

## PROPOSITION 65



Husch Blackwell has helped clients nationwide to navigate the complexities of California's Safe Drinking Water and Toxic Enforcement Act, better known as California Proposition 65 or "Prop 65," since its passage in 1986. We advise all participants in the supply chain – including product manufacturers, packagers, importers, suppliers, distributors, and retailers – regarding the law's requirements, assessing risks, coordinating preventative audits, advising on reformulation, implementing warning label programs, and addressing supply chain and customer concerns for our clients. We also routinely represent clients that have received Prop 65 60-day notices of violation, defending and seeking dismissals, negotiating settlements, and working to obtain California court approvals of consent judgments.

Prop 65 is a highly technical law subject to regular amendments and ever-changing guidance. The Husch Blackwell Prop 65 team has the experience and knowledge to help clients determine whether and how Prop 65 requirements apply to their products and operations. Our team can also advise on compliance program development and implementation.

### Representative Experience

Achieved withdrawal of Prop 65 notice of violation targeting manufacturer allegedly producing consumer products containing significant lead levels.

### Contact Information

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Collaborated with national agriculture associations and nationwide legal team to win preliminary injunction preventing California Attorney General from requiring a Prop 65 cancer warning on products containing glyphosate.

Assisted in the development of client testing program for monitoring and determining compliance for foods, dietary supplements, and various consumer products for brand owners, U.S. distributors and manufacturers.

Assisted food industry trade association in evaluating and determining presence and volatility of furfuryl alcohol in food products.

Actively monitor scientific literature for food manufacturers on newly developed evidence of presence of listed chemicals.

Developed Proposition 65 testing and labeling compliance program for consumer products companies including water filters, coffee mugs, and fishing gear.

Drafted comments objecting to scientific and legal basis for proposed listing of styrene and other chemicals on Proposition 65 list.

Advised product manufacturer on structuring a raw material supplier notification program to monitor the presence of trace Proposition 65 chemicals in raw materials.

Advised product distributor on Proposition 65 warnings provided through website ordering platform.

Successfully defended whole wheat cracker manufacturer following receipt of Proposition 65 notice, resulting in withdrawal of notice.

Defended personal care product manufacturer case that resulted in litigation following Proposition 65 notice due to presence of benzophenone.

Obtained reasonable settlement that included a reformulation schedule for food manufacturer to reduce presence of lead and cadmium in dietary supplement.