

California's Proposition 65

Greenspoon Marder LLP's Environmental and Products Liability practice groups provide comprehensive legal services for businesses navigating California's Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65 (Prop 65).

California's Prop 65 requires businesses to provide "clear and reasonable" warnings to Californians before "knowingly and intentionally" exposing them to one or more of the 900+ listed chemicals believed to cause cancer, birth defects, or other reproductive harm, at certain exposure levels. With such numerous chemicals listed and the prevalence of those chemicals in various products, ranging from food, cosmetics, tools, building materials, and others, violations of Prop. 65 is routine. Such violations, if proven, can trigger substantial penalties of up to \$2,500 per day, per violation and can be imposed on all parties in the chain of product distribution.

In practice, a network of plaintiffs' attorneys enforces the law by testing various consumer products for chemical content and warning compliance. If any trace of a regulated chemical is detected, a notice of violation is issued, often leading to costly legal disputes and significant penalties.

Our experienced team helps clients comply with Prop 65's complex requirements. Our attorneys are skilled in achieving compliance as well as with defending against alleged Prop 65 violations, through trial, and working proactively to minimize risk.

We also assist businesses and trade groups in seeking safe use determinations (SUDs) from California's Office of Environmental Health Hazard Assessment (OEHHA) to confirm whether the use or release of certain listed chemicals requires a warning or is in violation of Prop 65 regulations.

Greenspoon Marder's Environmental practice group consists of highly skilled attorneys with the technical expertise needed to navigate complex regulatory challenges. Our litigators, including those in California, excel at crafting proactive compliance strategies and defending businesses against enforcement actions.

In addition to California's Prop 65, our team advises clients on related environmental regulations such as California's Safer Consumer Products Law (Green Chemistry Initiative) and the U.S. Toxic Substances Control Act (TSCA). We offer a holistic approach to regulatory compliance, helping clients optimize strategies, reduce risks, and mount strong defenses when necessary.

Lead Attorney

- Christopher "Smitty" Smith

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- New Year, New Prop. 65 Regulations: What Businesses Need to Know in 2025

