

CALIFORNIA PROPOSITION 65 LAWYERS DEFENDING COMPANIES IN LABELING AND WARNING MATTERS

The legal team at Bick Law has a strong track record of success in helping companies maneuver through the myriad of environmental requirements imposed under California's Proposition 65. We regularly work with businesses in California, as well as businesses in other states that import products into California, to develop comprehensive procedures and strategies that comply with California's Proposition 65's strict discharge and labeling rules.

Our attorneys focus on identifying and resolving potential Proposition 65 issues and liabilities in advance so that our clients can avoid costly legal problems and disputes. When environmental litigation becomes necessary, our team of seasoned trial attorneys aggressively advocate our clients' cases in court.

California's Proposition 65

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, is designed to protect California citizens by reducing exposures to toxic chemicals. Proposition 65 has two primary components: first, it makes it unlawful for companies doing business in California to knowingly discharge certain toxic chemicals into sources of drinking water; and, second it requires companies to provide clear and reasonable warnings before they expose individuals to significant amounts of chemicals known to the state to cause cancer, birth defects or other reproductive harm.

The Office of Environmental Health Hazard Assessment (OEHHA), which is part of the California Environmental Protection Agency (Cal/EPA), is responsible for administering the Proposition 65 program. The state of California publishes a list of chemicals known to cause cancer or reproductive toxicity, which must be updated at least once a year. Since the law's inception, the list has grown to

include over 900 chemicals. OEHHA has developed threshold or “safe harbor” levels for many of the listed substances to help businesses ascertain when a warning label is required and/or whether a discharge of the chemical into a drinking water source is prohibited.

While OEHHA administers the Proposition 65 program, it does not enforce it. Rather, the California Attorney General is responsible for bringing Proposition 65 enforcement actions. Additionally, any individual or group acting in the public interest may enforce Proposition 65 by initiating a citizen suit against a business that is allegedly violating the program.

In-Depth Experience Handling Proposition 65 Cases

Since 1986, the attorneys at Bick Law have been intimately involved with Proposition 65. Our attorneys participated in the first meetings to provide comments to the original Proposition 65 regulations and in follow-up policy proceedings. Our attorneys regularly monitor updates to the state’s list of chemicals and notify clients when a new substance is proposed to be placed on the list. We work closely with our business clients to ensure that they take all of the right steps when their products need to be evaluated for compliance with Proposition 65 warning requirements, including notifying clients when the regulations change or new chemicals are listed. When a company is accused of violating Proposition 65’s discharge or warning requirements, our lawyers take swift action to minimize potential liability. We understand how costly and disruptive Proposition 65 enforcement actions can be and we are committed to helping companies reach a timely and fair resolution in these matters.