

# PROPOSITION 65 DECLARATION ACCEPTANCE CRITERIA

**IMPORTANT** – This guideline is for information purposes only and does not constitute legal advice. This guide is for demonstrating compliance with Proposition 65 (“The Safe Drinking Water and Toxic Enforcement Act of 1986”). The acceptance criteria below is for communicating the presence of substances on the Proposition 65 substance list.

- 1. Company Letterhead:** This includes logo, address, and contact information of the company representative. Needs to indicate that the declaration is an official company communication of the employee making the declaration.
- 2. Proper Legislative Reference:** This indicates the supplier has some awareness of the legislation being inquired about.
  - a. Actual Legislation Title: Safe Drinking Water and Toxic Enforcement Act of 1986.
- 3. Unique Parts Reference:** Includes unique reference to parts or products being covered by the declaration. This can be:
  - a. Company level or blanket statement that does not require parts to be mentioned.
  - b. Part-level declaration requires specific parts to be listed.
- 4. Dated Reference:** Due to frequent updates to the Proposition 65 substance list, declarations should be no more than one (1) year old unless:
  - a. Your company is not reporting any Proposition 65 substances.
  - b. Your industry often changes materials in the production of parts covered in this declaration, in which case it should be updated upon material change.
- 5. Declares Compliance Status:**
  - a. States product(s) do not contain chemicals listed on California’s Safe Drinking Water & Toxic Enforcement Act of 1986.
    - i. Note this is a suspect declaration, as most products will contain at least one Proposition 65 substance.

- b. States that product(s) contain chemicals listed on California's Safe Drinking Water & Toxic Enforcement Act of 1986.
  - i. Must identify the substance or substances creating non-compliance per part or product.

**6. Declares Substances Present, if applicable:** If a part or parts contain declarable substances, the declaration must include the name and concentration of at least one (1) substance that is present in the product.

- a. Note: If possible, provide reference to which component and/or material contains the substance (i.e. a brief description of the substance's location within your part).

**7. Signed by Appropriate Individual:**

- a. Name, contact details and position must be included.
- b. Must be an employee of the company issuing the declaration.
- c. Position/job title should indicate a degree of familiarity with the materials or product adequate to stating compliance status (e.g. Engineering, Quality, Materials, Compliance Manager).