

## **CLEEN'S BULLET POINTS**

- Any warning label must appear on or otherwise accompany the product. A consumer must be able to differentiate among products at point of purchase.
- If a symbol or icon is used as a warning signifier instead of “safe harbor” language, it needs to be accompanied by a bilingual public education campaign with materials both in store and elsewhere.
- The manufacturer has the primary duty to determine what chemicals are in the product and to provide a warning. But this is a statutory preference only and does not relieve anyone else in the chain of custody of the duty to provide a warning.
- Retailers must understand that there is at present no legal means to relieve them of their Prop. 65 responsibilities. If they put products on their shelves that should have warnings but do not, they are jointly liable.
- There will be no resurrection of any "warning" information program that provides only generalized, non-specific or generic warning, or that requires the consumer to search out additional product-specific information elsewhere.
- The internet might be useful as a supplement in a generalized public education campaign or as a means by which thousands of manufacturers can inform hundreds of retailers which products do (and do not) require warnings. But the internet cannot be the primary source for providing a warning, considering how many Californians have no access to the internet at home or at work. The environmental justice consequences of doing so are obvious.

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