



Episode Title: Prop 65 “Short Form” Warning Requirements -- A Conversation with Lisa R. Burchi

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Lynn L. Bergeson (LLB): Hello, and welcome to *All Things Chemical*, a podcast produced by Bergeson & Campbell (B&C[®]), a Washington, D.C., law firm focusing on chemical law, business, and litigation matters. I’m Lynn Bergeson.

This week, I sat down with Lisa Burchi, Of Counsel to B&C and resident expert on Proposition 65 (Prop 65), among a lot of other chemical laws. Lisa explains why businesses doing business in California need to know about the latest version of the so-called “short form” warning requirements that will be fully phased in by 2028. That may seem like a long way away, but it’s not. We also discussed the complicated history of the short-form label changes, some of the business considerations pertinent to the selection of the short-form label of which stakeholders should be aware, and we covered the significant consequences of non-compliance with the warning requirements. Now, here is my conversation with Lisa Burchi.

Lisa, you have been our Prop 65 guru for a long time, but your areas of specialization are far broader. I know what you do, and I love what you and where it’s important what you do, but maybe you can tell our listeners a little bit about yourself and your legal practice.

Lisa R. Burchi (LRB): Sure. I am Of Counsel with B&C, have been working here for more than 25 years, and do a lot of work that you would expect folks at B&C to do. I have a big focus on the federal level with TSCA [the Toxic Substances Control Act] and FIFRA [the Federal Insecticide, Fungicide, and Rodenticide Act] -- could be dealing with different inspection, enforcement, audit issues, or just other general regulatory compliance issues and new developments. And then yes, I am located in California, so I think Prop 65 and some other California-specific laws and regulations are also within my purview.

LLB: Being resident in California makes you our de facto Prop 65 expert. You’ve been working in this space for a long time. Let’s talk a little bit about Prop 65. I know some listeners may not want to, because Prop 65 has been a thorn in people’s sides for a long time, but it really is

the seminal right-to-know law, enacted in California way back in 1986. Maybe you can just refresh the recollection of our listeners with what's the premise of the law and what makes it so special.

LRB: The premise of the law -- as you said, it's been around a long time -- and it addresses both warning requirements and prohibitions against discharges into drinking water sources. I think the more famous -- or what people might be more familiar with -- are the warning requirements. I actually think the actual language for Prop 65 -- it's one sentence -- but I think packs a lot in the explanation. It says, "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, except as provided in Section 25249.10," which is the section addressing exemptions from the warning requirements.

If you ask what makes it so special, I probably would say two things: one is it's a California law, and nothing in the regulations requires any person to provide a warning outside of California, but I think California is such a difficult market to avoid. So many companies, they can't really control where their products are ultimately sold or have determined it's infeasible to try and do so. So even though it's a California-specific law, I think it really becomes a sort of national or international issue and warning requirement for companies to address.

Then the second thing I think would be how Prop 65 is enforced. It can be enforced by the California attorney general's [AG] office, or a district attorney's office, or certain city attorneys, but the bulk of the compliance falls on -- would allow any person acting in the public interest. So those persons, individuals, can be called sometimes plaintiff attorneys, or sometimes more affectionately referred to as bounty hunters. Then failure to comply with Prop 65, those plaintiff attorneys can bring litigation against companies for *not* warning, and civil penalties can run up to \$2,500 per day per violation, which can certainly add up, but the real kicker can be that another component of any settlement cost is the reimbursement of the attorney's fees. There's a real motivation for bounty hunters -- plaintiff attorneys -- to find cases, settle cases, and they get their funds reimbursed.

LLB: That's an excellent summary of why Prop 65 is really known nationally, if not internationally, and as you suggest, Lisa, packs a punch far beyond its borders. When you're in California, you see Prop 65 warnings all over the place, as I'm sure, because you live in the LA [Los Angeles] area, they are literally everywhere. There's a whole different discussion about whether that's a good thing or a bad thing. To me, I try not to judge it. It just is what it is. There are a lot of different products and services that arguably expose citizens, consumers and others, to either reproductive toxicants and/or carcinogens on the list of Prop 65 chemicals. Just part of your lifestyle -- right? -- out there?

LRB: I think so. Yes, because it can be on products, so average consumers can see it. There are a lot of warnings because of exposures that can occur in certain places, so there are warnings in parking garages, and restaurants, and amusement parks. You can see them in a lot of different places and a lot of different contexts.

LLB: I guess it's probably easier to identify the places where you *don't* see them.

LRB: Or you just don't --

LLB: -- You just don't notice them.

LRB: Yes. But you don't know what to do. Even if you see it, I don't know if you would walk -- you see it entering an amusement park. Do you turn away? I don't know.

LLB: Probably not.

LRB: Maybe some people do. That would be the warning.

LLB: Right.

LRB: At least you're aware.

LLB: Let's talk about this short-form business, because I know that's been causing a little bit of excitement in the Prop 65 area. Maybe you can tell our listeners, what *is* the short-form warning? And why has there been so much regulatory churn in this area? It just seems to be going on for years now.

LRB: Right. OEHHA [Office of Environmental Health Hazard Assessment], California's enforcing agency of Prop 65, overhauled the Prop 65 warning requirements in 2016. The warning language, which is very prescriptive -- in the regulations, there's exact language that you need to use to have this warning be effective. The warning got a lot longer because of a few elements, including a requirement to identify at least one chemical that triggered the warning. Before this time, there was a warning, but you didn't necessarily have to say what was the Prop 65 listed substance that OEHHA thought caused cancer or reproductive toxicity. And there was also a reference that we had established a new website for Prop 65, so you had to include a reference to the website.

The warning just got a lot longer, and OEHHA at that time decided to include an option for a short-form warning, which would be an acceptable alternative to that revised requirement. This is specific to consumer product exposure warnings, because there are consumer product warnings, occupational warnings, environmental. But this is only in the context of consumer products. The short-form warning had the same yellow triangle with the exclamation point inside it. That's the symbol that's on both the long- and short-form warning. The word **Warning**, just to attract people's attention. But then instead of all the language about a chemical that can be exposed, including "X is listed under the state, is known to cause cancer." Instead of a longer form warning like that, it just said "cancer" and then the OEHHA Prop 65 website. So it was a much shorter language that was acceptable. The thought might have been that a short-form warning was needed when a label or a package might be too small for the regular warning, but there was never a legal limit for when the short-form warning could be used.

LLB: Okay. Why did OEHHA recently change the requirements of the short form? Was there confusion in the space, or was there a perception that the short form was being misused by industry stakeholders?

LRB: Yes, *misuse* is an interesting term, because they did notice, they said, a lot of warnings, short-form warnings, on products where the label or package space didn't necessitate the short-form warning. But I just said that wasn't a legal limitation, right? So it wasn't as if that was a misuse of it because that was completely permissible. But what OEHHA *did* say was that they were concerned that companies were -- and this is in their initial and final statement of reasons, the large document that supports their different things and answers different questions about why they made certain changes. They mentioned a few times that they were concerned about prophylactic warnings, meaning that companies were labeling

and providing the warning without necessarily knowing that there was an exposure to one of the listed substances. Then I think there also was a belief that they said that providing additional information or changing the short-form warning would better inform consumers.

I guess not surprisingly, I should say there was a lot of criticism of the approach and of OEHHA's rationales, that the warnings that were provided were legitimate, compliant, and provided the information. I think that there were some serious concerns about the cost, that industry had just gone through a major overhaul in the 2016-2018 space to adjust to these new regulations in the long form and the short form. So to have them have to redo everything again was going to be a very big challenge.

Then I guess on the prophylactic warnings, I don't know how much that was proven, or what they actually knew about how companies were doing that, but I think that there was certainly a lot of pushback that if that was the concern, the root cause of prophylactic warnings, which I think the number one reason to do that would be to avoid plaintiff attorneys and -- if you had a label on, you would be compliant. There would be no case necessarily that you're not providing a warning, so you're sort of avoiding legal scrutiny. But there are a lot of other ways that OEHHA could also go about trying to address that issue if that was the concern.

LLB: True, and to be fair, it sounds like there are some pretty good arguments on both sides of the controversy.

LRB: Right, because clearly it was a warning that was being used a lot. Of course, the big one, that the short-form warning didn't require you to name a specific chemical substance, right? So that change was a big issue and made companies evaluate all their warnings. Everything had to change at the time to determine what was the substance that triggered the warning. If there's more than one, which one are you going to list? If there was more than one, and different substances were listed because one was for cancer and one was reproductive toxicity, then you would have to list one of each. So there was a lot of decision-making to be made, and the short-form warning avoided that level of review.

LLB: Since we've been talking about this prophylactic side of the equation, to my knowledge -- but you know far better than I do -- has there ever been an AG action or citizen -- a plaintiff's -- action alleging that a label is overwarning? In other words, it has a Prop 65 label on it, but there's no reason to believe there's either a reproductive or a carcinogen in the product, that it was slapped down there largely to avoid the possibility of an allegation of failure award.

LRB: I'm not aware of any, and maybe listeners will correct me.

LLB: I wish they would, if true!

LRB: But it would be -- I mean, it definitely clearly would be a violation to provide a warning if you didn't need to, and they say that that could be a charge for enforcement. I just think for the plaintiff attorneys, for the plaintiff side of things, the way that they're able to be effective is they can find products that don't have warnings. They test for substances that are listed under Prop 65, and if they can detect one, that means that there should have been a warning, and that's enough to approach that company. Usually it's a 60-day notice and some opportunity to respond. Maybe there's a defense, and there are issues that could come up, but that's the trigger most times, is you identify a substance that is on Prop 65 for which there is no warning. The reverse, I guess it might be harder to test a product, and if it's listed

and has a name, I guess, and you test and you can't find that named substance, but I don't know. That could be costly without a lot of return.

LLB: Yes, no, I'm just -- more a point of curiosity, because there was a lot made about this prophylactic warning in the administrative record.

LRB: There are very few, if any, opportunities to cure if you find out there's a substance there that you should have warned and didn't. There's no technical *de minimis*, right? There are safe harbor levels and exposure assessments to be done, but not necessarily concentrations below which warnings are not required. So there are things that could be done to make it easier for companies to know whether they need to warn or whether they are *not* knowingly intentionally exposing a substance. Just these warnings, and adding the short-form warning is -- I don't know if it's necessarily the best -- certainly not the only -- I don't know if it's the best way to stop prophylactic warnings, but clearly everything now, as I will say, is going to be on the same page because they removed the requirement. They removed the fact that short-form warnings no longer require you to list a substance.

LLB: Got it. In that regard, what is new with short-form warning requirements?

LRB: Right, so I jumped ahead.

LLB: But you can go through them now.

LRB: Yes, it's hard not to say, right? That is the most significant change, is to now name at least one substance that's listed by OEHHA under Prop 65 as causing cancer or reproductive toxicity. There is also now -- going back to sort of the issue that this is a California law, not a national law -- they're allowing some options. It used to just say WARNING, capitalized and bold, but you have some alternatives now. You could say CA WARNING, or you could say California WARNING. I think that's sort of intended to highlight that the warning is being given pursuant to California law.

Then, previously I said if it was -- let's say it was a substance that was listed because it could cause cancer. The short-form one used to just say CANCER, and now there are two alternatives one could choose from. One would say "cancer risk from exposure to" and then you would name the chemical, or it could say "Can expose you to" then you'd list the chemical, comma, "a carcinogen." I think that is intended to provide a brief explanation of the warning to consumers. So it doesn't just say "Cancer," which is a little shocking. It gives a little more context, but it's still, overall, compared to the regular or long-form warning, that's still limiting the size or the number of words in the overall warning.

LLB: Yes, it's trying to be consistent with the term "short form" and does try to contextualize a bit. I think that the geographic limitation I find interesting. I haven't pored over the administrative record the way you have, Lisa, but was that a big deal, that the California warning or CA warning to be more geographically focused?

LRB: I think that there were a lot of complaints about -- I don't know if complaint is the right word -- but yes, about how impactful Prop 65 is outside of California. Despite the fact that OEHHA consistently and accurately said there's nothing in their regulations or their guidance or anything that is imposing any requirement outside of California, right? Going back to the language, it's you have to be doing business in California. So if you're not, and you knew that your product was not going to be sold in California, or distributed, or used, this is not your concern. So I guess maybe that is some kind of concession to recognize that

this is a California-specific law. I don't know, again, what people look at and what they see, but it at least adds some context.

LLB: Yes, no, I get it. I think we are so accustomed to declarations, warnings, and similar signage and labeling on products of all sorts, both in the United States and elsewhere. It just strikes me as interesting that you can now say CA since Prop 65 warnings have around a long, long time and are by no means associated only with California product marketing.

These are a lot of changes. I know there was a lot of *agita* among stakeholders in coming up with the new short-form requirements. Can you tell us a little bit about when these requirements come into effect and what people might be doing in a run-up to the effective date?

LRB: This was another item of debate. I think the original proposal was a transition period of two years, but OEHHA in the final rule extended that to three. The changes are effective three years after the effective date of the final regulation, which would be January 1, 2028. You have -- companies have until that time to transition to that time, and after that date, any product manufactured, or labeled, packaged, etc., would need to have the new warning. You can do it any time before then, obviously, so there's this transitional period. January 1 is just the deadline after which you can no longer use the old form.

Then, importantly, there's an unlimited sell-through period for products manufactured and labeled prior to that effective date. OEHHA said, I think, responding to a lot of comments that they were hoping to mitigate or avoid the potential logistical issues and thus allow manufacturers and retailers the time they need transition to the new content. So you don't need to relabel products that you've already manufactured or are out there in the chain of commerce. Not only during this period can you be transitioning, but any products that you're manufacturing during this time that have the old label up until the effective date can be sold in the chain of commerce and would be compliant.

LLB: No, that's an important concession.

LRB: Yes, so there will be products, presumably, in the market after January 1, 2028, with the old label. Maybe then, companies just might want to have records -- I don't know if it's required, but you just might -- if you're going to have a lot of product that could be out there with the old label, you might just want to be sure that you can link the production of those products to dates that are before the effective date.

LLB: I'm guessing that January 1, 2028, is a no later than. I mean, you can apply the new labels much earlier if there's any concern at all about confusion in the marketplace or any other potential liability issues that might attach to that deadline.

LRB: Yes, and I'm sure some companies have or are in the process. I never -- I didn't fully appreciate from some companies hearing just a lot of work, it sounds like, to actually have to change the label. In some cases, if the space no longer fits, it sounded like there's a lot of cost and work into changing labels and getting the new labels into the production process. Then again, the decision-making process of listing the chemical, and which one you're going to list, and how many different labels do you need to change, that kind of thing -- that is why I think everyone thought they really needed more time to transition.

LLB: No, I think that extra year will be put to very good use. Another issue that has come up that I've seen in the literature and in various articles, Lisa, is what are some of the issues around

when you use a warning on a label versus when a warning may be used or embedded in a safety data sheet (SDS)? Can you walk us through what some of those considerations are?

LRB: Yes. The short-form warning in all the prior discussion is, again, relating to consumer product warning exposure, which is a specific type of warning, a specific category with these language requirements. If you have a consumer product warning, not only is your language prescribed in the regulations, but the method of transmission is prescribed in the regulations, and it needs to be conspicuous and prominent and prior to purchase. It needs to be on a label, or some kind of labeling, maybe a sign, signage in a store. There are certain ways in which those consumer product warnings need to be communicated. The SDS is *not* one of those methods.

LLB: Got it.

LRB: But I think that many people are very familiar with seeing Prop 65 warnings on SDSs because they're not producing a consumer product. It could be B2B [business to business], you could be making a raw material, or some other kind of component, and in those cases, maybe you're not making the consumer product, but you are making or selling into California some ingredient, component that either could end up in a consumer product or could end up at a facility located in California.

For the facilities located in California, those are the occupational exposure warning requirements. If you're a component or an ingredient that could be a component of a consumer product, what OEHHA states is that they want you to, quote, "pass along that information" down your supply chain, so that, when you have your eventual consumer product manufacturer, they have all the information they need about the substances in their consumer product to know whether they have a Prop 65 listed substance and whether and how they need to warn.

LLB: That makes a lot of sense.

LRB: Right, SDSs can be a great tool, but can never be used to transmit the warning on a final consumer product, could be used for occupational exposures, could be used to pass along Prop 65 information for substances that could end up in a consumer product.

LLB: Maybe we can broaden the aperture a bit here and talk about best practices based on your observations and experience in this area, Lisa, and think about due diligence options companies may wish to consider to ensure they are fully compliant with Prop 65. It's as much about awareness of the law as it is the specific conditions of warning and labeling requirements that are important. What are your thoughts in that regard?

LRB: I would say -- I'll be a lawyer here -- there's no one-size-fits-all approach to best practices or due diligence. I think it very much depends on the type of company you are, the type of products you're making, the chemicals at issue, maybe just your general company policies and practices. I think if you are -- and one of the big distinctions, I guess I would say, in the types of products you're making, again -- are you a company that's producing consumer products or consumer product components, in which case your options are maybe determining that some kind of exemption applies, or otherwise, ensuring that you are complying with those warning requirements, right? You know the exact warning language from the regulations. You've made a determination of which substances you're going to list. You know your method of transmission, and you know that, again, your warning is

prominent, conspicuous, and then the “seen prior to purchase” is a big element here. The whole concept is that you’re warned prior to purchase.

And that includes Internet, which is another new issue -- not new now, but new from the 2016 to 2018 changes that if you make a warning -- if you sell a product on a website, you also need to have warnings on those websites, not just the product, but that there’s some sort of pop-up or image or something that indicates to consumers prior to purchase that this is a substance that has a Prop 65 listed substance

LLB: Would a pop-up need to apply if you have a picture of the product itself that displays the product warning?

LRB: You can have, yes. If it’s clear on the product that you can see the label, but I think in a lot of cases it’s like two-fold.

LLB: Yes, yes.

LRB: It’s like a product on the -- if the picture can show it, I think perhaps, but I think in a lot of cases, if the Prop 65 warning on the product isn’t so clear, you really kind of like copy the label or something and have another image on the website. It can depend, but in a lot of cases, it can almost require like two warnings, or two images of the same warning, just to just communicate that.

In another context, if you’re just in a B2B context -- you’re not a producer, or distributor, or importer of consumer products -- reasonable due diligence, I think, goes first and foremost to reviewing those SDSs that you’d be receiving. Seeing what substances, if any, are listed there as being subject to Prop 65, knowing that that would be information that you also could be passing along to your downstream users. Elevated due diligence beyond reviewing SDSs -- first, could be not all SDSs are equal. Putting Prop 65 information on an SDS is not necessarily required. There could be other methods it’s communicated, too, some other technical data sheet, or other letter, or other communication. But if none of that is provided, and there’s no statement about Prop 65, maybe that means that there is nothing, or maybe it means it wasn’t reviewed at all.

I think, well -- we talk about this in the context of TSCA. I think, too, a lot, that Section 15 regulatory information. If the SDS isn’t communicating the kind of information you need to confirm Prop 65 is applicable or not, or there’s a substance there or not, I think we’ve seen companies take other options, like supplier certification letters.

There are some additional steps, I think, that could be part of your due diligence. But again, I think that would depend on the kind of business you have, the kind of products you have, the kind of chemicals you have -- whether you think that there might be some more information to gather there.

LLB: Oh, for sure. It’s very fact-specific and very reflective of a client’s appetite for risk.

LRB: Yes. And then testing that -- oh yes, it says repeatedly, “Testing is not required.” That clearly isn’t a reasonable due diligence step. But again, I could see companies maybe *wanting* to do some testing. If you were to test your product, and you can’t detect -- you *think* that there’s a Prop 65 listed substance, and *you* test it and you can’t detect it, then maybe there *is* no exposure there. Maybe some testing could be considered, and there also are a lot of -- not just the product types, but as I said, fact-specific depending on chemicals.

I don't know if companies might know about the presence, potential presence, of certain Prop 65 listed substances in their products that are more frequent targets of 60-day notices. There's a publicly available database. You can search and know all the 60-day notices that have been filed and the types of companies, and products, and substances, and there are clear patterns. Lead is a huge substance that's tested. Phthalates, and lots of plastics, and PVCs [polyvinyl chloride] are tested, and BPA [bisphenol A]. Maybe, depending on the kind of product and whether you thought something -- one of those -- was in there, maybe there'd be a reason to test and confirm there's no presence of those substances. But again, no testing by OEHHA's words, repeatedly, no specific requirement to ever test yourself.

LLB: Helpful information, Lisa. Thank you for that. Maybe you could share, again, based on your experience, what are some of the more practical implications of the notice issue? You probably have a list of two or three hot topics in that regard.

LRB: Yes, practical implications for that short -- just for Prop 65, and the short-form warning and moving forward, I would say, first and foremost, there's an upcoming **2028** deadline. Any company -- you or anyone in your supply chain -- they might be using that short-form warning to make sure that there's a plan in place to be compliant with that deadline. That includes changes to warnings, packaging, the Internet. And then also, as stated earlier, maybe some recordkeeping to demonstrate that if any products might be in commerce with the old warning, they were manufactured before the effective date and thus permissible under that sell-through period.

I guess, also have a plan with your supply chain, regarding the method of warning transmissions -- if things are provided on labels, signs, Internet, SDSs, how is that information going to be communicated? I guess, also for companies, particularly B2B spaces, we've talked about SDSs a lot, just make sure that those SDSs either reveal 100 percent chemical composition -- so you can do the checks yourselves -- or that they have information in there that provides you with the information you know to make your Prop 65 determinations and I guess maybe consider alternatives if you think you might need to improve your due diligence.

There are options for exemptions from warning requirements. I mean, everybody knows that there are safe harbor levels that have been established by OEHHA for about a third -- I'm going to say maybe 300 of the 900 listed substances and mixtures. But that's not a *de minimis* or concentration. Those numbers require some kind of exposure assessment that you're looking at the product, and its composition, and its use and determining that a person couldn't be exposed to a chemical at that level. It's not an easy thing to do, but it exists, and it's definitely an option.

There are safe use determinations, which are almost not worth talking about because they're so difficult, but that's almost like an OEHHA-approved exposure assessment. You provide the information to EPA -- to OEHHA, excuse me -- about a specific product, and a chemical in that product, and the information about the exposures, and OEHHA can come to a determination that this concentration of this product, of this chemical in this product, does not create an exposure that requires a warning. That could be a great protection to a company to defend its reason not to warn. Those options are out there. They're just not as -- they're not as easy to navigate, and probably also very fact-specific, whether it's worth trying to pursue.

LLB: It's good of you to mention, NSRLs [no significant risk level] and MADLs [maximum allowable dose level] are out there, and you can procure them if government hasn't issued

any. But I think to your point, they're not bulletproof, because there still might be the evidentiary view that you fall above or below the magic limit. They're helpful to have and, again, in a very fact-specific context, companies will go the distance and either derive these safe harbor levels for very specific commercial reasons, depending on the product, and the ingredient, and all that stuff. But it's good to know that there are options you might be able to avail yourself of. I think the California OEHHA website does a good job of explaining what MADLs and NSRLs are.

LRB: Yes. And even if there isn't one established by OEHHA, to your point, you can create one. It depends on the substance, how difficult that also is to do. But companies do that frequently also, because there are a lot of substances for which there is no MADL or NSRL. But that's not a prohibition against creating your own and then doing that same assessment. Then you'd have a defense, and really it's a defense. You don't need to publish or do anything, but if you were approached by a plaintiff attorney or something that you didn't provide a warning, you would have your evidence to demonstrate that, yes, you don't have a warning because you don't need one.

LLB: Taking a step back from the granularity of everything that we've been talking about and knowing Prop 65 as you do as a lawyer and a practitioner in this space and living in California, what is your take on whether this approach has been successful?

LRB: Successful from which perspective? I think --

LLB: -- of diminished chemicals, or reproductive toxicants and Prop 65 carcinogens in products marketed to consumers in particular.

LRB: Yes, it's hard to imagine that it hasn't had some impact and been successful in that regard. I mean companies are very aware of Prop 65 requirements. They want to avoid being the recipient of a 60-day notice and having to review and negotiate. They want to be compliant, and in some cases, as I said, it can be very infeasible or impossible not to warn because you can't really avoid the California market, but perhaps you could find alternative substances for which warnings are not required. Yes, from that perspective, it's hard to imagine -- I don't know if there's evidence or statistics of it, but there are a lot of companies that would not want to put a warning on their product and would look to reformulate to avoid Prop 65 requirements.

LLB: Absolutely. We come across that all the time.

LRB: Yes, if you're looking at the success level, what we were talking about also there, the ubiquitousness of it, that warnings are everywhere -- I mean, if the goal is for people to be aware of the warnings, it would seem like something more focused, or the fact that there are so many is -- it does seem as if it dilutes perhaps the effectiveness. So I don't know about success on that level, but clearly on making companies very aware of these requirements and possibly avoiding them to the extent they can.

LLB: It's just been very successful as being a major trigger to other right-to-know statutes and requirements. In that regard, it has been hugely successful in giving consumers and businesses just more information to make informed purchasing decisions.

LRB: Yes, you said seminal, but I mean, it is the first and foremost.

LLB: Oh, yes. Lisa, this has been a great conversation. I think our listeners have learned a lot. If they are inclined to look for more information, maybe you can point them to our website, the OEHHA website we've already talked about, but there is a lot of good information out there.

LRB: Yes, I think our B&C Regulatory Developments definitely has a section devoted to Prop 65 for these topics and many others that we didn't even get to today. OEHHA does have a lot of information. They're very transparent, I think, about providing guidance. There are some Q&As [question and answer] and background information, even all these rules and regulations that have been issued. They have a collection of documents, as I noted, statements of reasons that can be quite lengthy and go into all the details for why they're taking certain actions. There's a lot of embedded guidance in those documents as well.

LLB: Lisa, thank you. I've learned a lot; I hope our listeners have as well. I've really enjoyed the conversation, and just keep up the great work on Prop 65.

LRB: Thank you, Lynn.

LLB: My thanks again to Lisa for speaking with me today about the wonderful world of Prop 65, the continuing saga of the short-form warning requirements, and what stakeholders need to know to remain compliant and competitive.

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