

February 2019 California Proposition 65 Monthly Update

This summary is not intended to be exhaustive nor should it be construed as legal advice. It is intended primarily as a general overview for introductory purposes.

1. News Stories

- **OEHHA Plans Evaluation of Synthetic Food Dyes**

The Office of Environmental Health Hazard Assessment (OEHHA) has [extended their public consultation period](#) to collect information on 9 synthetic food dyes for the purpose of conducting a risk assessment related to the neurological and neurobehavioral impacts of their consumption. The comment period was originally scheduled to close on December 21, 2018 but was extended to February 19, 2019 based on a request from the International Association of Color Manufacturers. As requested by the California Legislature, OEHHA will investigate the effects of exposure to the dyes on children by means of scientific literature review. The list of synthetic food dyes subject to the evaluation is shown below.

1. FD&C Blue No. 1 (CAS 3844-45-9)
2. FD&C Blue No. 2 (CAS 860-22-0)
3. FD&C Green No. 3 (CAS 2353-45-9)
4. Orange B (CAS 53060-70-1)
5. Citrus Red No. 2 (CAS 6358-53-8)
6. FD&C Red No. 3 (CAS 16423-68-0)
7. FD&C Red No. 40 (CAS 25956-17-6)
8. FD&C Yellow No. 5 (CAS 1934-21-0)
9. FD&C Yellow No. 6 (CAS 2783-94-0)

Consumers have become increasingly aware of the potential effects from consuming synthetic food dyes, also known as artificial food colorants. Some of the colorants on the above list have been banned in other countries and large global brands such as Mars Incorporated have announced plans to remove artificial colorants from their products.

The OEHHA is planning a symposium on the neurological and neurobehavioral impacts of synthetic food dyes in Summer/Fall 2019 and it is expected that further action, such as the addition of synthetic food dyes to the California Proposition 65 chemical list, may be discussed at that time.



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2. Cal Prop 65 Chemical List Updates

No updates to California Proposition 65 Chemical List currently

3. Recent 60-Day Notices

Chemical	Product Type	No. of Notices
Acrylamide	Food	5
Arsenic (inorganic arsenic compounds), Benzene, Benzofuran, Cadmium, Carbon monoxide, Ethylbenzene, Lead, Nickel, Quinoline and its strong acid salts, styrene	Candles & Burning Items and Accessories	5
Arsenic (inorganic arsenic compounds), Lead and lead compounds	Food	1
Cadmium and cadmium compounds	Food	1
Cadmium, Lead and lead compounds	Supplements	5
Di(2-ethylhexyl)phthalate (DEHP)	Keychain Cases / Organizers Kits Bedding Panel / Tier / Covering / Bath curtain Tools Computer / Audio / Video / Other Electronics & Accessories Cosmetics / Bodycare Stationary Backpack / Bags and Accessories Sporting Goods / Equipment Lighting Equipment Rain Slickers / Rain Suit Gardening Flags	108

Chemical	Product Type	No. of Notices
Di(2-ethylhexyl)phthalate (DEHP), Diisononyl phthalate (DINP)	Kits Stationary Backpack / Bags and Accessories Tools Cosmetics / Bodycare	7
Di(2-ethylhexyl)phthalate (DEHP), Di-n-butyl phthalate (DBP)	Backpack / Bags and Accessories	1
Di(2-ethylhexyl)phthalate, Diisononyl phthalate (DINP)	Bedding	1
Di-isodecyl phthalate (DIDP)	Backpack / Bags and Accessories	1
Di-isodecyl phthalate (DIDP), Diisononyl phthalate (DINP)	Toys	1
Diisononyl phthalate (DINP)	Bedding Computer / Audio / Video / Other Electronics & Accessories Harness Backpack / Bags and Accessories Cases / Organizers Food Cosmetics / Bodycare Sporting Goods / Equipment Stationary Kits Tools Panel / Tier / Covering / Bath curtain Toys Lighting Equipment Mirrors Umbrellas Pod	41
Lead	Tools Food Contact Materials	8
Lead and lead compounds	Supplements	4



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4. Recent Settlements

Date	Docket no.	Product Type	Chemical (Limit)
Dec 31, 2018	RG18919704 – Environmental Research Centre V. Prevention LLC	Dietary supplements	Lead (0.5 µg/day) Cadmium (4.1 µg/day)

5. References

- a. California Proposition 65 Chemical List:
http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html
- b. California Proposition 65 Safe Harbour Levels:
<http://www.oehha.ca.gov/prop65/getNSRLs.html>
- c. New Proposition 65 Warnings:
<https://www.p65warnings.ca.gov/new-proposition-65-warnings>
- d. Warning Translation for Business:
<https://www.p65warnings.ca.gov/warning-translations-businesses>