



November 30, 2010

RE: California Proposition 65

On December 18, 2009, the California Legislature passed Proposition 65, requiring special “wood dust” labeling for wood products sold in the State of California. In response to this legislation, RoyOMartin is providing this letter of notification, including suggested language, to assist our customers who operate and/or sale products in the State of California in meeting compliance requirements. Please note that this notification and the submitted warning herein are only applicable to products sold in the State of California.

### **What Is Proposition 65?**

With passage of this legislation, the State of California listed “wood dust” as a known human carcinogen. However, the state did not establish a threshold level for wood dust, which means there is no threshold level that Proposition 65 does not apply. Businesses have one year from the date of listing to be in compliance with these regulations (December 18, 2010).

Proposition 65 has implications for manufacturers, distributors and producers of wood products. A section of the law states: *“To the extent practicable, warning materials such as signs, notices, menu stickers, or labels shall be provided by the manufacturer, producer or packager of the consumer products, rather than the retail seller.”*

### **Summary:**

California’s Office of Environmental Health Hazard Assessment (OEHHA) requires:

“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.”

Proposition 65 is a warning requirement; therefore, maximum daily exposure levels are not relevant. However, veneer, plywood, lumber and timbers, as well as other engineered wood products, may have incidental dust on their surfaces. Furthermore, additional and further processing of these products may result in exposure to wood dust.

### **Requirements and Suggested Warning Labels:**

It is important that you implement and maintain Proposition 65 warning levels in all California stores which carry RoyOMartin products. Businesses are required to provide a “clear and reasonable” warning before knowingly and intentionally exposing anyone to a listed chemical. This warning may be given by a variety of means, such as by labeling a consumer product, posting signs at the workplace, distributing notices, and other means.

California regulation sets out a model warning level, which in effect provides “safe harbor” language for the warnings. The warning must be placed “with such conspicuousness, as compared with other

words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.” Labels on websites, product or product packaging, product display shelves or areas, and cash register areas are means to meet the California customer notification requirements.

**\*\*\*NOTE: When determining proper Proposition 65 programming, please consult California legal counsel knowledgeable of Proposition 65 for additional recommendations.**

RoyOMartin, in compliance with Proposition 65, provides the following warning for wood dust (see page 3 for further signage and labeling):

**WARNING:**  
**Drilling, sawing, sanding or machining wood products generates wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or otherwise determine what safeguards or personal protection equipment may be necessary to prevent inhaling wood dust.**

In addition to this letter, RoyOMartin will provide warning information on company invoicing and list warning information on our website, [www.royomartin.com](http://www.royomartin.com).

Should you have any additional questions regarding Proposition 65 requirements, please contact your RoyOMartin sales representative at (800) 299-5174 or [www.royomartin.com](http://www.royomartin.com). General information on Proposition 65 can be found online at <http://www.oehha.ca.gov/prop65.html> or through the OEHHA’s Proposition 65 program at (916) 445-6900. For enforcement information, you may contact the California Attorney General’s Office at (510) 622-2160, or visit <http://ag.ca.gov/prop65/>.

Regards,

E. Scott Poole  
Senior Vice President &  
Chief Operating Officer

**Disclaimer:**

By sending this letter, RoyOMartin has provided a clear and reasonable warning with examples and instructions, but nothing hereforth shall be construed to serve as a warning on our customers’ part for their obligation to the provisions set forth in Proposition 65. Consult legal counsel knowledgeable of Proposition 65 for additional compliance recommendations. When forwarding RoyOMartin products to the consumer/retail level, please ensure appropriate notification of California Proposition 65.



**Sample signage, product packaging, and product labeling**

**CALIFORNIA WARNING:**

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**Sample website and catalog labels**

**ATTENTION CALIFORNIA RESIDENTS: Proposition 65**

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**DISCLAIMER:**

**\*\*\*When determining proper Proposition 65 programming, please consult California legal counsel knowledgeable of Proposition 65 for additional recommendations.**