

LEVITON'S POSITION STATEMENT
REGARDING REVISIONS TO
CALIFORNIA'S PROP 65

Prop 65 was revised in 2017, with an effective date of August 31, 2018. The primary revision is to the “safe harbor” warnings requirements. To be clear, the Prop 65 Regulation, including the recent revisions, does not require use of the new “safe harbor” language. The requirement is simply to provide a warning that is “clear and reasonable”.

Currently, the “safe harbor” warning is: “This product contains chemicals known to the State of CA to cause cancer or reproductive harm.” Effective August 31, 2018, for Point of Sale (POS) purchases (retail/online), the “safe harbor” warning requirements are as follows:

It must contain a yellow triangular pictogram containing an exclamation point. The pictogram looks



like this . The word “**WARNING**” in all capital letters and bold print and the words “this product can expose you to chemicals including (identify at least one chemical), which is known to the State of California to cause cancer”. For more information, go to www.P65Warnings.ca.gov/product.” For products that contain chemicals known to cause reproductive harm, we simply replace the word “Cancer” with the words “Birth Defects or Other Reproductive Harm”. For products containing chemicals known to cause both, then “Cancer” and “Birth Defects or Other Reproductive Harm” must be stated.

Effective August 31, 2018, for product sold where it is not feasible to provide POS warnings, the safe harbor warning may be placed on the product or its packaging, as follows:

The pictogram and the word **WARNING** in all capital letters and bold print are still required and must be followed by “Cancer - www.P65Warnings.ca.gov/product” for products that cause exposure to a carcinogenic toxicant. For consumer products that cause exposure to a reproductive toxicant, the words “Reproductive Harm – www.P65Warnings.ca.gov/product”. For products that cause exposure to both, the words “Cancer and Reproductive Harm – www.P65Warnings.ca.gov/product”. If we put the warning on the product or packaging we do not need to list a particular chemical.

Again, these new “safe harbor” warnings are not required.

At this time, Leviton will not adopt the new safe harbor language. Leviton will continue to use its current POS notice with a slight change, which we believe satisfies the clear and reasonable standard.



The revised language is as follows: “**WARNING:** This product may expose you to chemicals known to the State of California to cause cancer or reproductive harm”.

Leviton stands behind its products, and any customer that receives notice of a Prop 65 claim or lawsuit involving a Leviton product should promptly forward same to Leviton for review.

If you have any questions or concerns, feel free to contact Mark Richards at mrichards@leviton.com or 631-812-6907.