

CALIFORNIA PROPOSITION 65 LABELING REQUIREMENTS – OCTOBER 2018

Disclaimer:

The following information is not intended as legal advice. Our clients (and the clients of our clients) are recommended to seek the advice of an American attorney or law firm for specific circumstances and details involving Proposition 65 labeling and enforcement. As a responsible, globally acting company, we want to create awareness of the recent change of California Proposition 65 labeling requirements.

Proposition 65 is a Californian initiative created to address growing concerns about exposure to toxic chemicals. Due to this initiative, the law requires California to publish a list of chemicals suspected to cause cancer or reproductive toxicity and for businesses with 10 or more employees, to provide warnings when there may be significant exposures to listed chemicals.

This list currently includes more than 850 chemicals. It should be noted that Proposition 65 does not ban or restrict the sale of chemicals on the list. However, improper labeling of products is likely to result in legal cases.

In addition to wood dust and certain glues recently being added, Klumpp has determined that the newly updated list (since 1st of August 2018) may include some of the raw materials used in our coating products and as such, Klumpp Wood Coatings Company and its subsidiaries have decided to adopt the following:

It is suggested that if our manufacturing clients have any Klumpp-finished flooring product heading to California, that they also review and make sure to comply with Californian law, which requires the following;

- The name of at least one listed chemical that prompted the warning (detailed information available from Klumpp representatives and offices worldwide)
- The Internet address for OEHHA's new Proposition 65 warnings website, www.P65Warnings.ca.gov, which includes additional information on the health effects of listed chemicals and ways to reduce or eliminate exposure to them
- A triangular yellow warning symbol

In such a manner, our clients will be able to better protect themselves and their American clients/ distributors with business(es) in California.

Technical documentation/ details may be requested from Klumpp if required. An example of a warning label is as follows;



WARNING: Drilling, sawing, sanding or machining wood products can expose you to wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or use a dust mask or other safeguards for personal protection. This product can expose you to chemicals including Benzophenone, which is known to the State of California to cause cancer. For more information go to: www.P65Warnings.ca.gov/wood

Please keep in mind that this law is for the state of California only and that it is not only related to coating products, but wood itself, cores, veneers, lamellas, glues, overlays, leathers, fabrics, plastics, and a lot of other items.

In addition to the above measures, Klumpp Coatings SEA and South America has decided to change formulations of all articles containing Prop 65 listed substances, to protect our direct (and downstream) clients with effect from 1st of January 2019.

For further information, feel free to contact Klumpp company representatives.

Kind regards,



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APPENDIX

Proposition 65 compliance for flooring (solid/ engineered/ vinyl/ composite)

Producers and distributors may comply with Prop 65 either by affixing a label to the product bearing the required warning, or by providing a written notice directly to a retail seller. For lumber and other wood and finishing products, posting of warning signs meeting the specifications of the regulation, is the only one safe-harbor warning method for wood dust, glues, and finishing exposures.

The new Prop 65 regulation includes descriptions of the responsibilities of the producers, distributors and retailers.

Flooring manufacturer's responsibilities:

1. Send written notices with warning materials to their downstream customers (distributors, retailers and secondary manufacturers). Materials must meet all of the regulation's requirements including warning content, size of sign, font size, and renewal frequency of notice distribution.
2. Obtain confirmation of receipt of the notice and warning materials.

Distributors' responsibilities:

1. The distributor has the same responsibilities as the producer. If the distributor received warning materials from the producer, those can be forwarded to their downstream customers if products are destined for California consumers. If warning materials were not received, the distributor will need to generate them.

Retailers' responsibilities:

1. The placement and maintenance of warning materials that it received from producers/ distributors. This includes providing website-based warning for products sold over the Internet.
2. Designates an authorized agent to receive notices from producers and distributors. The authorized agent is responsible for Prop 65 compliance and is the point of contact for suppliers regarding Prop 65.

Retailers should understand that the posting of warnings at the point of display or sale is currently the only safe-harbor warning method for wood dust exposures.