	$70,000.00	$0.00	$42,500.00	$27,500.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics

Settlements generally include injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings. This injunctive relief often is complex, cannot be presented in a summary form, and requires reference to actual settlement documents to accurately assess. This report should not be used by itself to evaluate Proposition 65 settlements.

Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
7/27/2010	Mateel Environmental Justice Foundation	Carquest Products, Inc.; Golden State Supply, LLC	Reformulation and warnings	$30,000.00	$0.00	$20,000.00	$10,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
8/23/2010	Mateel Environmental Justice Foundation	MI-T-M Corporation	Warnings and reformulation	$25,000.00	$0.00	$15,000.00	$10,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
8/23/2010	Mateel Environmental Justice Foundation	Rockler Companies, Inc.	Reformulation and warnings	$35,000.00	$0.00	$20,000.00	$15,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
8/26/2010	Mateel Environmental Justice Foundation	The Coleman Company, Inc.	Warnings and reformulation	$32,000.00	$0.00	$20,000.00	$12,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
8/26/2010	Mateel Environmental Justice Foundation	Swanson Tool Company	Reformulation and warnings	$35,000.00	$0.00	$20,000.00	$15,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
9/7/2010	Mateel Environmental Justice Foundation	Schrader Bridgeport International, Inc.	Warnings and reformulation	$66,000.00	$0.00	$38,000.00	$28,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
10/1/2010	Mateel Environmental Justice Foundation	Parker-Hannifin Corporation	Warnings and reformulation	$30,000.00	$0.00	$20,000.00	$10,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
10/22/2010	Mateel Environmental Justice Foundation	Jore Corporation; Lowe's HIW, Inc.; Plastair; Shining Golden Yida Welding and Cutting Mfg. Ltd.	Warnings and reformulation	$40,000.00	$0.00	$20,000.00	$20,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
11/5/2010	Mateel Environmental Justice Foundation	Glenoit LLC; Keeney Manufacturing Company	Warnings and reformulation	$50,000.00	$0.00	$34,000.00	$16,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
11/5/2010	Mateel Environmental Justice Foundation	Croscill, Inc.	Warnings and reformulation	$25,000.00	$0.00	$17,000.00	$9,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
12/7/2010	Mateel Environmental Justice Foundation	Johnson-Rose Corporation; Johnson Level & Tool Mfg. Co., Inc.	Warnings and reformulation	$35,000.00	$0.00	$20,000.00	$15,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
12/14/2010	Mateel Environmental Justice Foundation	Prime Source Building Products, Inc.	Warnings and reformulation	$25,000.00	$0.00	$17,000.00	$8,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
12/16/2010	Mateel Environmental Justice Foundation	Standard Sales, Inc.	Warnings and reformulation	$25,000.00	$0.00	$17,000.00	$8,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
12/16/2010	Mateel Environmental Justice Foundation	Akerue Industries, LLC; Brunton Company	Warnings and reformulation	$30,000.00	$0.00	$20,000.00	$10,000.00	To Ecological Rights Foundation and Californians for Alternatives to Toxics
Total By Year		26		$993,000.00	$0.00	$601,000.00	$393,000.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
9/1/2010	Moore, John	International Greetings USA	Reformulation	$33,000.00	$2,250.00	$30,750.00	$0.00	
10/25/2010	Moore, John	The Zondervan Corporation, LLC	Reformulation and recall	$29,000.00	$2,000.00	$27,000.00	$0.00	
10/26/2010	Moore, John	Publications International, Ltd.	Reformulation	$29,500.00	$2,500.00	$27,000.00	$0.00	
12/15/2010	Moore, John	Browntrout Publishers, Inc.	Reformulation and recall	$29,000.00	$2,000.00	$27,000.00	$0.00	
12/30/2010	Moore, John	Remington Industries, Inc.	Warnings and reformulation	$17,500.00	$2,500.00	$15,000.00	$0.00	
Total By Year		5		$138,000.00	$11,250.00	$126,750.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
12/10/2010	Natural Resouces Defense Council, Inc.	Central Garden & Pet Company, et al	Warnings and recall	$120,000.00	$80,000.00	$40,000.00	$0.00	
Total By Year		1		$120,000.00	$80,000.00	$40,000.00	$0.00	
10/12/2010	Parker, Maureen	National Express	Warnings and reformulation	$22,000.00	$2,000.00	$20,000.00	$0.00	
Total By Year		1		$22,000.00	$2,000.00	$20,000.00	$0.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
4/23/2010	People of the State of California	Olympian Labs, Inc.	Reformulation and warnings	$3,450.00	$1,150.00	$0.00	$2,300.00	For 17206 violations and the Attorney General's Safe Drinking Water and Toxic Enforcement Fund
5/14/2010	People of the State of California	Dynamic Health, Inc.	Reformulation and warnings	$0.00	$0.00	$0.00	$0.00	
6/16/2010	People of the State of California	Nutri-West, Inc.	Dismissed	$0.00	$0.00	$0.00	$0.00	
7/30/2010	People of the State of California	Daily Wellness Company	Reformulation and warnings	$3,800.00	$1,267.00	$0.00	$2,533.00	For 17206 violation to District Attorney plaintiffs and Attorney General's Safe Drinking Water & Toxic Enforcement Fund
11/5/2010	People of the State of California	Kirkman Group	Reformulation and warnings	$0.00	$0.00	$0.00	$0.00	
11/5/2010	People of the State of California	Fairhaven Health, LLC	Reformulation and warnings	$1,500.00	$513.00	$0.00	$987.00	To the District Attorney plaintiffs for 17203 and 17206 violations and the Attorney General's Safe Drinking Water and Toxic Enforcement Fund

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
11/5/2010	People of the State of California	24 Hour Fitness U.S.A., Inc.; Apex Fitness Group	Warnings	$65,000.00	$22,230.00	$0.00	$42,770.00	To reimburse the Craig Thompson Environmental Protection Prosecution Fund for their grant, to the District Attorney plaintiffs for 17203 and 17206 penalties, and to the Attorney General's Safe Drinking Water and Toxic Enforcement Fund
Total By Year		7		$73,750.00	$25,160.00	$0.00	$48,590.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
9/27/2010	Sowinski, Richard	Hewlett-Packard	Compliance	$20,000.00	$0.00	$20,000.00	$0.00	
Total By Year		1		$20,000.00	$0.00	$20,000.00	$0.00	
7/16/2010	Steinman, David	The Dial Corporation	Warnings	$25,000.00	$0.00	$25,000.00	$0.00	
7/30/2010	Steinman, David	Procter & Gamble Distributing LLC	Reformulation	$100,000.00		$54,311.00	$45,719.00	To Freedom Press
Total By Year		2		$125,000.00	$0.00	$79,311.00	$45,719.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
2/19/2010	Te'o, Jaime	CLT Computers, Inc.	Warnings and reformulation	$19,000.00	$2,000.00	$17,000.00	$0.00	
Total By Year		1		$19,000.00	$2,000.00	$17,000.00	$0.00	
9/21/2010	Wimberley, Evelyn	Target Corporation	Warnings	$14,000.00	$0.00	$13,700.00	$300.00	Susan G. Komen Foundation
Total By Year		1		$14,000.00	$0.00	$13,700.00	$300.00	

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Date	Plaintiff	Defendant	Injunctive Relief	Total Settlement	Civil Penalty	Attorney Fees Costs	Other Distribution	Explanantion of Other Distribution
Grand Total		187		$13,620,981.00	$1,622,679.00	$7,806,539.00	$4,167,543.00	

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Prop 65 Resources

Law Firms Defendant Bar

When faced with a Prop 65 lawsuit, it is important to seek qualified legal counsel. These law firms have extensive experience defending Prop 65 lawsuits. This list includes laws firms that were recommended in a survey of dietary supplement companies.

Please note that some of the listed law firms have multiple office locations. The contact information provided is for their office in California.

Alston & Bird (formerly Weston and Benshoot)
333 South Hope Street
16th Floor
Los Angeles, CA 90071-3004
T: 213-576-1000
F: 213-576-1100
Recommended Attorney: Kurt Weismueller (E: kurt.weissmuller@alston.com,
T: 213-576-1003)

Arnold & Porter
Three Embarcadero Center
7th Floor
San Francisco, CA 94111-4024
T: 415-434-1600
F: 415-677-6262

Barg Coffin Lewis & Trapp, LLP
350 California Street
22nd Floor
San Francisco, CA 94104-1435
T: 415-228-5400
F: 415-228-5450

Bingham McCutchen
Three Embarcadero Center
San Francisco, CA
94111-4067
T: 415-393-2000
F: 415-393-2286

Castellón & Funderburk, LLP
3200 Danville Boulevard, Suite 100
Alamo, California 94507
T: 925-837-1199

Greenberg Traurig (formerly Livingston & Mattesich)
153 Townsend Street
8th Floor
San Francisco, CA 94107
T: 415-655-1300
F: 415-707-2010

Hunton & Williams, LLP
550 South Hope Street, Suite 2000
Los Angeles, CA 90071
T: 213-532-2000
F: 213-532-2020

McKenna Long & Aldridge
101 California Street
Floor 41
San Francisco, CA 94111-5886
T: 415-267-4000
F: 415-267-4198

Mennemeier, Glassman & Stroud, LLP
980 9th Street, Suite 1700
Sacramento, CA 95814
T: 916-553-4000
F: 916-553-4011
Recommended attorney: Peg Toledo (toledo@mgslaw.com, T: 916-551-2592)

Morrison & Foerster
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013-1024
T: 213-892-5200
F: 213-892-5454

Ropers Majeski Kohn & Bentley
201 Spear Street
Suite 1000
San Francisco, CA 94105
T: 415-543-4800
F: 415-972-6301

Sidley Austin, LLP
555 West Fifth Street
Los Angeles, California 90013
T: 213-896-6000
F: 213.896.6600
Recommended attorneys: Judith Praitis (E: jpraitis@sidley.com, T: 213-896-6637) and Amy Lally (E: alally@sidley.com, T: 213-896-6642)

Stoel Rives, LLP
555 Montgomery Street, Suite 1288
San Francisco, CA 94111
T: 415-617-8900
F: 415-617-8907

Prop 65 Testing Laboratories

It is important to work with a laboratory that is familiar with Prop 65 in order to provide competent advice regarding whether it is necessary to provide a Prop 65 warning or not.

Chemical Solutions
273 Mulberry Drive, Suite 9
Mechanicsburg, PA 17050
T: 717-697-7536
F: 717-697-4800

Intertek Consumer Goods North America
1529
50 California Street Center
San Francisco, CA 94111
T: 415-439-5322

West Coast Analytical Services
9240 Santa Fe Springs Road
Santa Fe Springs, CA 90670
T: 562-948-2225
F: 562-948-5850