California Prop 65 - New Article 6 Regulations for Clear and Reasonable Warnings: WHAT YOU NEED TO KNOW?

Description: Proposition 65 is already a beacon for litigation; these changes will most likely generate even more lawsuits. Don’t get caught out of compliance. Attend the webinar to understand the important recent changes made to Article 6 establishing new requirements for providing “clear and reasonable” warnings, as approved on August 30, 2016 by the Office of Environmental Health Hazard Assessment.

Objectives of the Presentation

Participants will learn about:

- The current litigation and regulatory environment, including recent changes to the clear and reasonable warning regulations
- Potential changes to the safe harbor for lead following Environmental Law Foundation v. Beech-Nut
- New chemicals listings on the horizon
- Compliance considerations for companies
- Changes and what you need to know
- The impact on your business

Why should you Attend:

The California Office of Environmental Health Hazard Assessment (OEHHA) has introduced the final amendments to the ‘clear and reasonable warnings’ required by Proposition 65. This unique California law, in relevant part, purports to protect Californians from ‘exposure’ without ‘warning’ to a list of over 900 chemicals that the state has identified as causing cancer and/or reproductive harm.

Following the amendments, businesses that sell products in California will have to revamp their Proposition 65 warnings and provide more detail to consumers than before. Looking ahead, companies that do business in California should assess the impact of the new regulations and develop an implementation strategy. Slapping on a general Proposition 65 warning will no longer cut it. Instead, products must undergo detailed testing and analysis and be labeled with tailor-made warnings.

In addition, companies should keep detailed, verifiable and readily accessible records on dates of manufacture of products containing the old warning language to ward off any unmerited Proposition 65 Notices.

This webinar will assist companies in identifying current and future liability and litigation risks, discuss the future of Proposition 65 and provide companies with valuable insight and best practices to meeting Prop 65 regulatory compliance.

Areas Covered:

- Summary of the Article 6 Amendments
- Effects of the new proposed rulemaking
- Method and Content of the Warnings
- Responsibility for Providing a Warning
- Civil Penalties
- Settlements and Additional Settlement Payments
- Implications

Topic Background:

On August 30, 2016, California's Office of Environmental Health Hazard Assessment (OEHHA) released final amendments to the Proposition 65 warning regulations. The Office of Administrative Law approved the adoption of amendments to Article 6, Clear and Reasonable Warnings, of the California Code of Regulations.
The regulation will be operative on August 30, 2018. In the interim, businesses may comply with the regulation in effect on August 30, 2016, or the provisions of the new regulation. This will allow for a reasonable transition period for businesses to begin providing warnings under the new provisions.

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