



California Ruling | Proposition 65

August 20, 2018

Dear Valued Customer,

The California Office of Environmental Health Hazard Assessment has established new regulations known as Proposition 65 that requires businesses to provide warnings to Californians about significant exposures to chemicals and related products that could lead to cancer, birth defects or other reproductive harm.

Proposition 65 contains a public list of approximately 900 chemicals including a wide range of naturally occurring and synthetic chemicals that may be used in product manufacturing. By law, businesses are now required to provide those living in California a “clear and reasonable” warning before knowingly and intentionally exposing anyone to any of these chemicals.

Though we at BlackHeart have no reason to believe our products could cause harm when used in the intended manner for which they were created, all of our BlackHeart items produced after August 2018 will include the Proposition 65 warnings on our product labels to meet California’s “Safe Harbor” requirements.

These new changes may effect you! In addition to the Proposition 65 warning on the item label, Effective August 30, 2018, anyone selling to California by the Internet or catalog must also provide the following warnings:

- For Internet purchases, a warning (or clearly marked hyper-link) must be prominently displayed using the messaging according to the state of California “WARNING: cancer and reproductive harm” to the purchaser prior to completing the purchase.
- For catalog purchases, the warning must be provided in the catalog in a manner that clearly associates it with the item being purchased.

For complete legal rules and reseller responsibilities, please reference:
<https://oehha.ca.gov/proposition-65/crnr/notice-adoption-article-6-clear-and-reasonable-warnings>

Please forward this information to any further resellers of our products. Under California Proposition 65, it is your responsibility to ensure you are compliant with all required warnings and implementation.

Sincerely,

Justin Gorman
Director of Sales



The Office of Environmental
Health Hazard Assessment

<https://oehha.ca.gov/>

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, was enacted as a ballot initiative in November 1986. The proposition protects the state’s drinking water sources from being contaminated with chemicals known to cause cancer, birth defects or other reproductive harm, and requires businesses to inform Californians about exposures to such chemicals.

Businesses are not required to provide OEHHA with any information regarding their decision to provide a Proposition 65 warning. This decision is made by each business based on its knowledge of the types of chemical exposures it is responsible for causing to individuals.

Small businesses with fewer than 10 employees, governmental agencies, and public water systems are exempt from the warning requirement and discharge prohibition of Proposition 65.



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California's Proposition 65, or Safe Drinking Water and Toxic Enforcement Act entitles California consumers special warnings for products that contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm if those products expose consumers to such chemicals above certain threshold levels. BlackHeart takes product safety very seriously and takes all necessary steps to comply with all applicable safety and health requirements. BlackHeart provides a general warning pursuant to Proposition 65 to all items sold.

Here are some known specific instances listed within Proposition 65 that are found in some of our products:

PVC Coated Products

WARNING: The plastic and/or coating on products may contain lead. Lead is known to the State of California to potentially cause cancer, birth defects or other reproductive harm.

Brass Products

WARNING: The brass components on products contain lead. Lead is known to the State of California to potentially cause cancer, birth defects or other reproductive harm.

Plastic Products

WARNING: Plastic product may contain Bisphenol A (BPA). BPA is known to the State of California to potentially cause birth defects or other reproductive harm.