



Vendor Guidelines *for*
California Prop 65
New Warning Label Requirements

July 2018

General Information:

On August 31, 2016 OEHHA adopted amendments to Article 6, Clear and Reasonable Warnings for Prop65. The new regulation will become effective August 30, 2018 and applies to all merchandise manufactured on or after this date.

Two primary goals of the new regulation:

- Clarify the responsibility of compliance for the manufacturer, producer, packager, importer, supplier and distributor; and
- Update the labeling requirements as to the content and format of warnings to gain safe-harbor protection.

New Warning Label Requirements

The new regulation now requires that the safe-harbor warning label include:

- A warning symbol that is an equilateral triangle yellow with an exclamation point. The triangle must have a bold outline (the warning symbol in black and white is an acceptable alternative).

- The word “**WARNING**” in all capital letters and bold print.
- The entire warning must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6-point type.
- The name of at least one chemical in the product.
- Type of exposure (carcinogen or reproductive toxicant or both).
- Followed by the web address www.p65warnings.ca.gov.

NOTE: If a product contains chemicals that cause both cancer and reproductive harm, then the warning label should include one chemical that causes both cancer and reproductive harm or one chemical for cancer and second chemical for reproductive harm.

Examples of the “long form warning”:

 WARNING: This product can expose you to chemicals including [name of chemical], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov .	For exposure to listed carcinogens.
 WARNING: This product can expose you to chemicals including [name of chemical], 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 .	For exposure to listed reproductive toxicants.
 WARNING: This product can expose you to chemicals including [name of chemical], which is [are] known to the State of California to cause cancer and [name of chemical], 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 .	For exposures to both listed carcinogens and reproductive toxicants.
 WARNING: This product can expose you to chemicals including [name of chemical], 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 .	For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant.

Short Warning Label: The new regulation also provides a short form alternative short-form warning label intended to be used on small products or where space was limited. The warning may be shortened, and the name of the chemical omitted, as follows:

 WARNING: Cancer - www.P65Warnings.ca.gov	For exposure to listed carcinogens.
 WARNING: Reproductive Harm- www.P65Warnings.ca.gov	For exposure to listed reproductive toxicants.
 WARNING: Cancer and Reproductive Harm- www.P65Warnings.ca.gov	For exposures to both listed carcinogens and reproductive toxicants.

Specific Warning for Food and Furniture Products

Food Products

 **WARNING:** 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.

Furniture Products

 **WARNING:** This product can expose you to chemicals including [\[name of one or more chemicals known to cause cancer, name of one or more chemicals known to cause reproductive toxicity, or name of one or more chemicals known to cause both cancer and birth defects or other reproductive harm\]](#), which is [are] known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/furniture

Warning Label Placement

Product Label Placement: The warning may be displayed on the product itself or its packaging, so long as it is clearly visible to the customer prior to purchase. A standalone warning in an owner’s manual is not acceptable.

Burlington’s Requirements for All Suppliers

It is the vendor’s responsibility to determine if the products being offered to Burlington require a warning label under this regulation. Burlington reserves the right to ask vendors for test reports verifying that their items were tested for applicable Prop 65 identified chemicals. In addition, if the vendor determines that a warning label is required, Burlington’s expectation is that our vendors pre-label merchandise in a manner that complies with the content requirements in Section 25603(b). Any merchandise Burlington receives that requires a warning label, and has not been labeled by the vendor, will be returned to vendor or debited and destroyed at the vendor’s expense per our PO Terms and Conditions.

NOTE: If an order relates to goods that require a warning under Proposition 65, Vendor is required to advise Burlington in writing prior to processing the order and receive Burlington’s written confirmation that it wishes to proceed with the order. Burlington may decline to order goods that require Prop 65 warning labels.

For additional information please contact: product.eval@burlingtonstores.com