

CALIFORNIA PROPOSITION 65

Prop 65 Compliance for Baby Food

System-Based Compliance. Not Just Testing.

Presented by: Prop65Compliance.com

Compliance Management by Consultare Inc. Group

Powered by SystemsBuilder.pro



AB 899

Effective Jan 2024

95%

Detectable Metals

Why This Matters

Baby food now sits at the intersection of AB 899, FDA Closer to Zero, Prop 65, and active MDL class actions — and the disclosure clock is already running.



⚠️ WARNING

This product can expose you to chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm.

— P65Warnings.ca.gov

Heavy Metals Target



Enforcement Is Aggressive

AB 899 (effective Jan 1, 2024) requires monthly heavy-metal testing; AG Bonta issued enforcement advisory letters in March 2026 to non-compliant brands.



Penalties Are Real

AB 899 violations are misdemeanors and trigger UCL claims; class-action MDLs against Beech-Nut, Gerber, Hain & Nurture have already produced 8-figure exposure.



Cited by Name

The 2021 House Subcommittee report named Beech-Nut, Gerber, HappyBABY & Earth's Best by name — Beech-Nut exited the rice cereal market entirely.



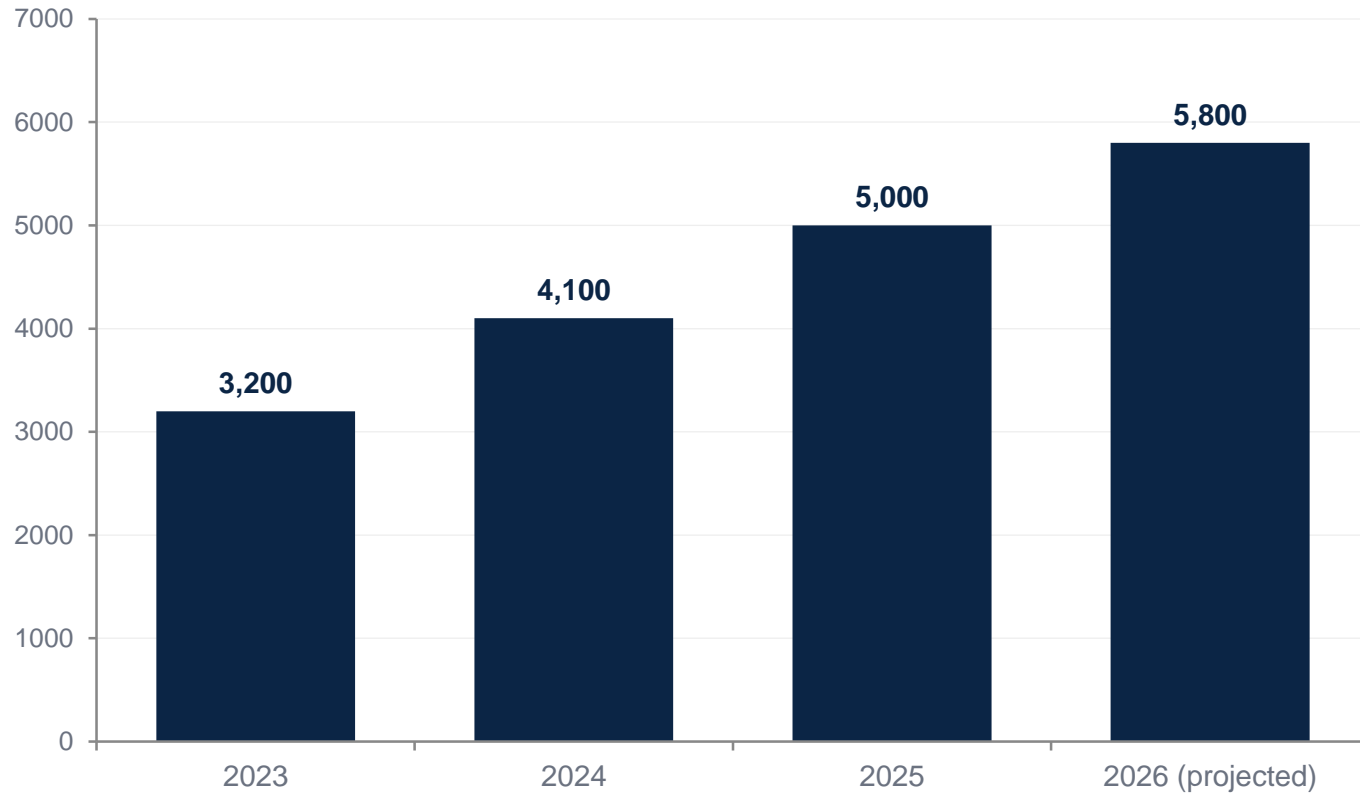
Documentation Is Your Defense

Without a compliance system, manufacturers can't even meet AB 899's baseline disclosure requirement — let alone defend against a class action.

Heavy Metals Enforcement Timeline

Four converging regulatory vectors — and the timeline is now.

Annual Prop 65 NOVs Issued



Source: OAG 60-Day Notice database; industry-category tallies.

95%

Detectable Metals

Healthy Babies Bright Futures (2019) found 95% of tested baby foods contained one or more toxic heavy metal — the data that drove AB 899.

AB 899

California Mandate

Monthly testing for As, Cd, Pb, Hg by ISO/IEC labs; public website disclosure; QR codes on packaging from Jan 1, 2025.

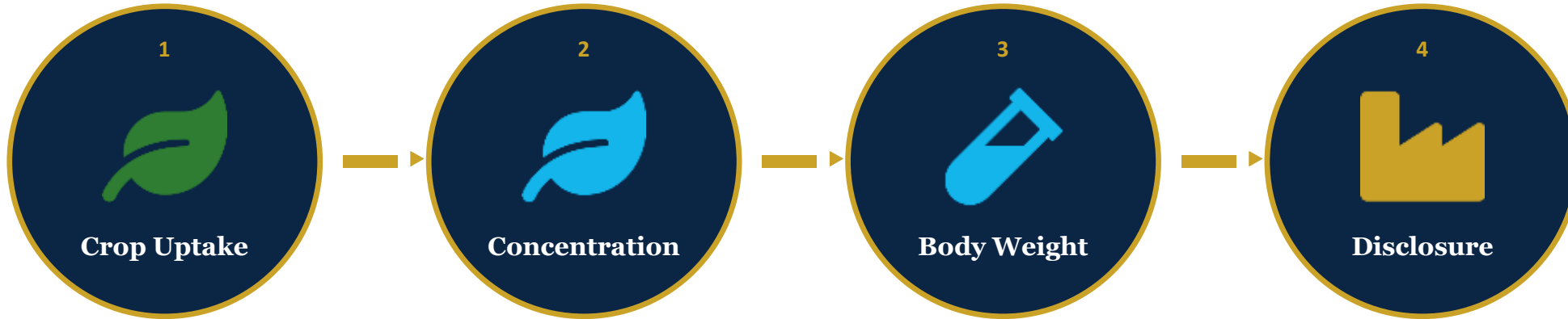
Brands Named

Beech-Nut, Gerber, HappyBABY

2021 House Subcommittee report named four brands by name — and four others (Walmart, Sprout, Plum, Campbell) refused to cooperate.

Why Baby Food Is at Risk

Babies eat the same crops adults do — but at body-weight ratios that turn trace contamination into measurable exposure.



Rice, root vegetables & leafy greens accumulate As, Cd & Pb from soil

Pureeing, drying & dehydrating concentrate trace metals into final product

Babies consume more food per kg of body weight — exposure scales up sharply

AB 899 requires every lot tested & every result published — no place to hide



AB 899 has no ‘naturally occurring’ exemption — every lot must be tested.

FDA finalized lead action levels in Jan 2025: 10 ppb (fruits, vegetables, yogurts, meats) and 20 ppb (root vegetables, dry cereals). AB 899 disclosure makes every result public.

Business Impact of Non-Compliance

AB 899 + Prop 65 + class action — three balance-sheet hits before a verdict.



AG Enforcement Letter

AG Bonta issued enforcement advisory letters in March 2026; UCL violations follow disclosure failures immediately.



Class Action Exposure

Active MDL litigation against Beech-Nut, Gerber, Hain & Nurture — 8-figure exposure plus injunctive relief.



Product Withdrawal

Beech-Nut exited the rice cereal market entirely after metals findings — full product-line risk, not just labels.



Retail Delisting

Major retailers now require AB 899 disclosure compliance before stocking — non-compliance equals delisting.

Most settlements happen not because brands are unsafe — but because their documentation can't prove they aren't.

Why Prop65Compliance.com

Compliance-focused. Built for AB 899's monthly testing cadence — not one-time reports.



Compliance-Focused

We don't litigate — we build the AB 899 + Prop 65 system that prevents litigation.



System-Based Approach

AB 899 mandates monthly testing AND public disclosure. Both must be defensible.



Managed by Consultare Inc. Group

Operational oversight from a dedicated compliance management team.



Built on SystemsBuilder.pro

Artifact-based system, document control, and AI-assisted workflows.



OUR PROMISE

**We build and manage
your defensible
compliance system.**

*So when a 60-day notice arrives,
you already have the answers.*

What We Deliver

An end-to-end AB 899 + Prop 65 compliance program — not a one-time report.



**Product Risk
Assessment**



**Chemical Testing
Oversight**



**Exposure
Evaluation**



**Compliance
Determination**



**Warning Label
Strategy**



**Supplier
Compliance Program**



**Documentation
System**



**Ongoing
Monitoring**

Each component is documented, traceable, and audit-ready.

Core Technical Components

The compliance stack underneath every determination we issue.



Heavy Metal Testing

ICP-MS quantification of Arsenic, Cadmium, Lead and Mercury — every production aggregate, every month, by ISO/IEC accredited labs as required by AB 899.



FDA Action Level Comparison

Each result compared to FDA Closer to Zero action levels (10 ppb / 20 ppb categories) AND Prop 65 MADLs — both thresholds tracked per lot.



Supplier COA Verification

Origin attestation with crop-level metals risk profile (rice, root vegetables, leafy greens), composite sampling per AB 899 protocols, supplier COAs aligned to FDA action levels.



Batch-Level Compliance Review

Every lot is logged, reviewed, and tied to a compliance determination on file.



Disclosure & Labeling

AB 899 website disclosure feed, QR-code labeling, and Prop 65 warning logic — all generated from the same compliance record.

Supply-Chain Compliance Control

Prevent the issue upstream — before it reaches your label.



Prevent exposure issues before they reach the consumer — and the courtroom.

The SystemsBuilder Approach

Artifact-based compliance — pay for structure, not repetition.



ARTIFACTS vs RECORDS

You pay for the structure — not the records.

Build once. Use forever.

Example:

ARTIFACT (you pay)

Testing Program

One document that defines how all testing is conducted, reviewed, and documented.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Batch Test Results

Every lot tested fills out the same framework — no new artifact needed.

→ *Scalable, predictable, cost-efficient.*

How It Works

A three-phase program. Setup once. Monitor continuously.

01 STEP Setup

- Product intake & scoping
- Risk identification by category
- Testing plan creation
- Documentation structure

02 STEP Implementation

- Lab coordination (ISO/IEC 17025)
- Action level & MADL evaluation
- Disclosure record build
- QR code & label deployment

03 STEP Monitoring

- Monthly compliance oversight
- Batch & lot review
- Trend analysis
- Audit-ready reporting

Setup Pricing – One-Time Investment

Build your defensible Prop 65 compliance system.

COMPLIANCE SYSTEM SETUP

\$1,500
up to 3 finished products

+ \$150
each additional finished product

One-time investment to build your system.

SETUP INCLUDES



Risk assessment



Testing program design



Exposure evaluation framework



Documentation system setup



Compliance determination structure

Monthly Monitoring – Ongoing Oversight

Continuous compliance. Keep your system alive.

ONGOING COMPLIANCE OVERSIGHT

\$500

per month — up to 7 finished products

+ \$50 / month

per additional finished product

Keeps you continuously compliant.

MONITORING INCLUDES



Batch / lot test review



Compliance verification



Monthly reporting



Trend analysis

Cancel anytime. No long-term contracts.

Testing Monitoring Fees

Per-event oversight — pay only when your product is tested.

\$35

per testing monitoring event

Per lot / batch — covers lab-report review, threshold comparison, compliance determination & documentation update.

WHAT THE \$35 COVERS

- Lab report review
- Threshold comparison vs MADL
- Compliance determination
- Documentation update



IMPORTANT — LAB FEE EXCLUSION

Laboratory testing fees are NOT included.

Testing is conducted by independent ISO 17025 accredited laboratories.
All lab costs are billed directly to the client by the laboratory.

We provide oversight and compliance review — not laboratory testing services.

Pay only for actual testing events • No markup on lab fees • Independent results ensure defensibility

What You Receive

Every client gets a defensible, audit-ready document package.



Batch Compliance Review Reports

Per-lot review with pass/fail determination, threshold comparison, and reviewer sign-off.



Monthly Summary Reports

Rolling snapshot of all testing events, compliance status, and open action items.



Compliance Monitoring Logs

Date-stamped log of every decision made — the backbone of defensibility.



Supplier Tracking Records

Attestations, COAs, risk ratings, and corrective actions by supplier.



Audit-Ready Documentation

Packaged for AG inquiries, retailer audits, AB 899 disclosure feed, and legal counsel on 24-hour notice.

Built for Defensibility

Documentation is the difference between a quick close-out and a six-figure settlement.



Documented Due Diligence

Every decision has a record, a reviewer, and a date.



Verified Lab Testing

ISO 17025 independent results — no conflicts of interest.



Traceable Decisions

Supplier → material → batch → determination — fully linked.



Structured System

Not ad-hoc — a real management system reviewers recognize.

Critical for lawsuits • Retail audits • Regulatory inquiries

OPTION

DIY Option — SystemsBuilder.pro

Prefer to manage it yourself? The same artifact library, à la carte.



COMMUNITY LIBRARY

\$1
per artifact

Build your own system on your own terms.

SystemsBuilder.pro

ACCESS THE FULL LIBRARY



AB 899 Programs



Policies



Procedures (SOPs)



Forms (Artifacts)



Logs & Templates

Managed Service vs. DIY

Same system. Different execution — you choose who drives.

MANAGED SERVICE

by Consultare Inc. Group

- Hands-off compliance execution
- Expert-managed monitoring
- Monthly reporting delivered
- Best for: growing brands without in-house QA capacity

DIY (SystemsBuilder)

at SystemsBuilder.pro

- Self-managed execution
- \$1-per-artifact library access
- Internal team runs the program
- Best for: teams with existing compliance capability

Same system. Same artifacts. Same defensibility. — You choose who operates it.

Your Risk Profile

Every one of these factors increases your exposure — independently.

MANDATORY TESTING



AB 899 Compliance

Monthly testing of every production aggregate is mandatory under AB 899 — and disclosure went live January 1, 2025.

CLASS ACTION DRIVER



Heavy Metals

Active MDL class actions against Beech-Nut, Gerber, Hain & Nurture — driven by 2021 Subcommittee findings of As, Cd, Pb & Hg in marketed product.

MULTI-VECTOR RISK



Baby Food

AB 899 + Prop 65 + FDA Closer to Zero + class action MDL — four enforcement vectors stacked on the same product category.

STRICT ENVIRONMENT



California

Most aggressive consumer-protection regime in the U.S. — AG enforcement letters issued March 2026.



Your product is already in a high-risk category — even if you've done nothing wrong.

CALL TO ACTION

Don't wait for the AG letter.

Start your AB 899 + Prop 65 compliance system today.



MANAGED COMPLIANCE

Let us manage it for you.

- End-to-end AB 899 + Prop 65 system setup
- Ongoing monitoring & oversight
- Audit-ready documentation
- Expert-managed execution



DIY LIBRARY

Build it yourself.

- \$1-per-artifact library access
- Community programs & policies
- Forms, logs & templates
- Run it your way, in-house

“Build it yourself — or let us manage it for you.”

Prop65Compliance.com • [SystemsBuilder.pro](#)