

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

DRAFT REGULATION
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§ 25601 Clear and Reasonable Warnings

- (a) A warning is “clear and reasonable” for purposes of Section 25249.6 of the Act if the warning complies with all applicable requirements of this Article. Nothing in this section shall be construed to preclude a person from providing warnings other than those specified in this Article that satisfy the requirements of this Article. A person is not required to provide separate warnings to each exposed individual.
- (b) If the lead agency has not adopted a product-specific, area-specific, or chemical-specific warning method or message, an interested party may request that the lead agency adopt one pursuant to Government Code Section 11340.6 et seq. (Petition for Rulemaking), or request guidance from the lead agency pursuant to Title 27 of the California Code of Regulations, Section 25203 (Interpretive Guideline Request) or 25204 (Safe Use Determination). This article governs the content of and methods for warning when a warning is provided. Sections 25249.6 and 25249.10 of the Act specify when a warning is required for a given exposure. Articles 5, 7 and 8 of Title 27 the California Code of Regulations, provide guidance concerning how to calculate whether an exposure is exempt from the warning requirements as described in Section 25249.10 (c) of the Act.
- (c) A person may provide supplemental information such as a pamphlet for the exposed individual to obtain additional information concerning the exposure. Supplemental information shall not be substituted for the warning methods described in this section. In no case shall supplemental information contradict the warning provided pursuant to Section 25249.6(e) of the Act.
- (d) This Article shall become effective one year after date of adoption.

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 is at a level that requires a warning.
- (b) “Consumer products exposure” means an exposure that results from a person’s acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer good, including food, or any exposure that results from receiving a consumer service.
- (c) “Environmental exposure” means an exposure that occurs as the result of contact with an environmental medium, including but not limited to ambient air, indoor air, drinking water, standing water, running water, soil, vegetation, or manmade or natural substances, either through inhalation, ingestion, or skin contact. Environmental exposures include all exposures that are not consumer products exposures, or occupational exposures.
- (d) “Food” has the same meaning as set forth in Health and Safety Code Section [109935](#).

Comment [cjmc1]: H&S Code states: 109935. “Food” means either of the following:
(a) Any article used or intended for use for food, drink, confection, condiment, or chewing gum by man or other animal.
(b) Any article used or intended for use as a component of any article designated in subdivision (a).

- (e) “Knowingly” has the same meaning as set forth in Section 25102(n).
- (f) “Label” or “Labeling” means any written, printed or graphic matter affixed to or accompanying a product or its container or wrapper.
- (g) “Occupational exposure” means an exposure to any employee at his or her place of employment.
- (h) “Retailer” or “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.
- (i) “Sign” means a presentation of written, printed and graphic matter, or any combination of written, printed and graphic matter.

Comment [cjmc2]: Current definition: (n) “Knowingly” refers only to knowledge of the fact that a discharge of, release of, or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No knowledge that the discharge, release or exposure is unlawful is required. However, a person in the course of doing business who, through misfortune or accident and without evil design, intention or negligence, commits an act or omits to do something which results in a discharge, release or exposure has not violated Sections 25249.5 or 25249.6 of the Act.

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 a court-approved settlement prescribing warning content and methods for specific exposures entered prior to January 1, 2015 are not subject to this Article as to the exposures for which warnings are specifically approved and given pursuant to the settlement.
- (b) Non-parties to settlements pursuant to section (a) may petition the lead agency to adopt such settlement provisions into this Article.

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

§ 25604 Chemicals, Substances or Mixtures that must be Identified in Warnings

- (a) Where a warning is being provided for any of the following listed chemicals, substances or mixtures; the name of the chemical, substance or mixture must 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

(b) Nothing in this section prohibits a person from identifying chemicals or substances in the warning in addition to those identified in this section.

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

§ 25605 Consumer Product and Food Warnings

(a) Unless a retail seller is selling a product under a brand or trademark that is owned or licensed by the retail seller or affiliated entity, and in the absence of a written agreement to the contrary between the manufacturer, producer, distributor, importer, or packager and the retailer:

- (1) The product manufacturer or producer must provide clear and reasonable warnings for consumer products, including foods.
- (2) Where the product manufacturer or producer is not subject to Section 25249.6 of the Act, the product distributor, importer, or packager must provide clear and reasonable warnings.
- (3) Where the product manufacturer is a foreign person with no agent for service of process in the United States and has not complied with the requirements of this section, the distributor, importer, or packager must provide clear and reasonable warnings.
- (4) In the event that (i) there is no product manufacturer, distributor, importer, or packager that is subject to Section 25249.6 of the Act, or (ii) the manufacturer, distributor, importer or packager who has the duty to warn under this section is a foreign person who has not complied with the requirements of this section and who has no agent for service of process in the United States, then, subject to subdivision (d) below, the retailer must provide a clear and reasonable warning.

(b) Except in the case where a retail seller is selling a product under its own in-house brand or trademark that is owned or licensed by the retail seller or affiliated entity, the product manufacturer, producer, distributor, importer, or packager is providing a clear and reasonable warning for a consumer product if a label bearing a warning that satisfies the provisions of this Article is affixed to the product or packaging, such that it can be seen and read by the consumer prior to exposure, or if all of the following provisions are satisfied:

- (1) A written notice is provided directly to the authorized agent for the retailer

stating that a warning is required for a specific product. The notice must be provided to the retailer's authorized agent at least every 180 days for each such product that is sold or re-sold in California.

- (2) The notice includes the name of the product; specific identifying information for the product, Universal Product Code or other identifier, or other manner of clearly identifying the product.
 - (3) The notice includes all warning information and materials such as shelf signs or tags that comply with this Article or offers to provide such information and materials at no charge to the retailer.
 - (4) The retail seller provides a written acknowledgement of receipt of the notice to the authorized agent for the manufacturer.
- (c) A retail seller is deemed to have knowledge of a potential exposure that occurs more than 48 hours after the authorized agent for the retailer receives notice of that exposure pursuant to Section 25249.7(d) of the Act. The retail seller shall thereafter be responsible for providing clear and reasonable warnings for that exposure.
- (d) A retailer who has not received notice pursuant to subsection (b) or (c) that a consumer product causes an exposure to a listed chemical that requires a warning and who otherwise does not have actual knowledge of that exposure, has not caused a knowing and intentional exposure by selling the product.
- (e) The placement and maintenance of off-product warnings that the retailer receives pursuant to section (b) (3) is the responsibility of the retail seller.
- (f) To the extent that such information is available to the retailer and is not disclosed on the labeling or packaging of the product, the retail seller shall disclose the name and contact information for the manufacturer, producer, distributor, importer or packager of the consumer product to the lead agency, the Attorney General and any member of the public upon request.
- (g) Where other labeling concerning a consumer product, including food, is provided in a language or languages other than English, the warning must also be provided in those languages.

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.

§ 25606.1 Warnings for Consumer Products other than Foods, Prescription Drugs and Dental Care – Methods of Transmission

- (a) For consumer products sold in a retail setting, other than foods, prescription drugs, and dental care, the warning required under Section 25249.6 of the Act must comply with the content requirements in Section 25606.2 and must be provided using one or more of the following methods:
- (1) The warning message is provided on a product’s labeling that is provided directly to the purchaser of the consumer product using the format, content and size specified in Section 25606.2 (b).
 - (2) 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 the shelf-tag or signs used for advertising purposes for the same or similar products.
 - (3) A product-specific warning is provided via any electronic device or process that automatically provides the warning to the consumer before or during the purchase of the product, without requiring the consumer to seek out the warning.
 - (4) In all cases the warning must be legible 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.
- (b) For internet purchases, the warning message must be provided on the internet by a clearly-marked hyperlink on the product display page, or otherwise prominently displayed to the consumer before the consumer completes his or her purchase of the product.
- (c) For catalog purchases, the warning message must be provided in the catalog in a manner that clearly associates it with the item being purchased.

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

§ 25606.2 Warnings for Consumer Products other than Foods, Prescription Drugs and Dental Care – Content

- (a) For consumer products other than foods, prescription drugs, or dental services, the warning message must be provided using the methods described in Section 25606.1 and must include all the following elements:
- (1) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color,

the symbol must be yellow with a bold, black outline and black exclamation point.

Comment [cjm3]: In the ISOR we will prove a picture of the warning symbol by way of example.



- (2) The word “**WARNING**” in all capital letters and bold print.
 - (A) For exposures to listed carcinogens, the words “This product can 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.”
 - (B) For exposures to reproductive toxins, the words “This product can expose you to a chemical [or chemicals] known to the State of California to cause reproductive toxicity. For more information go to www.P65Warnings.ca.gov.”
 - (C) For exposures to listed carcinogens and reproductive toxins, the words “This product can expose you to a chemical [or chemicals] known to the State of California to cause cancer and reproductive toxicity. For more information go to www.P65Warnings.ca.gov.”
 - (3) Where the name(s) of chemicals are required to be included in the warning pursuant to Section 25604 or the business wishes to include the names of other chemicals, the words “such as [name of chemical or chemicals]” should be used.
 - (4) Where the lead agency has adopted a chemical, product or location-specific warning that covers the exposure in question, the business must use that warning.
- (b) Except where prohibited by federal law, on-product warning labels must be provided as specified below. The text of the message must be enclosed in a box.
- (1) For products that cause exposure to a listed carcinogen:
 - (A) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
 - (B) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
 - (C) The words “Cancer” in no smaller than 8 point type.
 - (D) The Uniform Resource Locator: www.P65Warnings.ca.gov.
 - (2) For products that cause exposures to a listed reproductive toxicant:
 - (A) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a black outline and black exclamation point.

- (B) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
 - (C) The words “Reproductive Toxicity” in no smaller than 8 point type.
 - (D) The Uniform Resource Locator: www.P65Warnings.ca.gov.
- (3) For products that cause exposures to both a listed carcinogen and a reproductive toxicant:
- (A) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “**WARNING**” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a black outline and black exclamation point.
 - (B) The word “**WARNING**” in all capital letters, in bold print no smaller than 10 point type.
 - (C) The words “Cancer and Reproductive Toxicity” in no smaller than 8 point type.
 - (D) The Uniform Resource Locator: www.P65Warnings.ca.gov.
- (c) Where the name of a chemical identified in Section 25604 must be included in the warning or the business wishes to include the names of other chemicals in addition to the above described elements, the warning must also include the following:
- (1) The words “This product can expose you to [name or names of listed chemical or chemicals]”.

§ 25606.3 Wood Product Warnings – Methods of Transmission

- (a) The warning message must be provided as follows using language consistent with the content requirements of 25606.4:
 - (1) The warning is displayed either at the point of sale or display of the wood products in a manner likely to be seen by the consumer.
 - (2) Where the product is not sold directly to an individual, the warning may be provided on an invoice for the wood products.

§ 25606.4 Wood Product Warnings - Content

- (a) The warning message must be provided using one or more of the methods described in Section 25606.3 and must include all the following elements:
 - (1) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “**WARNING**” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
 - (2) The word “**WARNING**” in all capital letters, in bold print no smaller than 14

point type.

- (3) The words “Drilling, sawing, sanding or machining wood products can expose you to wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or use a dust mask or other safeguards for personal protection. For more information go to www.P65Warnings.ca.gov/wood”.

§ 25606.5 Furniture Product Warnings – Methods of Transmission

- (a) The warning message must be provided using the following combination of materials:
 - (1) A notice displayed either at each public entrance or point of display advising the consumer that a Proposition 65 warning is being provided on certain products sold at the store and advising the consumer where to locate the warning on the furniture, and;
 - (2) A notice printed or stamped on the invoice advising that a Proposition 65 warning is being provided on certain products sold at the store and advising the consumer where to locate the warning on the furniture, and;
 - (3) The warning using language consistent with the content requirements of 25606.6 is affixed to the furniture product in the same manner as other information or warning materials provided on the product.

§ 25606.6 Furniture Product Warnings - Content

- (a) The warning message must be provided using the combination of materials described in Section 25606.5 and must include all of the following elements:
 - (1) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
 - (2) The word “**WARNING**” in all capital letters, in bold print no smaller than 14 point type.
 - (3) The words “This furniture can expose you to chemicals that are known to the State of California to cause cancer and reproductive toxicity. For more information go to www.P65Warnings.ca.gov/furniture”.
 - (4) Where the name(s) of chemicals are required to be included in the warning pursuant to Section 25604, or the business wishes to include the name(s) of other chemical(s), the words “such as [name of chemical or chemicals]” should be used.

§ 25606.7. Diesel Engines -Methods of Transmission

- (a) Warnings for diesel engine exhaust exposure must be provided using all of the following methods and include the content required in Section 25606.8.

- (1) In the owner’s manual for the specific vehicle, engine or other equipment. Such notice must be printed in no smaller than 12 point type and be enclosed in a box and appear inside or outside the front or back cover of the manual or on the first page of the text.
- (2) On a label permanently attached to the product in a location that is easily visible to the operator of the vehicle, engine or other equipment when it is being operated.
- (3) If other warnings or operating instructions are provided in an on-screen display, the warning may be provided in that manner, in the same size and font as other operator warnings.

§ 25606.8 Diesel Engines– Content

- (a) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
- (b) The word “**WARNING**” in all capital letters and bold print.
- (c) “Breathing diesel engine exhaust can expose you to chemicals known to the State of California cause cancer and reproductive toxicity.”
 - Always start and operate the engine in a well-ventilated area
 - If in an enclosed area, vent the exhaust to the outside
 - Do not modify or tamper with the exhaust system

For more information go to: www.P65warnings.ca.gov/diesel”

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

§ 25607.1 Food Warnings – Methods of Transmission

- (a) For food products, the warning message must include the minimum content specified in Section 25607.2 and must 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 food product in the format, content and size specified in Section 25607.2.
 - (2) A product-specific warning is provided on a 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.

- (3) A product-specific warning provided via any electronic device or process that automatically provides the warning to the consumer before or during the purchase of a food, such as providing the warning on or with a cash register receipt, without requiring the consumer to seek out the warning and the consumer is advised where the warning is located.
- (4) For internet purchases, the warning message must be provided on the internet prior to the time the consumer completes the purchase of the product.
- (5) For catalog purchases, the warning message must be provided in the catalog in a manner that clearly associates it with the item being purchased.

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

§ 25607.2 Food Warnings – Content

- (a) The warning message for food products must be provided via one or more of the methods specified in 25607.1 and, except where warnings are provided directly on the product's labeling, using all the following elements:
 - (1) The word **“WARNING”** in all capital letters and bold print.
 - (A) For exposure to a listed carcinogen, the words “Consuming this product can expose you to a chemical known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov/food.”
 - (B) For exposure to a listed reproductive toxicant, the words “Consuming this product can expose you to a chemical known to the State of California to cause reproductive toxicity. For more information go to www.P65Warnings.ca.gov/food.”
 - (C) For exposures to chemicals listed as carcinogens and reproductive toxicants, the words: “Consuming this product can expose you to a chemical [or chemicals] known to the State of California to cause cancer and reproductive toxicity. For more information go to www.P65Warnings.ca.gov/food.”
 - (D) Where the name of a chemical identified in Section 25604 must be included in the warning or the business wishes to include the names of other chemicals in addition to the above described elements, the warning must include the words:
“Consuming this product can expose you to [name or names of listed chemical or chemicals]”.For more information go to www.P65Warnings.ca.gov/food.”
- (b) Unless prohibited by federal law, the text of the message for on product food label

warnings must be enclosed in a box and must include the name of the chemical or chemicals identified in Section 25604 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” in no smaller than 8 point type.
 - (C) The Uniform Resource Locator: www.P65Warnings.ca.gov/food.
- (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 Toxicity” in no smaller than 8 point type.
 - (C) The Uniform Resource Locator: www.P65Warnings.ca.gov/food.
- (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 Toxicity” in no smaller than 8 point type.
 - (C) The Uniform Resource Locator: www.P65Warnings.ca.gov/food.

- (c) Where the name of a chemical identified in Section 25604 must be included in the warning or the business wishes to include the names of other chemicals in addition to the above described elements, the warning must include the words:

“This product can expose you to [name or names of listed chemical or chemicals]”.

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

§ 25607.3 Alcoholic Beverage Warnings – Methods of Transmission

- (a) All signs or notices shall be displayed at eye level, clearly visible under all lighting conditions normally encountered during business hours, and be provided using a type size and design that is readable and conspicuous to patrons prior to their consumption of alcoholic beverages.
- (b) Warnings for alcoholic beverages must contain the minimum elements specified in Section 25607.4 and be provided using at least one of the following methods:
 - (1) At least one 8½-by-11 inch sign placed at eye-level 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 retail

point-of-sale or display 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 and be enclosed in a box.

- (3) For alcoholic beverages provided for consumption on the premises served by food or beverage persons, or sold through an over the counter service, the warning message must be provided 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 must be provided on the menu or list identifying the food or other beverages sold on the premises.
- (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 a manner that ensures 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.

§ 25607.4 Alcoholic Beverage Warnings – Content

Warnings for alcoholic beverages, including, without limitation, beer, malt beverages, wine and distilled spirits, the warning message must include all the following elements:

- (a) The words “**ALCOHOL WARNING**” in all capital letters and bold print.
- (b) The words “Drinking alcohol can cause birth defects and increase cancer risk. Women who may be pregnant should not drink any amount of alcohol. This includes liquor, beer, coolers and wine. For more information go to www.P65Warnings.ca.gov/alcohol.”

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

§ 25607.5 Restaurant Warnings, not including Alcoholic Beverage Warnings – Methods of Transmission

Warnings at restaurants or other facilities that sell food or beverages primarily for on-site consumption, not including alcoholic beverage warnings, must contain the minimum elements specified in Section 25607.6 of this Article and be provided using one or more of the following methods singly or in combination. All signs or notices must be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.

- (a) An 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.

- (b) 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 provided in a legible print size no smaller than 20-point type.

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

§ 25607.6 Restaurant Warnings, not including Alcoholic Beverage Warnings – Content

For restaurants and other facilities that sell foods and beverages primarily for on-site consumption, the warning message must include all the following elements:

- (a) The word “**WARNING**” in all capital letters and bold print.
- (b) The words “Certain foods and beverages sold or served here can expose you to chemicals such as mercury or acrylamide that are known to the State of California to cause cancer or reproductive toxicity. For more information go to www.P65Warnings.ca.gov/restaurant.”

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

§ 25608 Prescription Drug Warnings

- (a) For prescription drugs the labeling approved or otherwise provided under federal law or the prescriber’s accepted practice of obtaining a patient’s informed consent is deemed to be clear and reasonable for purposes of the Act if it includes information concerning cancer or reproductive toxicity from exposure to a listed chemical.
- (b) For exposures resulting from emergency or urgent medical or dental care as defined in Section 25102(g) of this Article, a warning is not required if the medical or dental care is 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) of this Article, 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.

§ 25609 Dental Care Warnings – Methods of Transmission

A warning for exposure to a listed chemical during receipt of dental care, including dental

appliances must be provided using one or both of the following methods.

- (a) A sign posted at all public or employee points of entry to the dental office or in each location within the office where an exposure is reasonably likely to occur. The notice or sign must be no smaller than 5 by 5 inches. The warning message must be provided 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.
- (b) 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.

§ 25610 Dental Care Warnings – Content

Warnings for exposures to listed chemicals that occur during the delivery of dental care services must, at a minimum, contain all the following elements:

- (a) The word “**WARNING**” in all capital letters and bold print.
- (b) The words “Certain dental procedures performed in this office can expose you to chemicals known to the State of California to cause cancer or reproductive toxicity or both. Those procedures may include sedation with nitrous oxide, insertion or removal of mercury-containing fillings, root canals, restorations, crowns and bridges. Consult your dental care provider about these exposures and which materials are appropriate for your treatment. Additional information is also available at www.P65Warnings.ca.gov/dental.”

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

§ 25611 Occupational Warnings –Methods of transmission

- (a) 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 C.F.R. §1910.1200), the California Hazard Communication Standard (Cal. Code Regs., tit. 8, §5194), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code of Regs., tit. 3, §6700 et seq.) authorized in Food and Agricultural Code section 12981 is deemed clear and reasonable and need not comply with subsection (b) or Section 25612.
- (b) Where a warning is not provided pursuant to subsection (a), the warning must be provided using one or both of the following methods:
 - (1) A warning on the label or labeling of a product or substance causing the exposure in the place of employment. The labeling must be prominently

displayed on the product or substance where it is likely to be seen prior to exposure.

- (2) A warning on a sign no smaller than 8 1/2 by 11 inches posted in a conspicuous place and under conditions that make it likely to be read and understood by employees and other individuals prior to exposure.

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

§ 25612 Occupational Warnings – Content

Where subsection 25611(a) does not apply, the following warning message shall be deemed to clearly communicate that an individual can be exposed to a chemical known to the state to cause cancer or reproductive toxicity.

- (1) For exposure to a chemical known to the state to cause cancer: "WARNING: Entering this area can expose you to a chemical [chemicals] known to the State of California to cause cancer."
- (2) For exposure to a chemical known to the state to cause reproductive toxicity: "WARNING: Entering this area can expose you to a chemical [chemicals] known to the State of California to cause reproductive toxicity."
- (3) For exposure to a chemical known to the state to cause both cancer and reproductive toxicity: "WARNING: Entering this area can expose you to a chemical [chemicals] known to the State of California to cause cancer and reproductive toxicity."

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

§ 25613 Environmental Warnings – Methods of Transmission

For warnings for environmental exposure, the method employed to transmit the warning must include all the content specified in Section 25614 of this Article and must be provided using one or more of the following methods:

- (1) A warning posted at all public entrances to the affected area, or a warning or warnings that are clearly visible and clearly identify the area for which the warning is being provided. Posted warnings must be provided in a conspicuous manner and under such conditions as to make them likely to be read, seen 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 any other language used on other signage in 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. The notice must be provided at least once in any three-month period. The warning must be provided in English and in any other language used by the business to communicate with the public.

- (3) A warning published in a newspaper at least once in any three month period.
 - (A) The warning must be at least a quarter-page in size, must identify the names of any chemicals identified in Section 25604 and a map that clearly delineates the affected area.
 - (B) A copy of the newspaper warning must also be published in the electronic version of the publication, if any, in the same manner as other advertisements are provided.
 - (C) Where a warning is being provided in a language other than English, the warning must also be provided in a newspaper that is published in that language, that is circulated in the affected area, if such a newspaper exists.

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

§ 25614 Environmental Warnings – Content

- (a) For purposes of Section 25613 of this Article, the warning message must include all the following elements:
 - (1) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
 - (2) The word “**WARNING**” in all capital letters and bold print.
 - (3) For exposures to listed carcinogens, the words “Persons in [location] can 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.” The area in which the exposure can occur must be clearly defined in the warning message.
 - (4) For exposures to listed reproductive toxins, the words “Persons in [location] can be exposed to a chemical [or chemicals] known to the State of California to cause reproductive toxicity. For more information go to www.P65Warnings.ca.gov.” The area in which the exposure can occur must be clearly defined in the warning message.
 - (5) For exposures to listed carcinogens and reproductive toxins, the words “Persons in [location] can be exposed to a chemical [or chemicals] known to the State of California to cause cancer and reproductive toxicity. For more information go to www.P65Warnings.ca.gov.” The area in which the exposure can occur must be clearly defined in the warning message.

(6) Where the name or names of chemicals are required to be included in the warning pursuant to Section 25604, or the noticing party wishes to include the name or names of other chemicals, the words: “Persons in [location] can be exposed to chemicals such as [name or names of chemical or chemicals] known to the State of California to cause [“cancer” or “reproductive toxicity”]. For more information go to www.P65Warnings.ca.gov”.

(b) Where the lead agency has adopted a location-specific warning in this Article, the business must use that warning.

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

§ 25615 Warnings for Specific Environmental Exposures

Subject to Section 25601(a), where a location-specific warning has been adopted in this section, the warnings and content specified for those locations may be used in lieu of the general environmental exposure methods and content specified in Section 25614.

§ 25615.1 Parking Facilities – Method of Transmission

The warning message shall be provided at each public entrance 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.

§ 25615.2 Parking Facilities – Content

- (a) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
- (b) The word “**WARNING**” in all capital letters and bold print.
- (c) The words “Breathing the air in this parking garage can expose you to chemicals such as gasoline vapors and exhaust, diesel exhaust and carbon monoxide that are known to the State of California to cause cancer or reproductive toxicity. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/parking.”

§ 25615.3 Apartments, Hotels and other Lodging Facilities – Method of Transmission

- (a) The warning message specified in Section 25615.4 must be provided at each public entrance to the facility 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.
- (b) Hotels and other lodging facilities must also comply with all warning methods and

content specified in this Article for exposures to listed chemicals in consumer products, alcoholic beverages, food, and parking facilities where such exposures can occur on the premises.

§ 25615.4 Apartments, Hotels and other Lodging Facilities - Content

- (a) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
- (b) The word “**WARNING**” in all capital letters and bold print.
- (c) The words “Entering these premises can expose you to chemicals such as lead, formaldehyde and vehicle exhaust that are known to the State of California to cause cancer or reproductive toxicity. Contact management for more information about these exposures and how to reduce or avoid them. For additional information go to www.P65Warnings.ca.gov/apartments [or www.P65Warnings.ca.gov/hotels].”
- (d) The warnings must be provided in English and in any other languages in which other entrance signage is provided at the facility.

§ 25615.5 Amusement Parks – Method of Transmission

- (a) The warning message shall be on a sign posted at each public entrance to the facility 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. Where there is open access to the facility with no designated public entrances, the sign shall be posted at the most common areas used by the public to access the facility.
- (b) 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 parking garages, hotels, and retail sellers of consumer products, alcoholic beverages and foods where such exposures occur on the premises.

§ 25615.6 Amusement Parks - Content

- (a) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
- (b) The word “**WARNING**” in all capital letters and bold print.
- (c) The words “Entering these premises can expose you to chemicals such as lead in some brass fixtures and vehicle exhaust that are known to the State of California to cause cancer or reproductive toxicity or both. For additional information go to [www.P65Warnings.ca.gov/amusement parks](http://www.P65Warnings.ca.gov/amusement_parks).”

- (d) The warnings shall be provided in English and in any other languages in which other entrance signage is provided at the facility.

§ 25615.7 Petroleum Products (Environmental Exposures) – Method of Transmission

Warnings for environmental exposures to listed chemicals in petroleum products must be provided using one or more of the methods described in Section 25613 and must include the content required in Section 25615.8.

§ 25615.8 Petroleum Products (Environmental Exposures) - Content

- (a) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.
- (b) The word “**WARNING**” in all capital letters and bold print.
- (c) The words: “Crude oil, gasoline, diesel fuel and other petroleum products can expose you to chemicals such as toluene and benzene that are known to the State of California to cause cancer or reproductive toxicity. These exposures can occur in and around oil fields, service stations, refineries, chemical plants, transport and storage operations; including pipelines, marine terminals, tank trucks and other facilities and equipment.

For more information go to: www.P65Warnings.ca.gov/petroleum.

§ 25615.9 Service Station and Vehicle Repair Facilities (Environmental Exposures) – Method of Transmission

- (a) Warnings for environmental exposures to listed chemicals at service stations must be provided by posting a sign at each gas pump using the content described in Section 25615.10. The sign must be printed in no smaller than 22-point type and be enclosed in a box.
- (b) The warning for environmental exposures at vehicle repair facilities must be posted at each public entrance to the repair facility on a sign using the content requires by Section 25615.10. The sign must be printed in no smaller than 32-point type.
- (c) The warning message required under Section 25615.10 must be provided in English and any other languages in which other signs are posted at the facility.

§ 25615.10 Service Station and Vehicle Repair Facilities (Environmental Exposures) - Content

- (a) A symbol consisting of an exclamation point enclosed in an equilateral triangle no smaller than the height of the word “WARNING” with bold, black outline. Where other signage or labeling for the product is provided in color, the symbol must be yellow with a bold, black outline and black exclamation point.

- (b) The word “**WARNING**” in all capital letters and bold print.
- (c) The words: “Gasoline vapors, diesel fuel, other petroleum products and vehicle exhaust can expose you to chemicals such as toluene, benzene and carbon monoxide that are known to the State of California to cause cancer or reproductive toxicity. For more information go to: www.P65Warnings.ca.gov/gasoline.”

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