

UNOFFICIAL COPY OF MODIFIED REGULATIONS
FOR INFORMATIONAL USE ONLY

Article 6. Clear and Reasonable Warnings

Subarticle 2. Safe Harbor Methods and Content

Sections 25601, 25602, 25603, 25607.2, 25607.50, 25607.51, 25607.52 and 25607.53

This text is what the regulations would be if the rule-making is approved by OAL with changes included in the October 2023, 45-day and June 2024, 15-day notices.

§ 25601. Safe Harbor Clear and Reasonable Warnings - Methods and Content.

- (a) A warning is “clear and reasonable” within the meaning of Section 25249.6 of the Act if the warning complies with all applicable requirements of this article.
- (b) Except as otherwise specified in Section 25607 et seq., a warning meets the requirements of this subarticle if the name of one or more of the listed chemicals in the consumer product or affected area for which the warning is being provided is included in the text of the warning. Where a warning is being provided for more than one endpoint (cancer and reproductive toxicity) the warning must include the name of one or more chemicals for each endpoint, unless the named chemical is listed as known to cause both cancer and reproductive toxicity and has been so identified in the warning.
- (c) Notwithstanding any other provisions in this subarticle, consumer product exposure warnings must be prominently displayed on a label, labeling, or sign, and must be displayed with such conspicuousness as compared with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use.
- (d) Environmental exposure warnings must be provided in a conspicuous manner and under such conditions as to make the warning likely to be seen, read, and understood by an ordinary individual in the course of normal daily activity.
- (e) The warning content may contain information that is supplemental to the content required by this subarticle only to the extent that it identifies the source of the exposure or provides information on how to avoid or reduce exposure to the identified chemical or chemicals. Such supplemental information is not a substitute for the warning content required by this subarticle.

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

§ 25602. Consumer Product Exposure Warnings - Methods of Transmission.

(a) Unless otherwise specified in Section 25607 et seq., a consumer product exposure warning meets the requirements of this subarticle if it complies with the content requirements in Section 25603 and is provided using one or more of the following methods:

- (1) A product-specific warning provided on a posted sign, shelf tag, or shelf sign, for the consumer product at each point of display of the product.
- (2) A product-specific warning provided via any electronic device or process that automatically provides the warning to the purchaser prior to or during the purchase of the consumer product, without requiring the purchaser to seek out the warning. This subsection does not apply to internet purchases, which are subject to the provisions of subsection (b).
- (3) A warning on the label that complies with the content requirements in Section 25603(a).
- (4) A short-form warning on the label that complies with the content requirements in Section 25603(b) and is provided on a product in a type size that complies with Section 25601(c). In no case shall the warning appear in a type size smaller than 6-point type.

(b) Internet purchases

(1) For internet purchases, a warning meets the requirements of this subarticle if it complies with the content requirements of Section 25603 and the warning must also be provided using one or more of the following methods:

- (A) a warning on the product display page, or
- (B) a clearly marked hyperlink using the word “**WARNING**” or the words “**CA WARNING**” or “**CALIFORNIA WARNING**” on the product display page that links to the warning, or
- (C) an otherwise prominently displayed warning provided to the purchaser prior to completing the purchase. If the warning is provided using the short-form warning label content pursuant to Section 25602(a)(4), the warning provided on the website may use the same content. For purposes of this subsection, the warning is not prominently displayed if the purchaser must search for it in the general content of the website.

(2) For internet purchases made before [Office of Administrative Law to insert date that is three years after the effective date of the 2023 amendments], a retail seller is not responsible under Section 25600.2(e)(4) for conspicuously posting or displaying the new warning online until 60 calendar days after the retailer receives a warning or a written notice under Section 25600.2(b) and (c) which updates a short-form warning compliant with Section 25603(c) with content compliant with Section 25603(b).

- (c) For catalog purchases, a warning that complies with the content requirements of Section 25603 must also be provided in the catalog in a manner that clearly associates it with the item being purchased. If a short-form warning is being provided on the label pursuant to Section 25602(a)(4), the warning provided in the catalog may use the same content.
- (d) Where a sign, labeling, or label, as defined in Section 25600.1, is used to provide a warning includes consumer information about a product in a language other than English, the warning must also be provided in that language in addition to English.

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

§ 25603. Consumer Product Exposure Warnings - Content.

- (a) Unless otherwise specified in Section 25607 et seq., a warning meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25602 and includes all the following elements:
 - (1) A symbol consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline. Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white. The symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word “WARNING”.
 - (2) The word “**WARNING:**” or the words “**CA WARNING:**” or “**CALIFORNIA WARNING:**” in all capital letters and bold print, and:
 - (A) For exposures to listed carcinogens, the words, “This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov.”
 - (B) For exposures to listed reproductive toxicants, the words, “This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause

birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.”

- (C) For exposures to both listed carcinogens and reproductive toxicants, the words, “This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer, and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.”
- (D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, “This product can expose you to chemicals including [name of one or more chemicals], which is [are] 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.”
- (E) Where a warning is being provided for an exposure to a single chemical, the words “chemicals including” may be deleted from the warning content set out in subsections (A), (B) and (D).

(b) A short-form warning may be provided on the label pursuant to Section 25602(a)(4) if it includes:

(1) The symbol required in subsection (a)(1);

(2) The word **“WARNING:”** or the words **“CA WARNING:”** or **“CALIFORNIA WARNING:”** in all capital letters, in bold print; and

(3) One of the following:

(A) For exposures to listed carcinogens, the words:

1. “Cancer risk from exposure to [name of chemical]. See www.P65Warnings.ca.gov.”; or
2. “Can expose you to [name of chemical], a carcinogen. See www.P65Warnings.ca.gov.”

(B) For exposures to listed reproductive toxicants, the words:

1. “Risk of reproductive harm from exposure to [name of chemical]. See www.P65Warnings.ca.gov.”; or
2. “Can expose you to [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov.”

(C) For exposures to both listed carcinogens and reproductive toxicants, the words:

1. "Risk of cancer from exposure to [name of chemical] and reproductive harm from exposure to [name of chemical]. See www.P65Warnings.ca.gov."; or
2. "Can expose you to [name of chemical], a carcinogen, and [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov."

(D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words:

1. "Risk of cancer and reproductive harm from exposure to [name of chemical]. See www.P65Warnings.ca.gov."; or
2. "Can expose you to [name of chemical], a carcinogen and reproductive toxicant. See www.P65Warnings.ca.gov."

(c) A short-form warning on a product manufactured and labeled prior to [Office of Administrative Law to insert date that is three years after the effective date of the 2023 amendments], may use the following content regardless of when the product is sold to a consumer:

(1) The symbol required in subsection (a)(1).

(2) The word "**WARNING:**" in all capital letters, in bold print.

(A) For exposures to listed carcinogens, the words, "Cancer -- www.P65Warnings.ca.gov."

(B) For exposures to listed reproductive toxicants, the words, "Reproductive Harm -- www.P65Warnings.ca.gov."

(C) For exposures to both listed carcinogens and reproductive toxicants, the words, "Cancer and Reproductive Harm -- www.P65Warnings.ca.gov."

(d) Notwithstanding subsection (a)(2) or (b)(2), where a warning for a consumer product exposure or occupational exposure from use of a pesticide is provided on a product label, and the pesticide label is regulated by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, Title 40 Code of Federal Regulations, Part 156; and by the California Department of Pesticide Regulation under Food and Agricultural Code section 14005, and Cal. Code of Regs., title 3, section 6242; the word "**ATTENTION**" or "**NOTICE**" in capital letters and bold

type may be substituted for the word **“WARNING”** or the words **“CA WARNING”** or **“CALIFORNIA WARNING”**.

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

...

§ 25607.2. Food Exposure Warnings - Content.

- (a) A warning for food exposures, including dietary supplements, meets the requirements of this subarticle if it is provided using one or more of the methods specified in Section 25607.1 and includes all the following elements:
- (1) The word **“WARNING:”** or the words **“CA WARNING:”** or **“CALIFORNIA WARNING:”** in all capital letters and bold print.
 - (2) For exposure to a listed carcinogen, the words, “Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov/food.”
 - (3) For exposure to a listed reproductive toxicant, the words, “Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food.”
 - (4) For exposure to both listed carcinogens and reproductive toxicants, the words, “Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food.”
 - (5) For exposure to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, “Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] 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/food.”
 - (6) Where a warning is being provided for an exposure to a single chemical the words “chemicals including” may be deleted from the warning content set out in subsections (2), (3) and (5).

(b) A short-form warning may be provided on a food product label pursuant to Section 25602(a)(4) if it includes:

(1) The word “**WARNING:**” or the words “**CA WARNING:**” or “**CALIFORNIA WARNING:**” in all capital letters, in bold print; and

(2) One of the following:

(A) For exposures to listed carcinogens, the words:

1. “Cancer risk from exposure to [name of chemical]. See www.P65Warnings.ca.gov/food.”; or
2. “Can expose you to [name of chemical], a carcinogen. See www.P65Warnings.ca.gov/food.”

(B) For exposures to listed reproductive toxicants, the words:

1. “Risk of reproductive harm from exposure to [name of chemical]. See www.P65Warnings.ca.gov/food.”; or
2. “Can expose you to [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov/food.”

(C) For exposures to both listed carcinogens and reproductive toxicants, the words:

1. “Risk of cancer from exposure to [name of chemical] and reproductive harm from exposure to [name of chemical]. See www.P65Warnings.ca.gov/food.”; or
2. “Can expose you to [name of chemical], a carcinogen, and [name of chemical], a reproductive toxicant. See www.P65Warnings.ca.gov/food.”

(D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words:

1. “Risk of cancer and reproductive harm from exposure to [name of chemical]. See www.P65Warnings.ca.gov/food.”; or
2. “Can expose you to [name of chemical], a carcinogen and reproductive toxicant. See www.P65Warnings.ca.gov/food.”

(c) A warning for food exposures to acrylamide meets the requirements of this subarticle if it is provided: (i) in accordance with subsection (a), or, (ii) via one or more of the methods specified in Section 25607.1 and includes both elements (1) and (2) below.

- (1) The words “**CALIFORNIA WARNING:**” in all capital letters and bold print.
- (2) The words, “Consuming this product can expose you to acrylamide, a probable human carcinogen formed in some foods during cooking or processing at high temperatures. Many factors affect your cancer risk, including the frequency and amount of the chemical consumed. For more information including ways to reduce your exposure, see www.P65Warnings.ca.gov/acrylamide.”

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

...

§ 25607.50 Passenger or Off-Highway Motor Vehicle Parts Exposure Warnings – Methods of Transmission

- (a) Notwithstanding Section 25607(a), a warning for exposures that occur during the purchase, handling, or installation of a part for a “passenger vehicle,” as defined in Vehicle Code Section 465, or an “off-highway motor vehicle,” as defined in Vehicle Code Section 38012(b), meets the requirements of this subarticle if it:
- (1) Complies with the content in Section 25607.51 and the methods in Section 25602, not including subsection (a)(4); or
 - (2) Complies with the content in Section 25603 and the methods in Section 25602; or
 - (3) Complies with the content in Section 25607.51 and is provided on a sign no smaller than 5 inches by 5 inches in no smaller than 20-point type, placed at each retail point of sale or display of passenger or off-highway motor vehicle parts.
 - (A) If other signage in the facility contains consumer information for passenger or off-highway motor vehicle parts in a language other than English, the warning must be provided in English and that other language.
 - (B) If the product is also sold on the internet or in a catalog then a warning complies with Section 25602(b) or (c), respectively, must also be provided.

- (b) For purposes of Sections 25607.50 and 25607.51, “passenger or off-highway motor vehicle part” means any part offered for sale or transferred to a consumer for installation in or service on a passenger or off-highway motor vehicle as defined in subsection (a) but shall not include packaged service chemicals, tires, parts containing asbestos, carpeting, upholstery including fillings and coverings, textiles, or fabrics.

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

§ 25607.51 Passenger or Off-Highway Motor Vehicle Parts Exposure Warnings – Content.

- (a) Notwithstanding Section 25607(a), a warning for exposure to a listed chemical from passenger or off-highway motor vehicle parts meets the requirements of this subarticle if it complies with Section 25607.50(a) and includes all the following elements:

- (1) The symbol in Section 25603(a)(1);
- (2) The words “**WARNING:**”, “**CALIFORNIA WARNING:**” or “**CA WARNING:**” in all capital letters and bold print; and
- (3) The words: “Handling passenger or off-highway motor vehicle parts can expose you to chemicals such as phthalates and lead, which can cause cancer and reproductive harm. To minimize exposure, service the vehicle in a well-ventilated area, wear gloves, and wash your hands. For more information see www.P65Warnings.ca.gov/motor-vehicle-parts.”

- (b) Notwithstanding Section 25607(b), for a posted warning sign using the method in Section 25607.50(a)(3), the chemicals identified in subsection (a)(3) may not be added to, removed, or substituted. For all other methods of providing the warning described in subsection 25607.50(a)(1), the product manufacturer or importer may substitute a chemical name in the warning if the product will not expose a consumer to lead or phthalates at a level that requires a warning.

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

§ 25607.52 Recreational Marine Vessel Parts Exposure Warnings – Methods of Transmission

- (a) Notwithstanding Section 25607(a), a warning for exposures that occur during the purchase, handling, or installation of a part for a “recreational marine vessel,” as

defined in Harbor and Navigation Code Section 651(t), meets the requirements of this subarticle if it:

(1) Complies with the content in Section 25607.53 and the methods in Section 25602, not including subsection (a)(4);

(2) Complies with the content in Section 25603 and the methods in Section 25602; or

(3) Complies with the content in Section 25607.53 and is provided on a sign no smaller than 5 inches by 5 inches in no smaller than 20-point type, placed at each retail point of sale or display of recreational marine vessel parts.

(A) If other signage in the facility contains consumer information for recreational marine vessel parts in a language other than English, the warning must be provided in English and that other language.

(B) If the product is also sold on the internet or in a catalog then a warning that complies with Section 25602(b) or (c), respectively, must also be provided.

(b) For purposes of Sections 25607.52 and 25607.53, “recreational marine vessel part” means any part offered for sale or transferred to a consumer for installation in or service on a recreational marine vessel as defined in subsection (a) but shall not include packaged service chemicals, tires, parts containing asbestos, carpeting, upholstery including fillings and coverings, textiles, or fabrics.

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

§ 25607.53 Recreational Marine Vessel Parts Exposure Warnings – Content.

(a) Notwithstanding Section 25607(a), a warning for exposure to a listed chemical from recreational marine vessel parts meets the requirements of this subarticle if it complies with Section 25607.50(a) and includes all the following elements:

(1) The symbol required in Section 25603(a)(1);

(2) The words “**WARNING:**”, “**CALIFORNIA WARNING:**” or “**CA WARNING:**” in all capital letters and bold print; and

(3) The words: “Handling recreational marine vessel parts can expose you to chemicals such as phthalates and lead, which can cause cancer and reproductive harm. To minimize exposure, service the vessel outdoors or in a well-ventilated area, wear gloves, and wash your hands. For more information see www.P65Warnings.ca.gov/marine-vessel-parts.”

(b) Notwithstanding Section 25607(b), for a posted warning sign using the method in Section 25607.52(a)(3) the chemicals identified in subsection (a)(3) may not be added to, removed, or substituted. For all other methods of providing the warning described in subsection 25607.52(a)(1), the product manufacturer or importer may substitute a chemical name in the warning if the product will not expose a consumer to lead or phthalates at a level that requires a warning.

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