

## **Response to Retailer or Distributor Regarding Proposition 65 Compliance:**

Dear Valued Customer,

You have sent us a request for information regarding our compliance with California Safe Drinking Water and Toxic Enforcement Act, also known as Proposition 65, California Health & Safety Code § 25249.6. We endeavor to comply with Proposition 65 by providing short form warnings with the products we sell that are consistent with the safe harbor warning regulations issued by the California Office of Environmental Health Hazard Assessment (“OEHHA”), 27 C.C.R. §§ 25600, et seq. The OEHHA regulations provide that a short form warning need not include the name or names of any listed chemicals in the warning. See 27 C.C.R. §§ 25602 and 25603(b) and (c).

OEHHA states that a Proposition 65 warning means that the business issuing the warning either knows that one or more listed chemicals is present in its product, or that the company believes some of these chemicals may be present but has not verified that they are or are not there. We ask our suppliers not to use any Proposition 65 chemicals in the products they produce for us, but we use short form warning labels as a precautionary measure because there are more than 800 chemicals on the list of substances that potentially require Proposition 65 warnings, and it simply is not possible to control or test for each of these chemicals in every product.

Our warnings satisfy our company’s obligations to our customers and to California consumers, and we expect that you, as a responsible retailer or distributor, will pass these warnings along to your California customers as required by the OEHHA regulations.

Thank you.

### **Website Notice Regarding Proposition 65:** (include in Texsport Warnings Library online)

We provide Proposition 65 warnings with many of our products so we can be sure to comply with a unique California law that requires providing a warning to California customers for potential exposures to minute quantities of certain substances. These warnings are not required by any other state or by the federal government, and our products can be sold everywhere else in the world without these warnings, but we provide them to be sure we are complying with California law. The California Proposition 65 law arguably requires warnings for more than 800 substances, including many that are commonly found in toys, consumer products, coffee, French fries, grilled hamburgers, crackers, dried fruit, olive oil, cosmetics, drugs, buildings, cars and other materials that people encounter on a daily basis.

A Proposition 65 warning means that the business issuing the warning either knows that one or more listed chemicals is present in its product, or that the company believes some of these chemicals may be present but has not verified that they are or are not there. Proposition 65 does not determine whether a product is safe or unsafe, but by law, a Proposition 65 warning must be

given unless a possible exposure to a listed substance is low enough to pose “no significant risk” of cancer or is significantly below levels observed to cause birth defects or other reproductive harm. The California Proposition 65 regulations state that levels of exposure that can trigger a Proposition 65 warning requirement are anywhere from 1,000 to 100,000 times lower than exposure levels that might have an adverse effect on human health.

Further information regarding California Proposition 65 is available at the following website operated by the State of California: <https://oehha.ca.gov/proposition-65/general-info/proposition-65-plain-language>