

Proposition 65

Most Californians are familiar with California's Proposition 65 law, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986. In 1986, the State of California adopted Proposition 65, which, as the name implies, applies not only to water, but also to consumer goods sold in California. The California Office of Environmental Health Hazard Assessment (OEHHA) oversees Proposition 65 issues. Proposition 65 requires that the State of California publish and maintain a list of chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm.

The List

Substances on the list that OEHHA believes cause cancer are called carcinogens; those that OEHHA believes cause birth defects or other reproductive harm are called reproductive toxicants. Currently, over 800 substances are on the list. Substances can be added to or removed from the list by various mechanisms, such as declaration by an authoritative body or by scientific testing.

The Substances

Many of the substances on the list are naturally occurring in the environment or are now present in the environment through increased industrial activity. Some of these substances may accumulate in varying amounts, at different times, and in different plants or animals. Natural products—including herbs, vitamins, minerals, and other supplements, as well as many natural foods and cosmetics—are produced using ingredients and materials from the natural environment. Because of this, it is possible that some of the substances on the list may from time to time be present in these natural products. In addition, some of the sought after ingredients found in natural products are in and of themselves identified as substances on the Proposition 65 list.

How Much is Too Much?

Under Proposition 65, an exposure to an amount of lead over 15 micrograms (fifteen thousandths of one milligram) per day requires a cancer warning, while an exposure to an amount of lead over 0.5 micrograms (five ten-thousandths of one milligram) requires a reproductive toxicity warning. This represents a level which is far lower than that set by the EPA or any federal agency.

The Law and Nutritional Supplements

As previously stated, natural products, such as herbs, vitamins, minerals, etc., due to the fact that they are natural, may contain natural amounts of substances currently on OEHHA's list. Attempting to remove any trace amounts of a listed substance would require subjecting the product to potentially harmful chemicals and render the product "unnatural." Many supplement companies—regardless of whether their products actually contain a listed substance—are voluntarily revising their product labels to include a Proposition 65 warning in order to comply with current government regulations. Of interest, I recently purchased a miter gauge for my table saw (a miter gauge is a tool that allows for accurately cutting materials, such as wood, at precise angles). I discovered that my gauge came with a Proposition 65 warning. Since I wasn't planning on eating the thing, I was curious why it had the 65 warning attached. It turns out that the warning is on the miter base, one of the metal plates with the



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