
Loss Control Bulletin #35

Proposition 65, also known as **THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986**, was passed as a California voter initiative to address a growing concern about exposure to toxic chemicals.

This new law requires the state to publish and update annually a list of chemicals known to cause cancer, birth defects, and other reproductive harm. It further requires controls on chemicals appearing on this list in order to protect the general public drinking water supply from contamination. The Office of Environmental Health Hazard Assessment is the lead agency charged with overseeing implementation of this law.

The list of known toxins includes dyes, solvents, pesticides, drugs, food additives, and manufacturing by-products. Some of the chemicals on the list are ingredients of common household products.

Actions seeking civil and other sanctioned penalties for violation of **THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986** may be initiated by the Attorney General of the state or by any person in the public interest after 60 days have elapsed since notification of the violation was given where authorities have not begun prosecution of the violation.

Applicability of Proposition 65

Any company with ten or more employees operating in California or selling products in the state is subject to the requirements of Proposition 65. Specifically, businesses affected by the law are:

- Prohibited from knowingly allowing the discharge of listed chemicals into sources of drinking water

- Required to provide “ a clear and reasonable” warning before exposing anyone to a chemical found on this list. The warning can consist of product labeling, posted signs at the workplace, or published notices in a newspaper. Under certain, but very stringent circumstances, the posting requirement may not be required. For carcinogenic chemicals, the actual exposure must be at or below the “no significant risk” level. In the case of reproductive toxicants, the exposure must be at or below the “no observable effect level”.

For more information on Proposition 65 and the requirements it imposes on California employers, visit the following websites:

[Proposition 65 - Safe Drinking Water and Toxic Enforcement Act of 1986
http://www.prop65news.net/Pubs/brochure/Proposition%2065%20Made%20Simple.htm](http://www.prop65news.net/Pubs/brochure/Proposition%2065%20Made%20Simple.htm)

The guidelines provided in this bulletin are only intended to provide an overview of some of the more important steps that can be taken by restaurant management to establish a safe workplace. The guidelines are not considered exhaustive of all measures and controls that can be implemented by management to address all potential loss or injury producing causes. Ultimately it is the responsibility of management to take the necessary steps to provide for employee and customer safety.