

prop 65 vendor notification – branded products

California’s Proposition 65 (also known as the Safe Drinking Water and Toxic Enforcement Act of 1986) requires most businesses to give a “clear and reasonable warning” to individuals in the state before knowingly and intentionally exposing those individuals to significant levels of a chemical on the state’s list of known carcinogens and reproductive toxins. There are currently over 900 chemicals listed under Proposition 65.

We are writing to explain Belk’s requirements for Proposition 65 warnings following recent revisions to the warning regulations, which will take effect on August 30, 2018. More information is available at [http://oehha.ca.gov/proposition-65/crnr/notice-adoption-article-6-clear-and-reasonable-warnings.](http://www.oehha.ca.gov/)

Key changes include:

* Warnings must now identify at least one chemical in the product associated with the toxicological endpoint (cancer or reproductive harm) for which the warning is being given. Truncated warnings without reference to the chemicals may be used on product labeling, and may be provided online only if the product is labeled with such warnings.
* Warnings must include a warning symbol () and link to OEHHA’s Proposition 65 information page: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
* Specific warning methods and messages are required for certain product types, including furniture.

If Belk is selling online any of your products that require or are labeled with a Proposition 65 warning, you must provide us with the warning language to be used for such online sales. Inspection, approval, or assistance by Belk of your warning does not relieve you from your obligation to comply with Proposition 65 and your duty to defend, indemnify, and hold harmless Belk if the compliance of your products is challenged.

Population of the Prop 65 Attribute must be done in Opentext Catalogue. There are two Prop 65 attributes, the existing Yes/No attribute (Proposition 65 Warning, Y/N) and the new text field description attribute (Proposition 65 Warning Description). For new GTINs, if the Y/N attribute is set to Y, Catalogue will require the description attribute to be set.  Existing GTINs with the Y/N attribute already set will require the description attribute if they are edited in any way.

Please direct any inquiries and any warning labels with respect to Proposition 65 to Product\_Integrity@belk.com.