

Protecting Wisconsin Consumers for 75 Years

California's Proposition 65 Safety Law

What is Proposition 65?

Proposition 65 is the Safe Drinking Water and Toxic Enforcement Act of 1986. It was passed by the people of California through a voting process. The law states that "no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual."

This means, manufacturers are required to place warning labels on their products if it contains any of the chemicals listed on California's toxic chemical list - www.oehha.ca.gov/prop65.html.

According to the law, the Governor of California is required to revise and republish (at least once per year) the list of chemicals known to the State to cause cancer or reproductive harm. Every year, chemicals are removed and added to California's list.

Additional information

California creates its own toxic chemical list according to the state's findings and their designated authoritative organizations.

The chemical toxicity list can be inconsistent. Some chemicals that California found to be unsafe were

eventually proven to be safe resulting in an unnecessary scare to consumers

For example, according to Proposition 65, saccharin, a common sugar-free sweetener, was put on the toxic chemical list in October 1989 because saccharin was identified by the International Agency for Research on Cancer & the National Toxicology program to cause cancer. After these two groups removed saccharin from their lists of substances thought to be a human carcinogen in 2000, California eventually removed saccharin from the list in April 2001.

Though products contain a label stating "WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm", many times the actual chemical is unknown to the consumer.

The state of California does not check to see if products contain appropriate warning labels; it is up to the consumer to bring a law suit against the manufacturer.

Why is California the only state to have this law?

Studies have found that consumers can become indifferent to warnings that are overused.¹

A few states such as Massachusetts, Connecticut, and Ohio have tried to pass similar Proposition 65 laws. However, the proposed bills failed to pass the respective states' legislative process.

Affects on Wisconsin consumers

Wisconsin consumers may see the California warning label on products because manufactures sell the same products in multiple states. To save time and money they use the same warning label for all states including the Proposition 65 warning required in California.

For more information, or to file a complaint, contact the Bureau of Consumer Protection at:

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¹ Kurlya, 1988 in Hadden, 1991 [referenced in EPA (April 1994a), p. 29]