Title 27, California Code of Regulations

ARTICLE 6

Clear and Reasonable Warnings

PROPOSED REPEAL OF ARTICLE 6, SECTIONS 25601 THROUGH 25605.2

ADOPT NEW ARTICLE 6

SUBARTICLE 1

General

SUBARTICLE 2

Safe Harbor Methods and Content

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Subarticle 1: General

§ 25600 General

(a) Article 6, Subarticles 1 and 2 apply when a clear and reasonable warning is required under Section 25249.6 of the Act. Subarticle 1 sets forth general provisions applicable throughout this article, including the allocation of responsibility among parties when a warning for a consumer product is required under the Act. Subarticle 2 provides "safe harbor" content and methods for providing a warning that have been determined "clear and reasonable" by the lead agency. Nothing in Article 6 or Subarticles 1 and 2 shall be interpreted to determine whether a warning is required for a given exposure under Section 25249.6 of the Act.

(b) This article will become effective two years after the date of adoption. A person may provide a warning that complies with this article prior to its two-year effective date; such warning will be deemed to be clear and reasonable. A warning for a consumer product manufactured prior to the effective date of this article is deemed to be clear and reasonable if it complies with the September 2008 revision of this article.

(c) If the lead agency has not adopted a specific product, chemical or area exposure warning in Section 25607, an interested party may request that the lead agency adopt one pursuant to Government Code Section 11340.6 et seq. (Petition for Rulemaking), or may request guidance from the lead agency pursuant to Article 2, section 25203 (Interpretive Guideline Request) or Article 2, section 25204 (Safe Use Determination).

(d) A person is not required to provide separate warnings to each exposed individual.

(e) A person that is a party to a court-ordered settlement or final judgment establishing a warning method or content is deemed to be providing a "clear and reasonable" warning for that exposure for purposes of this article, if the warning complies with the order or judgment.

(f) Nothing in Subarticle 2 shall be construed to preclude a person from providing a warning using content or methods other than those specified in Subarticle 2 that nevertheless complies with Section 25249.6 of the Act.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25600.1 Definitions

(a) "Affected area" means the area in which an exposure to a listed chemical can occur at a level that requires a warning.

(b) "Authorized agent" means the person or entity designated by a retail seller to receive notices from product manufacturers, producers, packagers, importers, suppliers, and distributors

under this article.

(c) “Consumer information” includes warnings, directions for use, ingredient lists, and nutritional information. “Consumer information” does not include the brand name, product name, company name, location of manufacture, or product advertising.

(d) “Consumer product” means any article, or component part thereof, including food, that is produced, distributed, or sold for the personal use, consumption or enjoyment of a consumer.

(e) “Consumer product exposure” means an exposure that results from a person’s acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer product, including consumption of a food.

(f) “Environmental exposure” means an exposure that occurs as the result of contact with an environmental source, such as ambient air, indoor air, drinking water, standing water, running water, soil, vegetation, or manmade or natural substances or objects, through inhalation, ingestion, or skin or other contact with the body. All exposures that are not consumer product exposures or occupational exposures are environmental exposures.

(g) “Food” has the same meaning as defined in Health and Safety Code Section 109935 and includes “dietary supplements” as defined in California Code of Regulations, title 17, section 10200.

(h) “Knowingly” has the same meaning as defined in Article 1, section 25102(n).

(i) “Label” means a display of written, printed or graphic material that is affixed to a product or its immediate container or wrapper.

(j) “Labeling” means any written, printed, graphic, or electronically provided communication that accompanies a product including tags at the point of sale or display of a product.

(k) “Occupational exposure” means an exposure to any employee at his or her place of employment.

(l) “Retail seller” means a person or business that sells or otherwise provides consumer products directly to consumers by any means, including via the Internet. For purposes of this article, a retail seller includes those functions of a business involved in the sale of consumer products, including foods, directly to consumers, even if the business or facility is primarily devoted to non-retail activities.

(m) “Sign” means a physical presentation of written, printed, graphic or electronically provided communication, including shelf signs, other than a label or labeling, posted in a conspicuous manner that is associated with the exposure requiring a warning under the Act, is clearly visible under all lighting conditions normally encountered during business hours and under such conditions as to make it likely to be seen, read, and understood by an ordinary person.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections

25249.6 and 25249.11, Health and Safety Code.

§ 25600.2 Responsibility to Provide Consumer Product Exposure Warnings

(a) Section 25249.11 of the Act requires the lead agency to minimize the burden on retail sellers of consumer products, to the extent practicable, when it adopts regulations concerning clear and reasonable warnings except where the retail seller itself is responsible for introducing a listed chemical into the product.

(b) The manufacturer, producer, packager, importer, supplier, or distributor of a product may comply with this article either by affixing a label to the product bearing a warning that satisfies Section 25249.6 of the Act, or by providing a written notice directly to the authorized agent for a retail seller who is subject to Section 25249.6 of the Act, which:

(1) States that the product may result in an exposure to one or more listed chemicals;

(2) Includes the exact name or description of the product or specific identifying information for the product such as a Universal Product Code or other identifying designation;

(3) Includes all necessary warning materials such as labels, labeling, shelf signs or tags, and warning language for products sold on the Internet, that satisfies Section 25249.6 of the Act;

(4) Has been sent to the retail seller, and the manufacturer, producer, packager, importer, supplier, or distributor has obtained confirmation electronically or in writing of receipt of the notice.

(c) If the manufacturer, producer, packager, importer, supplier, or distributor of a product is complying with this section by providing a written notice directly to the authorized agent:

(1) The notice must be renewed, and receipt of the renewed notice confirmed electronically or in writing by the retail seller's authorized agent within six months during the first year after the effective date of the regulation, then annually thereafter during the period in which the product is sold in California by the retail seller.

(2) An additional notice is required within 90 days when a different or additional chemical name or endpoint (cancer or reproductive toxicity) is included in the warning.

(d) The retail seller is responsible for the placement and maintenance of warning materials, including warnings for products sold over the Internet, that the retail seller receives pursuant to subsections (b) and (c).

(e) The retail seller is responsible for providing the warning required by Section 25249.6 of the Act for a consumer product exposure only when one or more of the following circumstances exist:

(1) The retail seller is selling the product under a brand or trademark that is owned or licensed by the retail seller or an affiliated entity;

(2) The retail seller has knowingly introduced a listed chemical into the product, or knowingly caused a listed chemical to be created in the product;

(3) The retail seller has covered, obscured or altered a warning label that has been affixed to the product pursuant to subsections (b) and (c);

(4) The retail seller has received a notice and warning materials for the exposure pursuant to subsections (b) and (c) and the retail seller has sold the product without conspicuously posting or displaying the warning; or

(5) The retail seller has actual knowledge of the potential consumer product exposure requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the product who:

(A) Is a "person in the course of doing business" under Section 25249.11(b) of the Act, and

(B) Has designated an agent for service of process in California, or has a place of business in California.

(f) For purposes of subsection (e)(5), "actual knowledge" means specific knowledge of the consumer product exposure received by the retail seller from any reliable source. If the source of this knowledge is a notice served pursuant to Section 25249.7 (d)(1) of the Act, the retail seller shall not be deemed to have actual knowledge of any consumer product exposure that is alleged in the notice until five business days after the retail seller receives a notice that provides a description of the product with sufficient specificity for the retail seller to readily identify the product in accordance with Article 9, section 25903(b)(2)(D).

(g) The retail seller of a product that may cause a consumer product exposure shall promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the product to the following persons on written request, to the extent that this information is reasonably available to the retail seller:

(1) The lead agency, the Attorney General, any district attorney, or any city attorney with authority to bring an action under the Act; or

(2) Any person who has served notice under Section 25249.7(d)(1) of the Act alleging that the consumer product causes an exposure that requires a warning under the Act.

(h) A person or entity making a written request pursuant to subsection (g) must provide a description of the product with sufficient specificity for the retail seller to readily identify the product in accordance with Article 9, section 25903(b)(2)(D).

(i) Provided that the consumer receives a warning that meets the requirements of Section 25249.6 of the Act prior to exposure, the manufacturer, producer, packager, importer, supplier, or distributor of a product that may cause a consumer product exposure may enter into a written

agreement with the retail seller of the product to allocate legal responsibility among themselves for providing a warning for the product, which shall bind the parties to that agreement and which shall supersede the requirements of subsections (b), (c), (d), and (e).

NOTE: Authority cited: Sections 25249.12 and 25249.11(f), Health and Safety Code. Reference: Sections 25249.6 and 25249.7(k), Health and Safety Code.

Subarticle 2: Safe Harbor Methods and Content

§ 25601 Safe Harbor Clear and Reasonable Warnings – Methods and Content

(a) A warning is "clear and reasonable" within the meaning of Section 25249.6 of the Act if the warning complies with all applicable requirements of this article.

(b) Except as provided in Section 25603(c), a warning meets the requirements of this article if the name of one or more of the listed chemicals in the consumer product or affected area for which the warning is being provided is included in the text of the warning. Where a warning is being provided for more than one endpoint (cancer and reproductive toxicity) the warning must include the name of one or more chemicals for each endpoint, unless the named chemical is listed as known to cause both cancer and reproductive toxicity and has been so identified in the warning.

(c) Consumer product exposure warnings must be prominently displayed on a label, labeling, or sign, and must be displayed with such conspicuousness as compared with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

(d) Environmental exposure warnings must be provided in a conspicuous manner and under such conditions as to make the warning likely to be seen, read, and understood by an ordinary individual in the course of normal daily activity.

(e) The warning content may contain information that is supplemental to the content required by this article only to the extent that it identifies the source of the exposure or provides information on how to avoid or reduce exposure to the identified chemical or chemicals. Such supplemental information may not be substituted for the warning content required by this article.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6 Health and Safety Code.

§ 25602 Consumer Product Exposure Warnings – Methods of Transmission

(a) Unless otherwise specified in Section 25607, a warning meets the requirements of this

article if it complies with the content requirements in Section 25603 and is provided using one or more of the following methods:

(1) A product-specific warning provided on a posted sign, shelf tag, or shelf sign, for the consumer product at each point of display of the product.

(2) A product-specific warning provided via any electronic device or process that automatically provides the warning to the purchaser prior to or during the purchase of the consumer product, without requiring the purchaser to seek out the warning.

(3) A label that complies with the content requirements in Section 25603(a).

(4) An on-product warning that complies with the content requirements in Section 25603(b). The entire warning must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6-point type.

(b) For internet purchases, a warning that complies with the content requirements of Section 25603(a) must be provided by including either the warning on the product display page, or a clearly marked hyperlink using the word "**WARNING**" on the product display page, or by otherwise prominently displaying the warning to the purchaser prior to completing the purchase. If an on-product warning is provided pursuant to Section 25602(a)(4), the warning provided on the website may use the same content as the on-product warning. For purposes of this article, a warning is not prominently displayed if the purchaser must search for it in the general content of the website.

(c) For catalog purchases, the warning must be provided in the catalog in a manner that clearly associates it with the item being purchased. If an on-product warning is being provided pursuant to Section 25602(a)(4), the warning provided in the catalog may use the same content as the on-product warning.

(d) Where a consumer product sign, label or shelf tag used to provide a warning includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

§ 25603 Consumer Product Exposure Warnings – Content

(a) Unless otherwise specified in Section 25607, a warning meets the requirements of this article if it is provided using one or more of the methods required in Section 25602 and includes all the following elements:

(1) A symbol consisting of a black exclamation point in a yellow equilateral triangle with

a bold black outline. Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white. The symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word "WARNING".

(2) The word "**WARNING**" in all capital letters and bold print, and:

(A) For exposures to listed carcinogens, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov."

(B) For exposures to listed reproductive toxicants, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(C) For exposures to both listed carcinogens and reproductive toxicants, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer, and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(E) Where a warning is being provided for an exposure to a single chemical the words "chemicals including" may be deleted from the warning content set out in subsections (A), (B), (C) and (D).

(b) An on-product warning may be provided using all the following elements:

(1) The symbol required in subsection (a)(1).

(2) The word "**WARNING**" in all capital letters, in bold print.

(A) For consumer products that cause exposures to a listed carcinogen, the words, "Cancer - www.P65Warnings.ca.gov."

(B) For consumer products that cause exposures to a listed reproductive toxicant, the words, "Reproductive Harm - www.P65Warnings.ca.gov."

(C) For consumer products that cause exposures to both a listed carcinogen and a reproductive toxicant, the words, "Cancer and Reproductive Harm - www.P65Warnings.ca.gov."

(c) A person providing an on-product warning pursuant to subsection (b) is not required to include within the text of the warning the name or names of a listed chemical.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25604 Environmental Exposure Warnings – Methods of Transmission

(a) Unless otherwise specified in Section 25607, a warning for an environmental exposure meets the requirements of this article if it complies with the content requirements in Section 25605 and is provided using one or more of the following methods:

(1) For indoor environments or outdoor spaces with clearly defined entrances, a warning sign posted at all public entrances to the affected area in no smaller than 72-point type. The warning sign must:

(A) Clearly identify one or more sources of exposure.

(B) Be provided in a conspicuous manner and under such conditions as to make it likely to be seen, read, and understood by an ordinary individual in the course of normal daily activity.

(C) Be provided in English and in any other language used on other signage in the affected area.

(2) A warning provided in a notice mailed, sent electronically, or otherwise delivered to each occupant in the affected area. The notice must:

(A) Clearly identify one or more sources of exposure.

(B) Include a map that clearly identifies the affected area.

(C) Be provided at least every three months.

(D) Be provided in English and in any other language ordinarily used by the person to communicate with the public.

(3) A warning published in the main or local news section of a newspaper with the largest circulation in the area for which the warning is given, at least once every three months. The warning must:

(A) Clearly identify one or more sources of exposure.

(B) Be at least a quarter-page in size in the print version.

(C) Include a map that clearly identifies the affected area.

(D) Also be published in the electronic version of the publication, if any.

(E) If a newspaper published in a language other than English is circulated in the affected area, the warning must be published in that newspaper and in that language, in addition

to being published in English in at least one English-language newspaper that circulates in that area.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25605 Environmental Exposure Warnings – Content

(a) Unless otherwise specified in Section 25607, a warning meets the requirements of this article if it is provided using one or more of the methods required in Section 25604 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) For exposures to listed carcinogens, the words, "Entering this area can expose you to chemicals known to the State of California to cause cancer, including [name of one or more chemicals], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov."

(A) For exposures to a single carcinogen, the following words may be used: "Entering this area can expose you to [name of chemical] from [name of one or more sources of exposure]. [Name of chemical] is known to the State of California to cause cancer. For more information, go to www.P65 Warnings.ca.gov."

(4) For exposures to listed reproductive toxicants, the words, "Entering this area can expose you to chemicals known to the State of California to cause birth defects or other reproductive harm, including [name of one or more chemicals], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov."

(A) For exposures to a single reproductive toxicant, the following words may be used: "Entering this area can expose you to [name of chemical] from [name of one or more sources of exposure]. [Name of chemical] is known to the State of California to cause birth defects or other reproductive harm. For more information, go to www.P65 Warnings.ca.gov."

(5) For exposures to both listed carcinogens and reproductive toxicants, the words, "Entering this area can expose you to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm, including [name of one or more chemicals known to cause cancer and name of one or more chemicals known to cause birth defects or other reproductive harm], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov."

(6) For exposures to a single chemical that is listed as both a carcinogen and a reproductive toxicant, the following words may be used, "Entering this area can expose you to [name of chemical] from [name of one or more sources of exposure]. [Name of

chemical] is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25606 Occupational Exposure Warnings

(a) A warning to an exposed employee about a listed chemical meets the requirements of this article if it fully complies with all warning information, training and labeling requirements of the federal Hazard Communication Standard (29 Code of Federal Regulations, section 1910.1200), the California Hazard Communication Standard (Title 8, California Code of Regulations section 5194), or, for pesticides, the Pesticides and Worker Safety requirements (Title 3, California Code of Regulations section 6700 et seq.).

(b) For occupational exposures to chemicals not covered by subsection (a), warnings may be provided consistent with sections 25601, 25602, 25603, 25604, 25605 and 25607 et seq. of this article.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25607 Specific Product, Chemical and Area Exposure Warnings

(a) This section provides warning methods and content for specific types of exposures that are subject to the warning requirements of Section 25249.6 of the Act. Except as provided in subsection (b), where warning methods or content are included in this section, a person must use the warnings specified in this section in order to satisfy the requirements of this subarticle.

(b) If a person does not cause an exposure to a listed chemical required to be identified in a warning set out in this section, the name of that listed chemical need not be included in the warning in order to meet the requirements of this subarticle. The name of at least one listed chemical requiring a warning must be included in all warnings.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25607.1 Food Exposure Warnings – Methods of Transmission

(a) Except as provided in subsection (b), a warning for food exposures, including dietary supplements, meets the requirements of this article if it complies with the content requirements in Section 25607.2 and is provided using one or more of the methods required in Section 25602.

(b) Where the warning is provided on the food product label, it must be set off from other surrounding information, enclosed in a box and comply with the content requirements specified in Section 25607.2.

(c) Where a specific food product sign, label or shelf tag used to provide a warning includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.2 Food Exposure Warnings – Content

(a) A warning for food exposures, including dietary supplements, meets the requirements of this article if it is provided via one or more of the methods specified in Section 25607.1 and includes all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) For exposure to a listed carcinogen, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov/food."

(3) For exposure to a listed reproductive toxicant, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food."

(4) For exposure to both listed carcinogens and reproductive toxicants, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food."

(5) For exposure to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food."

(6) Where a warning is being provided for an exposure to a single chemical the words "chemicals including" may be deleted from the warning content set out in subsections (2), (3), (4) and (5).

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.3 Alcoholic Beverage Exposure Warnings – Methods of Transmission

(a) A warning for exposures to alcoholic beverages meets the requirements of this article if it complies with the content requirements in Section 25607.4 and is provided using one or more of the following methods:

(1) An 8½ by 11 inch sign in no smaller than 22-point type, placed at eye level so that it is readable and conspicuous to customers as they enter the area or areas where, by permit or license, alcoholic beverages are served.

(2) A notice or sign no smaller than 5 by 5 inches placed at each retail point of sale or display so as to assure that it is readable and conspicuous. The warning message must be in a type size no smaller than 20-point type and be enclosed in a box.

(3) For alcoholic beverages provided for consumption on the premises served by food or beverage persons, or sold through an over-the-counter service, the warning message is provided on a menu or list identifying the alcoholic beverages served on the premises. If there is no menu or list identifying the alcoholic beverages served on the premises, then the warning message is provided on the menu or list identifying the food or other beverages sold on the premises.

(4) For alcoholic beverages sold or distributed to purchasers within California through package delivery services, a warning provided by incorporating or placing the warning message on or in the shipping container or delivery package in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 8-point. The warning message must be readable and conspicuous to the recipient prior to consumption of the alcoholic beverages.

(b) The warning must be provided in English and in any other language used for labeling or advertising the product on the premises.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.4 Alcoholic Beverage Exposure Warnings – Content

(a) A warning for alcoholic beverages, including beer, malt beverages, wine and distilled spirits, complies with this article if it is provided using one or more of the methods required in Section 25607.3 and includes all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) The words, " Drinking distilled spirits, beer, coolers, wine and other alcoholic beverages may increase cancer risk, and, during pregnancy, can cause birth defects. For more information go to www.P65Warnings.ca.gov/alcohol."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.5 Food and Non-Alcoholic Beverage Exposure Warnings for Restaurants – Methods of Transmission

(a) A warning for foods or non-alcoholic beverages that are sold or served by restaurants or other food facilities, as defined in Health and Safety Code Section 113789, and that are intended for immediate consumption, meets the requirements of this article if it complies with the content requirements in Section 25607.6 and is provided using one or more of the following methods:

(1) An 8½ by 11 inch sign, printed in no smaller than 28-point type placed so that it is readable and conspicuous to customers as they enter each public entrance to the restaurant or facility where food or beverages may be consumed.

(2) A notice or sign no smaller than 5 by 5 inches, printed in no smaller than 20-point type placed at each point of sale so as to assure that it is readable and conspicuous.

(3) A warning on any menu or list describing food or non-alcoholic beverage offerings, in a type size no smaller than the largest type size used for the names of general menu items.

(b) The warning must be provided in English and in any other language used on other signage or menus provided on the premises.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.6 Food and Non-Alcoholic Beverage Exposure Warnings for Restaurants – Content

(a) A warning at restaurants or other facilities that sell food or beverages primarily for on-site consumption, not including alcoholic beverages, meets the requirements of this article if it is provided using one or more of the methods required in Section 25607.5 and includes all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) The words, "Certain foods and beverages sold or served here can expose you to chemicals including acrylamide in many fried or baked foods, and mercury in fish, which are known to the State of California to cause cancer and birth defects or other reproductive harm.

For more information go to www.P65Warnings.ca.gov/restaurant."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.7 Prescription Drug Exposure and Emergency Medical or Dental Care Exposure Warnings

(a) For prescription drugs the labeling approved or otherwise provided under federal law or the prescriber's accepted practice of obtaining a patient's informed consent complies with this article.

(b) For exposures resulting from emergency or urgent medical or dental care as defined in Article 1, Section 25102(g), no warning is required when any of the following circumstances exists:

(1) The patient is unconscious; or

(2) The procedure must be undertaken because the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care, as these terms are defined in Sections 25102(q), 25102(d), and 25102(b), respectively, reasonably believes that the procedure should be undertaken immediately; and therefore, there is insufficient time to fully inform the patient; or

(3) The procedure must be performed on a person legally incapable of giving consent, and the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care reasonably believes the procedure should be undertaken immediately; and therefore, there is insufficient time to obtain the informed consent of a person authorized to give such consent for the patient.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.8 Dental Care Exposure Warnings – Methods of Transmission

(a) A warning for an exposure that occurs during delivery of dental care, including an exposure from the use of dental appliances, meets the requirements of this article if it complies with the content requirements in Section 25607.9 and is provided using one or both of the following methods:

(1) A sign posted at all public points of entry to the dental office or in each location within the office where an exposure is reasonably likely to occur. The notice or sign must be no smaller than 5 by 5 inches and printed in no smaller than 20-point type; or

(2) A warning provided with or in an informed consent form signed by the patient prior to exposure.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.9 Dental Care Exposure Warnings – Content

(a) A warning for exposures that occur during the delivery of dental care services meets the requirements of this article if it is provided using one or both of the methods required in Section 25607.8 and contains all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) The words, "Certain dental procedures performed in this office can expose you to chemicals known to the State of California to cause cancer or birth defects or other reproductive harm or both. Those procedures can include sedation with nitrous oxide, root canals, placement or removal of crowns, bridges, and restorations such as mercury-containing fillings and use of dental appliances. Consult your dental care provider about these exposures and which materials are appropriate for your treatment. Additional information is also available at www.P65Warnings.ca.gov/dental."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.10 Raw Wood Product Exposure Warnings – Methods of Transmission

(a) A warning for consumer product exposures to wood dust by drilling, sawing, sanding or machining raw wood products meets the requirements of this article if it complies with the content requirements in Section 25607.11 and is provided using one or both of the following methods:

(1) The warning is displayed either at the point of sale or display of the wood products in a manner likely to be seen by the purchaser. The notice or sign must be no smaller than 8 1/2 by 11 inches and printed in no smaller than 20-point type.

(2) Where the product is sold in bulk form, the warning may be provided on an invoice or receipt for the wood products in no smaller than 12-point type.

(b) "Raw wood products" include logs, sawn lumber, plywood and composite wood panels, engineered structural wood products, and similar wood products that are for the most part uncoated and have not been processed into other useful products and have the strong likelihood to be sawed, sanded, or drilled so as to generate wood dust.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.11 Raw Wood Product Exposure Warnings - Content

(a) A warning for consumer product exposures to wood dust by drilling, sawing, sanding or machining raw wood products meets the requirements of this article if it is provided using one or both of the methods required in Section 25607.10 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and in bold print.

(3) The words, "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. For more information go to www.P65Warnings.ca.gov/wood."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.12 Furniture Product Exposure Warnings – Methods of Transmission

(a) A warning for consumer product exposures from furniture meets the requirements of this article if it complies with the content requirements in Section 25607.13 and is provided using the following process:

(1) A warning is affixed to the furniture product in the same manner as other consumer information or warning materials that are provided on the product and

(A) A notice or sign no smaller than 8 ½ by 11 inches is displayed either at each public entrance or point of display, and printed in no smaller than 28-point type; or

(B) A notice is printed or stamped in no smaller than 12-point type on each receipt.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.13 Furniture Product Exposure Warnings – Content

(a) A warning for consumer product exposures from furniture meets the requirements of this article if it is provided using the combination of methods required in Section 25607.12 and it includes all the following elements:

(1) An on-product warning label provided pursuant to Section 25607.12(a)(1), must

contain all the following elements:

(A) The symbol described in Section 25603(a)(1).

(B) The word "**WARNING**" in all capital letters and bold print.

(C) The words, "This product can expose you to chemicals including [name of one or more chemicals known to cause cancer, name of one or more chemicals known to cause reproductive toxicity, or name of one or more chemicals known to cause both cancer and birth defects or other reproductive harm], which is [are] known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/furniture."

(2) A notice displayed pursuant to Section 25607.12(a)(1)(A) or stamped on a receipt pursuant to Section 25607.12(a)(1)(B) must contain all the following elements:

(A) The word "**NOTICE**" in all capital letters and bold print.

(B) The words, "Some furniture products can expose you to chemicals known to the State of California to cause cancer or birth defects or other reproductive harm. Please check on-product label for warning information."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.14 Diesel Engine Exposure Warnings (Except Passenger Vehicle Engines) – Methods of Transmission

(a) A warning for a consumer product exposure to diesel engine exhaust from equipment other than passenger vehicle engines meets the requirements of this article if it complies with the content requirements in Section 25607.15 and is provided using the following combination of methods:

(1) The warning is printed in the owner's manual for the specific vehicle, engine or other equipment. Such notice must be printed in no smaller than 12-point type, be enclosed in a box and appear inside or outside the front or back cover of the manual or on the first page of the text; and

(A) The warning is provided on a label permanently attached to the product in a location that is easily visible to the operator of the vehicle, engine or other equipment when it is being operated, or

(B) If other warnings or operating instructions are provided in an on-screen display, the warning is provided in that manner, using the same type size as other operator warnings, in no case shall the warning appear in a type size smaller than 8-point.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.15 Diesel Engine Exposure Warnings (Except Passenger Vehicle Engines) – Content

(a) A warning for a consumer product exposure to diesel engine exhaust from products other than passenger vehicle engines meets the requirements of this article if it is provided using the combination of methods required in Section 25607.14 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing diesel engine exhaust exposes you to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

- Always start and operate the engine in a well-ventilated area.
- If in an enclosed area, vent the exhaust to the outside.
- Do not modify or tamper with the exhaust system.
- Do not idle the engine except as necessary.

For more information go to www.P65warnings.ca.gov/diesel."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.16 Vehicle Exposure Warnings – Methods of Transmission

(a) A warning for exposures that occur during the operation, service and maintenance of a "passenger vehicle," as defined in Vehicle Code Section 465, or an "off-road vehicle" as defined in Vehicle Code Section 38012(b) meets the requirements of this article if it is complies with the content requirements in Section 25607.17 and is provided using both of the following methods:

(1) The warning is printed in the owner's manual for the passenger vehicle or off-road vehicle, in no smaller than 12-point type enclosed in a box printed or affixed to the inside or outside of the front or back cover of the manual or on the first page of the text; and

(2) The warning is provided on a label attached to the front window on the driver's side of the passenger vehicle or off-road vehicle. If the vehicle does not have a driver's side window, the warning may be provided on a hang tag which is hung from the rear view mirror. If the vehicle does not have a driver's side window or rear view mirror, the warning may be placed in another prominent location. The label need not be permanently affixed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.17 Vehicle Exposure Warnings – Content

(a) A warning for exposures that occur during the service, operation, and maintenance of a passenger vehicle or off-road vehicle meets the requirements of this article if it is provided using the methods required in Section 25607.16 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Operating, servicing and maintaining a passenger vehicle or off-road vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to www.P65Warnings.ca.gov/passenger-vehicle."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.18 Recreational Vessel Exposure Warnings – Method of Transmission

(a) A warning for exposures that occur during the operation or maintenance of a recreational vessel as defined in California Harbor and Navigation Code Section 651(t) meets the requirements of this article if it complies with the content requirements in Section 25607.19 and is provided as follows:

(1) The warning is printed in the owner's manual for the specific recreational vessel, in no smaller than 12-point type enclosed in a box printed or affixed to the inside or outside of the front or back cover of the manual or on the first page of the text, and;

(2) The warning is provided on a hang tag readily visible from the helm of the vessel printed in no smaller than 12-point type.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.19 Recreational Vessel Exposure Warnings – Content

(a) A warning for exposures that occur during the operation or maintenance of a recreational

vessel meets the requirements of this article if it is provided using the method required in Section 25607.18 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Operating, servicing and maintaining a recreational marine vessel can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, service your vessel in a well-ventilated area and wear gloves or wash your hands frequently when servicing this vessel. For more information go to www.P65warnings.ca.gov/marine."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.20 Enclosed Parking Facility Exposure Warnings – Method of Transmission

(a) A warning for exposures that occur in an enclosed parking facility meets the requirements of this article if it complies with the content requirements in Section 25607.21, is provided on a 20 by 20 inch sign posted at each public entrance to the enclosed parking facility in no smaller than 72-point type, and is placed so that it is readable and conspicuous to individuals before they enter the facility.

(b) The warning must be provided in English and in any other languages in which other entrance signage is provided at the facility.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.21 Enclosed Parking Facility Exposure Warnings – Content

(a) A warning for exposures that occur in an enclosed parking facility meets the requirements of this article if it is provided using the method required in Section 25607.20 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this parking garage can expose you to chemicals including carbon monoxide and gasoline or diesel engine exhaust, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this

area longer than necessary. For more information go to www.P65Warnings.ca.gov/parking."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.22 Amusement Park Exposure Warnings – Method of Transmission

(a) For amusement parks, a warning meets the requirements of this article if it complies with the content requirements in Section 25607.23 and is provided as follows:

(1) The warning is provided on a sign posted at each public entrance to the facility in no smaller than 72-point type.

(2) The warning is placed so that it is readable and conspicuous to individuals before they enter the facility or park.

(3) Where there is open access to the facility with no designated public entrances, the sign shall be posted at the most common areas used by the public to access the facility or park.

(b) For purposes of sections 25607.22 and 25607.23, "amusement park" is defined as any permanent facility or park providing amusement rides for use by the public. "Amusement ride" is defined as any type of ride, such as a mechanical or aquatic device, which carries passengers over a fixed or restricted route primarily for the passengers' amusement; and includes any ride propelled by its passengers or gravity if it is located in an amusement park.

(c) If other permanent entrance signage at the facility is provided in any language other than English, the warning must be provided in both English and that language.

(d) In addition to the warning specified in this section, warnings that comply with this article must also be provided for exposures to chemicals in consumer products, alcoholic beverages, food, and enclosed parking facilities where such exposures occur on the premises.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.23 Amusement Park Exposure Warnings – Content

(a) A warning for amusement park exposures meets the requirements of this article if it is provided using the method required in Section 25607.22 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Some areas or features in this amusement park can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of

California to cause cancer or birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/amusement-parks."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.24 Petroleum Products Warnings (Environmental Exposures) – Methods of Transmission

(a) A warning for environmental exposures to petroleum products from industrial operations and facilities, other than from service stations and vehicle repair facilities, meets the requirements of this article if it complies with the content requirements in Section 25607.25 and is provided using one or more of the methods required in Section 25604.

(b) If other signage at the facility is provided for the public in any language other than English the warning must be provided in both English and that language.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.25 Petroleum Products Warnings (Environmental Exposures) – Content

(a) A warning for environmental exposures to petroleum products from industrial operations and facilities, other than from service stations and vehicle repair facilities, meets the requirements of this article if it is provided using the methods required in Section 25607.24, and includes all the following elements:

(1) The symbol described in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Crude oil, gasoline, diesel fuel and other petroleum products can expose you to chemicals including toluene and benzene, which are known to the State of California to cause cancer and birth defects or other reproductive harm. These exposures can occur in and around oil fields, refineries, chemical plants, transport and storage operations such as pipelines, marine terminals, tank trucks and other facilities and equipment. For more information go to: www.P65Warnings.ca.gov/petroleum."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.26 Service Station and Vehicle Repair Facilities Warnings (Environmental Exposures) – Methods of Transmission

(a) A warning for environmental exposures from service stations meets the requirements of this article if it is posted on a sign at each gas pump that complies with the content requirements in Section 25607.27. The warning must be printed in no smaller than 22-point type and be enclosed in a box.

(b) A warning for environmental exposures from vehicle repair facilities meets the requirements of this article if it is posted at each public entrance to the repair facility on a sign that complies with the content requirements in Section 25607.27. The warning must be printed in no smaller than 32-point type and be enclosed in a box.

(c) If other signage at the service station or facility is provided for the public in a language other than English the warning must be provided in both English and that language.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.27 Service Station and Vehicle Repair Facilities Warnings (Environmental Exposures) – Content

(a) A warning for environmental exposures from service stations meets the requirements of this article if it is provided using the methods described in Section 25607.26 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this area or skin contact with petroleum products can expose you to chemicals including benzene, motor vehicle exhaust and carbon monoxide, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/service-station."

(b) A warning for environmental exposures from vehicle repair facilities meets the requirements of this article if it is provided using the methods described in Section 25607.26 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this area or skin contact with petroleum products can expose you to chemicals including benzene, motor vehicle exhaust, and carbon monoxide,

which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/vehicle-repair."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.28 Designated Smoking Area Exposure Warnings (Environmental Exposures) – Method of Transmission

(a) A warning for environmental exposures from a designated smoking area meets the requirements of this article if it complies with the content requirements in Section 25607.29 and is provided on an 8 ½ by 11 inch sign posted both at the entrance to and within the area in which the exposure occurs. The warning must be printed in no smaller than 22-point type and be enclosed in a box.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.29 Designated Smoking Area Exposure Warnings (Environmental Exposures) - Content

(a) A warning for environmental exposures from a designated smoking area meets the requirements of this article if it is provided using the method described in Section 25607.28 and includes all the following elements:

(1) The symbol described in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this smoking area can expose you to chemicals including tobacco smoke and nicotine, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/smoking-areas."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.