

**Title 27, California Code of Regulations**  
**ARTICLE 6. Clear and Reasonable Warnings**

**PRE-REGULATORY DRAFT- FOR DISCUSSION  
PURPOSES ONLY**

**March 7, 2014**

**PLEASE NOTE: This is a pre-regulatory proposal. The potential regulation may change substantially prior to the eventual initiation of a formal regulatory proceeding. If OEHHA decides to formally propose changes to Section 25601, additional opportunities for public input will be provided during the formal process.**

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## § 25601 Clear and Reasonable Warnings

- (a) In order for a warning to be considered “clear and reasonable” for purposes of Health and Safety Code section 25249.6, the warning must, at a minimum, comply with all applicable requirements of this Article.
- (b) Where a product-specific, area-specific, or chemical-specific warning method or message has not been adopted by the Lead Agency, any interested party may request that one be adopted pursuant to Government Code section 11340.6 et seq. (petition for rulemaking), or request guidance from the Lead Agency pursuant to Title 27 Cal. Code of Regs., section 25203 (Interpretive guideline) or 25204 (Safe Use Determination).
- (c) This article governs the content of and methods for warning when one is required. Health and Safety Code sections 25249.6 and 25249.10 specify when a warning is required for a given exposure; and Articles 5, 7 and 8 of Title 27 provide guidance concerning how to calculate whether an exposure is exempt as described in Health and Safety Code section 25249.10 (c).

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6 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 will occur that requires a warning.
- (b) “Consumer products exposure” is an exposure requiring a warning, that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, including food, or any exposure that results from receiving a consumer service..
- (c) “Environmental exposure” is an exposure requiring a warning, that may foreseeably occur as the result of contact with an environmental medium, including, but not limited to, air, water, soil, vegetation, manmade or natural substances, either through inhalation, ingestion, skin contact or any other route of exposure. Environmental exposures include all exposures requiring a warning that are not consumer products exposures, or occupational exposures.
- (d) “Label” or “Labeling” means any written, printed or graphic matter affixed to or accompanying a product or its container or wrapper.
- (e) “Occupational exposure” means an exposure requiring a warning, to any employee in his or her workplace, or that occurs in the course of performing his or her work-related duties.
- (f) “Retail seller” means a person or business that sells consumer products, including foods, directly to consumers by any means, including via the internet. For purposes of this article, a retail seller includes those functions of a business involved in the sale of products, including foods, directly to consumers, even if the business or facility is primarily devoted to non-retail activities.
- (g) “Sign” means a presentation of written, printed and graphic matter in the combination

required by this Article.

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

### **§ 25603 Court Approved Settlements**

(a) Parties to court-approved settlements prescribing warning content and methods entered prior to January 1, 2015 are not subject to this Article.

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

### **§ 25604 Lead Agency Website**

(a) A person in the course of doing business, or his or her authorized agent, must provide the Lead Agency with the following information in the form or manner specified by the Lead Agency, for any listed chemical for which it provides a warning pursuant to Health and Safety Code section 25249.6, within 30 days after it provides the warning.

- (1) The name and contact information for the person providing the warning.
- (2) The name and contact information for the manufacturer of any product the warning is intended to cover.
- (3) The specific products or category of products the warning is intended to cover, including barcodes, if any.
- (4) The type of occupational exposure to a listed chemical the warning is intended to cover, if any.
- (5) The type of environmental exposures the warning is intended to cover, if any, and the affected area.
- (6) The name of the chemical or chemicals for which the warning is being provided.
- (7) Whether the warning is being provided for cancer, or birth defects or other reproductive harm, or both.
- (8) The anticipated route, routes, or pathways of exposure to the listed chemical for which the warning is being provided.
- (9) Reasonably available information concerning the anticipated level of human exposure to the listed chemical, if known.
- (10) Information concerning actions a person can take to minimize or eliminate exposure to the listed chemical, if any.
- (11) Whether the warning is being provided in any language other than English and a copy of the translated warning, if any.

(b) A person doing business that provides in the warning all the required information in

subsections 1 through 10 is not required to provide the information listed in subsections 1 through 11 to the Lead Agency, but is encouraged to do so.

- (c) Updates to the information submitted under subsection (a) must be provided within 30 days after the person providing a warning becomes aware that an exposure to an additional chemical or chemicals for the same product, occupational or environmental exposure requires a warning, or if any other updates to information required by subsections 1 to 11 are needed.
- (d) The Lead Agency shall develop and maintain a website to collect and provide information to the public concerning exposures to listed chemicals for which warnings are being provided pursuant to Health and Safety Code section 25249.6. In carrying out this provision the Lead Agency shall:
  - (1) Develop an interactive web-based portal to collect and display the information required by subsection (a).
  - (2) Review the information provided to the Lead Agency pursuant to subsection (a), to assure minimum standards of quality and accuracy.
  - (3) Provide general information to the public concerning listed chemicals, common routes or pathways of exposure and strategies for reducing or avoiding exposure to those chemicals where possible, including but not limited to exposures from listed chemicals, through:
    - (A) Ingesting foods
    - (B) Contact with or use of consumer products or dental services
    - (C) Common environmental scenarios
    - (D) Occupational activities
  - (4) Provide links to other entities including, but not limited to the following: the federal Food and Drug Administration, the federal National Toxicology Program, the Surgeon General, the National Institute of Occupational Safety and Health, the National Academy of Sciences, and the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the National Institute of Health, as appropriate, to assist individuals who wish to obtain additional information about listed chemicals, nutritional benefits, health concerns or related issues.

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

### **§ 25605 Chemicals, Substances or Mixtures that must be Disclosed in Warnings**

- (a) Where a warning is being provided pursuant to Health and Safety Code section 25249.6 for any of the following listed chemicals, substances or mixtures, the name of the chemical, substance or mixture shall be specified in the warning:
  - (1) Acrylamide

- (2) Arsenic
- (3) Benzene
- (4) Cadmium
- (5) Chlorinated Tris
- (6) 1,4-Dioxane
- (7) Formaldehyde
- (8) Lead
- (9) Mercury
- (10) Phthalates
- (11) Tobacco smoke
- (12) Toluene

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

#### **§ 25606 Consumer Product and Food Warnings**

- (a) In most cases, providing clear and reasonable warnings for consumer products, including foods, is the primary responsibility of the product manufacturer, producer, distributor or packager. The retail seller is required to cooperate with the manufacturer, producer, distributor or packager of the product to ensure that the warning is provided to the consumer prior to exposure.
- (b) Except in the case where a retail seller is selling a product under its own in-house label, any consequences for failure to comply with this article shall be the primary responsibility of the manufacturer, producer, distributor or packager of the consumer product, provided that the retail seller makes reasonable efforts to post, maintain, or periodically replace the warnings provided. The placement and maintenance of warnings other than warnings provided on product labels shall be the primary responsibility of the retail seller. The retail seller shall disclose the name and contact information for the manufacturer, producer, distributor or packager of the consumer product to the Lead Agency, the Attorney General and any member of the public upon request.
- (c) Where on- or off-product labeling or other information concerning a consumer product, including food, is provided in a language or languages other than English, the warnings required by Health and Safety Code section 25249.6 shall also be provided in those languages in the same manner that the on or off product labeling or other information is provided.

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

## § 25607 Opportunity to Cure

- (a) A retail seller with fewer than 25 employees shall have a limited opportunity to cure a minor violation of this Article such as the short-term absence of a sign or other warning materials that had been previously provided, inadvertent obstruction of a warning label or sign, or the interruption of an electronic device due to software problems or internet connectivity issues. The opportunity to cure only exists where the retail seller was previously in compliance with the requirements of this Article and the violation is:
- (1) Not the result of intentional neglect or disregard for the requirements of this Article, and
  - (2) Not avoidable using normal and customary quality control or maintenance, and
  - (3) Corrected within 24 hours of discovery or notification, or within 14 days where software or equipment must be repaired or replaced, and
  - (4) Not recurrent.
- (b) Except as provided in subsection (c) a retail seller that cures a minor violation in compliance with this section shall not be liable for the violation under Health and Safety Code section 25249.6.
- (c) Nothing in this section shall prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action pursuant to Health and Safety Code section 25249.6.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.7(k), Health and Safety Code.

**NOTE: The following provisions of the proposed regulations are organized by type of exposure (e.g. consumer product, occupational, environmental) and within those three areas, by the permissible methods for transmitting the warnings and the required minimum content for the warnings. The methods and content provisions necessarily rely on each other and should be considered together.**

### § 25607.1 Consumer Products Exposure Warnings – Methods of Transmission for Consumer Products Other than Foods, Prescription Drugs, Medical Devices and Dental Care

- (a) For consumer products other than food, the warning required under Health and Safety Code section 25249.6 shall comply with content requirements contained in Section 25607.2 and shall be provided using one or more of the following methods singly or in combination.
- (1) The warning message is on a product's labeling that is provided directly to the purchaser of the consumer product using the format, content and size specified in subsection 25607.2 (b).

- (2) For internet purchases, the warning message is provided on the internet prior to the time the consumer completes its purchase of the product.
  - (3) For catalog purchases, the warning message is provided in the catalog in a manner that clearly associates it with the item being purchased.
  - (4) A product-specific warning is provided on the shelf-tag or on a shelf sign for the product at each point of display of the product. The entire warning message must be in a print font no smaller than the largest type size used for other information on shelf-tag or signs used for advertising purposes for the same or similar products.
  - (5) A product-specific warning is provided via any electronic device or process that automatically provides the warning to the consumer while the consumer is making a purchase, without requiring the consumer to seek out the warning.
- (b) In all cases the warning must be legibly and conspicuously printed and must be provided in a manner likely to be seen by the consumer under all lighting conditions normally encountered during business hours.
  - (c) Supplemental information such as a pamphlet or other method for the consumer to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

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

## § 25607.2 Consumer Products Exposure Warnings for Consumer Products Other than Foods, Prescription Drugs, Medical Devices and Dental Care – Content

- (a) For consumer products other than foods, prescription drugs, prescription medical devices or dental services, the warning message shall be provided using one or more of the methods described in Section 25607.1 and, at a minimum, shall include all the following elements:
  - (1) The international health hazard symbol  .
  - (2) The word “**WARNING**” in all capital letters and bold print.
    - (A) For exposures to listed carcinogens, the words “This product will expose you to a chemical [or chemicals] known to the State of California to cause cancer. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
    - (B) For exposures to reproductive toxins, the words “This product will expose you to a chemical [or chemicals] known to the State of California to cause birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”

- (C) For exposures to listed carcinogens and reproductive toxins, the words “This product will expose you to a chemical [or chemicals] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (3) The name of the chemical or chemicals if listed in section 25605.
- (4) Where the Lead Agency has adopted a chemical, product or location-specific warning in subsection 25601(b) that covers the exposure in question, the business may use that warning.
- (b) Except where prohibited by federal law, on-product warning labels may be provided as specified below. The text of the message shall be enclosed in a box and shall include the name of the chemical or chemicals listed in section 25605 where a warning is required for such exposure.
- (1) For products that cause exposure to a listed carcinogen:
- (A) The international health hazard symbol  .
- (B) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
- (C) The words “Cancer Hazard” in no smaller than 8 point type.
- (D) The phrase “Will expose you to [chemical name]” where such chemical name is required to be listed under section 25605.
- (E) The Uniform Resource Locator: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
- (2) For products that cause exposures to a listed reproductive toxicant:
- (A) The international health hazard symbol  .
- (B) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
- (C) The words “Reproductive Hazard” in no smaller than 8 point type.
- (D) The phrase “Will expose you to [chemical name]” where such chemical name is required to be listed under section 25605.
- (E) The Uniform Resource Locator: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
- (3) For products that cause exposures to both a listed carcinogen and a reproductive toxicant:
- (A) The international health hazard symbol  .
- (B) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
- (C) The words “Cancer and Reproductive Hazard” in no smaller than 8 point type.

- (D) The phrase “Will expose you to [chemical name]” where such chemical name is required to be listed under section 25605.
- (E) The Uniform Resource Locator: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

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

### § 25607.3 Food Exposure Warnings – Methods of Transmission for Food Products

- (a) For food products the warning message shall include the minimum content specified in Section 25607.4 and shall be provided using one or more of the following methods, singly or in combination.
  - (1) The warning message is on a product’s labeling that is provided directly to the purchaser of the consumer product in the format, content and size specified in subsection 25607.4 (b).
  - (2) For internet purchases, the warning message is provided on the internet prior to the time the consumer completes its purchase of the product.
  - (3) For catalog purchases, the warning message is provided in the catalog in a manner that clearly associates it with the item being purchased.
  - (4) A product-specific warning is provided on the shelf-tag or on a shelf sign for the product at each point of display of the product. The entire warning message must be in a print font no smaller than the largest type size used for other information on shelf-tags or signs used for advertising purposes for the same or similar products.
  - (5) A product-specific warning is provided via any electronic device or process that automatically provides the warning to the consumer while the consumer is making a purchase, without requiring the consumer to seek out the warning.
- (c) Supplemental information such as a pamphlet or other method for the consumer to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

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

### § 25607.4 Food Exposure Warnings – Content

- (a) The warning message for food products shall be provided via one or more of the methods specified in 25607.3 and, except where warnings provided directly on the product’s labeling, shall include, at a minimum, all the following elements:
  - (1) The word “**WARNING**” in all capital letters and bold print.

- (2) For products that cause exposure to a listed carcinogen, the words “Consuming this product will expose you to a chemical known to the State of California to cause cancer. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
  - (3) For exposures to listed reproductive toxicants, the words “Consuming this product will expose you to a chemical known to the State of California to cause birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
  - (4) For exposures to chemicals listed as carcinogens and reproductive toxicants, the words “Consuming this product will expose you to a chemical [or chemicals] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
  - (5) The name of the chemical or chemicals if listed in section 25605.
- (b) Except where prohibited by federal law on-product food label warnings may be provided as specified below. The text of the message shall be enclosed in a box and shall include the name of the chemical or chemicals listed in section 25605 where a warning is required for such exposure.
- (1) For products that cause exposure to a listed carcinogen:
    - (A) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
    - (B) The words “Cancer Hazard” in no smaller than 8 point type.
    - (C) The phrase “Will expose you to [chemical name]” where such chemical name is required to be listed under section 25605.
    - (D) The Uniform Resource Locator: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
  - (2) For products that cause exposures to a listed reproductive toxicant:
    - (A) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
    - (B) The words “Reproductive Hazard” in no smaller than 8 point type.
    - (C) The phrase “Will expose you to [chemical name]” where such chemical name is required to be listed under section 25605.
    - (D) The Uniform Resource Locator: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
  - (3) For products that cause exposures to both a listed carcinogen and a reproductive toxicant:
    - (A) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
    - (B) The words “Cancer and Reproductive Hazard” in no smaller than 8 point type.
    - (C) The phrase “Will expose you to [chemical name]” where such

chemical name is required to be listed under section 25605.

(D) The Uniform Resource Locator: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

- (c) Supplemental information may be provided in the warning in addition to the basic elements required in subsection (a), including, but not limited to the following:
- (1) The manner in which the chemical is formed, occurs in or is added to the food.
  - (2) Information concerning other sources of exposure to the listed chemical.
  - (3) The primary population of concern, such as children or pregnant women.
  - (4) References to governmental information such as advice from the federal Food and Drug Administration.
  - (5) In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.
- (d) Where the Lead Agency has adopted a chemical, product or location-specific warning as provided in Section 25607 that address the exposure in question, the business may use that warning.

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

#### **§ 25607.5 Warnings for Prescription Drugs and Prescription Medical Devices**

- (a) For prescription drugs and prescription medical devices that require a warning pursuant to Health and Safety Code section 25249.6, the labeling approved or otherwise provided under federal law and the prescriber's accepted practice of obtaining a patient's informed consent must include information concerning cancer or birth defects or other reproductive harm from exposure to the listed chemical in order to satisfy the requirements of this Article and Health and Safety Code section 25249.6.
- (b) Except where prohibited by federal law, if the labeling approved or otherwise provided on the label or package insert for the prescription drug or prescription medical device does not include information concerning cancer, birth defects or other reproductive harm from exposure to the listed chemical, the drug or medical device manufacturer or provider shall treat the drug or medical device in the same manner as a consumer product as specified in Sections 25607.1 and Section 25607.2.
- (c) For exposures resulting from emergency or urgent medical or dental care as defined in Section 25102(g):
- (1) The procedure must be undertaken on a person legally incapable of giving consent, 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 and there is insufficient time to obtain the informed consent of a person authorized to give such consent for the patient.

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

### § 25607.6 Dental Care Warnings – Methods of Transmission

- (a) A warning for exposure to a listed chemical during receipt of dental care must be provided via one or both of the following methods.
  - (1) A sign posted at all points of entry to the professional office or in each location within the office where an exposure is reasonably likely to occur. The notice or sign shall be no smaller than 5 by 5 inches. The warning message must be in a legible print size no smaller than 20-point type. All signs or notices shall be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.
  - (2) A warning provided with or in an informed consent form signed by the patient prior to exposure.

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

### § 25607.7 Dental Care Warnings – Content

- (a) Warnings for exposures to listed chemicals that occur during the delivery of dental care services must, at a minimum, contain all the following elements:
  - (1) The word “**WARNING**” in all capital letters and bold print.
  - (2) The words “Certain dental procedures provided in this office will expose you to nitrous oxide or mercury, chemicals known to the State of California to cause birth defects or other reproductive harm. For more information ask your dental service provider or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (b) If the dental office does not expose any individual to either nitrous oxide or mercury, the names of those chemicals need not be included in the text of the warning, however identified in Section 25605 must be named in the warning.
- (c) Supplemental information such as a pamphlet or other method for the individual to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning method described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

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

## § 25607.8 Alcoholic Beverage Warnings – Methods of Transmission

- (a) All signs or notices shall be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.
- (b) Warnings for alcoholic beverages required under Health and Safety Code section 25249.6 shall contain the minimum elements specified in Section 25607.9 and be provided using one or more of the following methods singly or in combination:
  - (1) At least one 8½-by-11 inch sign, placed so that it is readable and conspicuous to patrons as they enter each public entrance to the establishment or as they enter each area where, by permit or license, alcoholic beverages are served. The sign shall be posted so that it is readable and conspicuous to patrons as they enter the area or areas where, by permit or license, alcoholic beverages are served.
  - (2) At least one notice or sign no smaller than 5 by 5 inches placed at each point-of-sale so as to assure that it is readable and conspicuous. The warning message must be in a legible print size no smaller than 20-point type.
  - (3) For alcoholic beverages provided for consumption on the premises served by food or beverage persons, or sold through an over the counter service, a warning message shall be on the menu or list identifying the alcoholic beverages served on the premises. If there is no menu or list identifying the alcoholic beverages served on the premises, then the warning message shall be placed on the menu or list identifying the food or other beverages sold on the premises. Any warning provided under this section shall be of a type size and design such that it shall be readable and conspicuous to patrons prior to their consumption of alcoholic beverages.
  - (4) For alcoholic beverages sold or distributed to consumers within California through package delivery services, a warning provided by incorporating or placing the warning message on or in the shipping container or delivery package in such a manner so that the warning message is readable and conspicuous to the recipient prior to consumption of the alcoholic beverages.

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

## § 25607.9 Alcoholic Beverage Warnings – Content

- (a) Warnings for alcoholic beverages, including, without limitation, beer, malt beverages, wine and distilled spirits, the warning message shall include all the following elements:
  - (1) The word “**WARNING**” in all capital letters and bold print.
  - (2) The words “Drinking alcohol increases cancer risk and can cause birth defects. According to the Surgeon General, pregnant women should not drink alcohol. Alcoholic beverages include liquor, beer, coolers, wine, and other beverages containing alcohol. For more information go to [www.surgeongeneral.gov](http://www.surgeongeneral.gov) or [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”

- (b) Supplemental information such as a pamphlet or other method for the individual to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

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

### **§ 25607.10 Restaurant Warnings, not Including Alcoholic Beverage Warnings – Methods of Transmission**

- (a) Warnings required under Health and Safety Code section 25249.6, at restaurants or other facilities that sell food or beverages primarily for on-site consumption, not including alcoholic beverage warnings, shall contain the minimum elements specified in Section 25607.11 and be provided using one or more of the following methods singly or in combination. All signs or notices shall be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.
- (1) A 8½-by-11 inch sign, placed so that it is readable and conspicuous to customers as they enter each public entrance to the restaurant or facility.
  - (2) A notice or sign no smaller than 5 by 5 inches placed at each point-of-sale so as to assure that it is readable and conspicuous. The warning message must be in a legible print size no smaller than 20-point type.
- (b) In addition to the signage described in subsection (a), the restaurant shall make available to all customers a pamphlet or other materials containing, at a minimum, the information required by subsection 25607.11(b).

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

### **§ 25607.11 Restaurant Warnings not Including Alcoholic Beverage Warnings – Content**

- (a) For restaurants and other facilities that sell foods and beverages primarily for on-site consumption, the warning message shall include all the following elements:
- (1) The word “**WARNING**” in all capital letters and bold print.
  - (2) The words “Certain foods and beverages sold or served here will expose you to chemicals known to the State of California to cause cancer, birth defects or other reproductive harm. Please refer to the pamphlet or other materials provided here for more specific information or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (b) The pamphlet required by this subsection shall include general information on all known exposures to listed chemicals that may occur at the facility, the route or routes of

exposure, the name or names of the listed chemicals for which warnings are being provided, whether the chemical causes cancer or reproductive toxicity or both, and ways to avoid or minimize exposure, if any. The pamphlet or other materials shall not dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

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

### **§ 25607.12 Occupational Exposure Warnings – Methods of Transmission**

- (a) Warnings for occupational exposure required under Health and Safety Code section 25249.6 shall contain the minimum elements specified in Section 25607.13 and be provided by using one or more of the following 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 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), or the California Hazard Communication Standard (Cal. Code Regs., title 8, section 5194), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code Regs., title 3, section 6700 et seq.) authorized in Food and Agriculture Code section 12981.
- (b) Except where prohibited by federal law, if the information, training or labeling requirements of the federal Hazard Communication Standard (29 CFR section 1910.1200), or the California Hazard Communication Standard (Cal. Code Regs., title 8, section 5194), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code Regs., title 3, section 6700 et seq.) authorized in Food and Agriculture Code section 12981 does not include a warning concerning a risk of cancer, birth defects or other reproductive harm from exposure to the listed chemical, the manufacturer or employer shall provide the warning in the same manner as it provides other warnings for exposures to toxic chemicals, or if none are provided, the warnings shall be provided in the same manner as warning required for environmental warnings under Section 25607.15.
- (c) Supplemental information such as a pamphlet or other method for the individual to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided

pursuant to Health and Safety Code section 25249.6.

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

### § 25607.13 Occupational Exposure Warnings – Content

(a) Except where prohibited by federal or state law, the warning message on a sign for occupational exposures must include all the following elements:

- (1) The international health hazard symbol  .
- (2) The word “**WARNING**” in all capital letters and bold print.
- (3) For exposures to listed carcinogens, the words “Entering this area will expose you to a chemical [or chemicals] known to the State of California to cause cancer. For more information, ask your employer or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (4) For exposures to listed reproductive toxins, the words “Entering this area will expose you to a chemical [or chemicals] known to the State of California to cause birth defects or other reproductive harm. For more information, ask your employer or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (5) For exposures to listed carcinogens and reproductive toxins, the words “Entering this area will expose you to a chemical [or chemicals] known to the State of California to cause cancer, birth defects or other reproductive harm. For more information, ask your employer or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (6) The name of the chemical or chemicals identified in section 25605 where a warning is required for such exposure.

(b) Except where prohibited by federal or state law, the warning message on product labels for occupational exposures must include all the following elements:

- (1) The international health hazard symbol  .
- (2) The word “**WARNING**” in all capital letters and bold print.
- (3) For exposures to listed carcinogens, the words “Using this product will expose you to a chemical [or chemicals] known to the State of California to cause cancer. For more information, ask your employer or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (4) For exposures to listed reproductive toxins, the words “Using this product will expose you to a chemical [or chemicals] known to the State of California to cause birth defects or other reproductive harm. For more information, ask your employer or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (5) For exposures to listed carcinogens and reproductive toxins, the words “Using this product will expose you to a chemical [or chemicals] known to the State

of California to cause cancer and birth defects or other reproductive harm. For more information ask your employer or go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”

- (6) The name of the chemical or chemicals identified in section 25605 where a warning is required for such exposure.
- (c) Supplemental information such as a pamphlet, safety data sheet, training materials or other methods for the exposed individual to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.
- (d) Except where prohibited by federal or state law, where the Lead Agency has adopted a product or location-specific warning in section 25607.14 that covers an occupational exposure to a listed chemical, the business may provide that warning with or in addition to any other required warning materials.

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

#### **§ 25607.14 Warnings for Specific Occupational Exposures**

**[PLACEHOLDER ONLY-may not be needed]**

#### **§ 25607.15 Environmental Exposure Warnings – Methods of Transmission**

- (a) For warnings of environmental exposure, the method employed to transmit the warning required by Health and Safety Code section 25249.6 must include all the content specified in Section 25607.16 and be provided using one or more of the following methods:
- (1) A warning posted at all the entrances to the affected area.
  - (2) A warning provided in a notice mailed, or sent electronically or otherwise personally delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period. In the event that an occupant does not have access to electronic delivery, the notice must be provided in an alternative format.
- (b) Environmental exposure warnings shall be provided in a conspicuous manner and under such conditions as to make them likely to be read, seen or heard and understood by an ordinary individual in the course of normal daily activity, and must be reasonably associated with the location and source of the exposure. The warning must be provided in English and in other languages commonly spoken in the affected area.

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

## § 25607.16 Environmental Exposure Warnings – Content

(a) For purposes of Section 25607.15, the warning message must include all the following elements:

- (1) The international health hazard symbol  .
- (2) The word “**WARNING**” in all capital letters and bold print.
- (3) For exposures to listed carcinogens, the words “Persons in [location] will be exposed to a chemical [or chemicals] known to the State of California to cause cancer. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).” The location where exposure occurs must be clearly identified in the warning message.
- (4) For exposures to listed reproductive toxins, the words “Persons in [location] will be exposed to a chemical [or chemicals] known to the State of California to cause birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).” The location where exposure occurs must be clearly identified in the warning message.
- (5) For exposures to listed carcinogens and reproductive toxins, the words “Persons in [location] will be exposed to a chemical [or chemicals] known to the State of California to cause cancer, birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).” The location where exposure occurs must be clearly identified in the warning message.
- (6) The name of the chemical or chemicals if listed in section 25605 where a warning is required for such exposure.

(b) Where the Lead Agency has adopted a location-specific warning in Section 25607.17, the business may use that warning.

(c) Supplemental information such as a pamphlet or other method for the individual to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

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

## § 25607.17 Warnings for Specific Environmental Exposures

### (a) Parking Facilities – Method of Transmission

- (1) The warning message shall be provided at each point of entry to the parking facility on a 20 by 20 inch sign in a print font no smaller than 72-point type, placed so that it is readable and conspicuous to individuals before they enter the facility.

## (b) Parking Facilities – Content

- (1) The international health hazard symbol  .
- (2) The word “**WARNING**” in all capital letters and bold print.
- (3) The words “Breathing the air in this parking garage will expose you to multiple chemicals such as gasoline vapors, carbon monoxide and exhaust that are known to the State of California to cause cancer, birth defects and other reproductive harm. Do not stay in this area longer than necessary. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”

## (c) Apartments, Hotels and other Lodging Facilities – Method of Transmission

- (1) The warning message specified in subsection (d) shall be provided at each point of entry to the building on an 8 ½-by-11 inch sign in a print font no smaller than 45-point type, placed so that it is readable and conspicuous to individuals before they enter the premises.
- (2) Hotels and other lodging facilities must also comply with the warning methods and content specified for retail sellers of consumer products, alcoholic beverages and foods where such exposures occur on the premises.

## (d) Apartments, Hotels and other Lodging Facilities - Content

- (1) The international health hazard symbol  .
- (2) The word “**WARNING**” in all capital letters and bold print.
- (3) The words “Entering these premises can expose you to varying levels of chemicals such as lead, formaldehyde and vehicle exhaust that are known to the State of California to cause cancer, birth defects or other reproductive harm. Contact building management for more information about these exposures and how to reduce or avoid them. For additional information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (4) Supplemental information such as a pamphlet or other method for the consumer to obtain additional information concerning the exposure may be provided, but shall not be substituted for the warning methods described in this section. In no case shall such additional information dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.

## (e) Amusement Parks – Method of Transmission

- (1) The warning message shall be provided at each point of entry to the facility on a 20 by 20 inch sign in a print font no smaller than 72-point type, placed so that it is readable and conspicuous to individuals before they enter the premises.
- (2) Notwithstanding the other requirements of this section, a warning is not

required for any chemicals for which there is no exposure within the meaning of Health and Safety Code section 25249.6.

- (3) In addition to the warning methods and content provided in this subsection, amusement parks must also comply with the warning methods and content specified for retail sellers of consumer products, alcoholic beverages and foods where such exposures occur on the premises.

**(f) Amusement Parks - Content**

- (1) The international health hazard symbol  .
- (2) The word “**WARNING**” in all capital letters and bold print.
- (3) The words “Entering these premises will expose you to varying levels of chemicals such as lead, cadmium, vehicle exhaust, and certain phthalates that are known to the State of California to cause cancer or reproductive toxicity or both. An informational pamphlet is available at each public entrance with information about these exposures and how to reduce or avoid them. For additional information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).”
- (4) The pamphlet required by this subsection shall include information on all known exposures to listed chemicals that occur on the premises, including the location the exposure will occur, the route or routes of exposure, the name or names of the listed chemicals, whether the chemical causes cancer or reproductive toxicity or both, and ways to avoid or minimize exposure, if any. The pamphlet shall not dilute or negate the warning provided pursuant to Health and Safety Code section 25249.6.
- (5) Where other signage is provided in a language or languages other than English, the warnings required by Health and Safety Code section 25249.6 shall also be provided in those languages in the same manner that the other information is provided.

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