

CALIFORNIA PROPOSITION 65

Prop 65 Compliance for Eyeshadow

System-Based Compliance. Not Just Testing.

Presented by: [Prop65Compliance.com](https://prop65compliance.com)

Compliance Management by [Consultare Inc. Group](https://consultare.com)

Powered by [SystemsBuilder.pro](https://systemsbuilder.pro)



5,000+

NOVs in 2025

Pb/Cr

Pigment Risk

Why This Matters

California Prop 65 applies to eyeshadow, palettes & pressed pigments — “clean beauty,” “mineral,” and “cruelty-free” aren't defenses.



⚠ WARNING

This product can expose you to chemicals including lead, cadmium, and chromium (hexavalent compounds), known to the State of California to cause cancer, birth defects, or other reproductive harm.

— P65Warnings.ca.gov

Mineral ≠ Clean



Enforcement Is Aggressive

California requires warnings for exposure to listed chemicals — enforcement is driven by private lawsuits ('bounty hunters').



Penalties Are Real

Non-compliance leads to financial penalties, legal costs, relabeling, and product removal from shelves.



Applies to All Eyeshadow

No exemption for clean-beauty, mineral, vegan, or indie/private-label eyeshadow — pressed, loose pigment, palette, or single-pan products all in scope for California sales (including Amazon & Etsy).



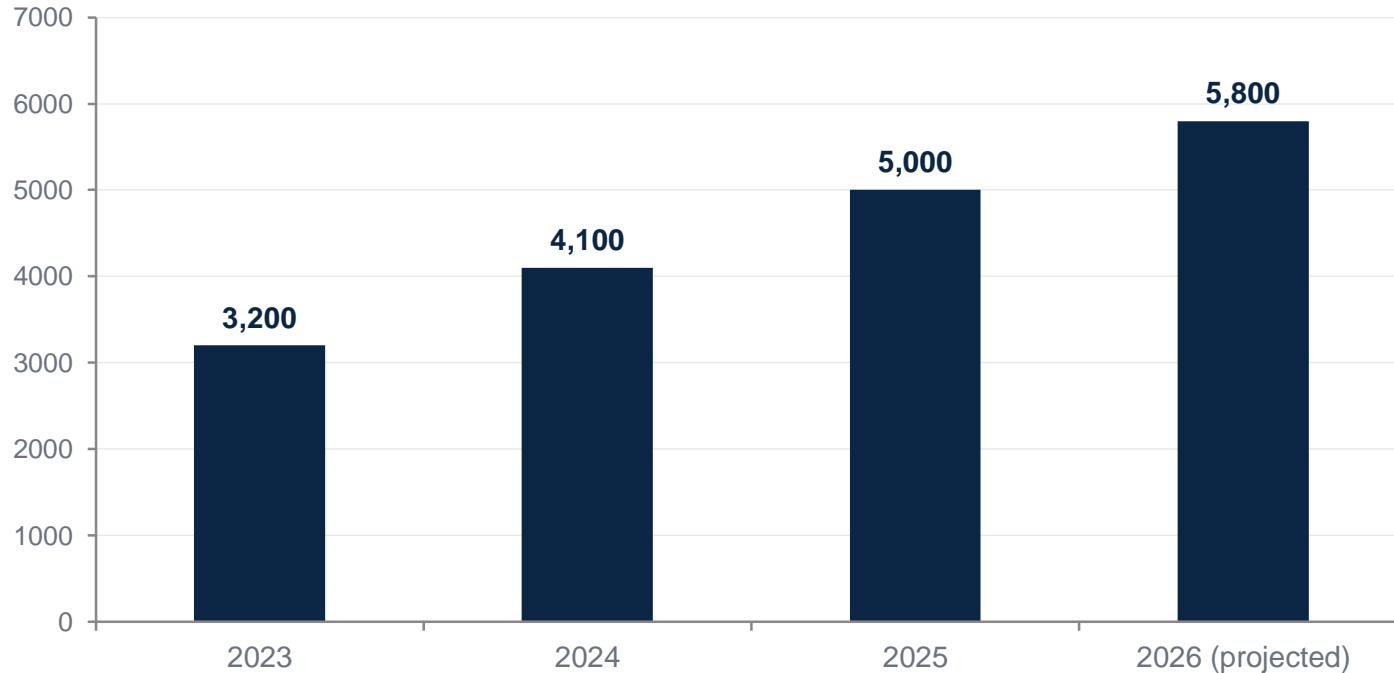
Documentation Is Your Defense

Without a compliance system, most companies settle. A defensible record is what ends threats cheaply.

Prop 65 Enforcement Trends (2024–2026)

Enforcement is increasing, not slowing down.

Annual Prop 65 NOVs Issued



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

~38%

Cosmetics

Cosmetics are a top Prop 65 enforcement category — eyeshadow, blush & compact powder show the highest lead in FDA testing.

~\$86M

2026 Settlements

Record enforcement activity — majority paid to attorneys.

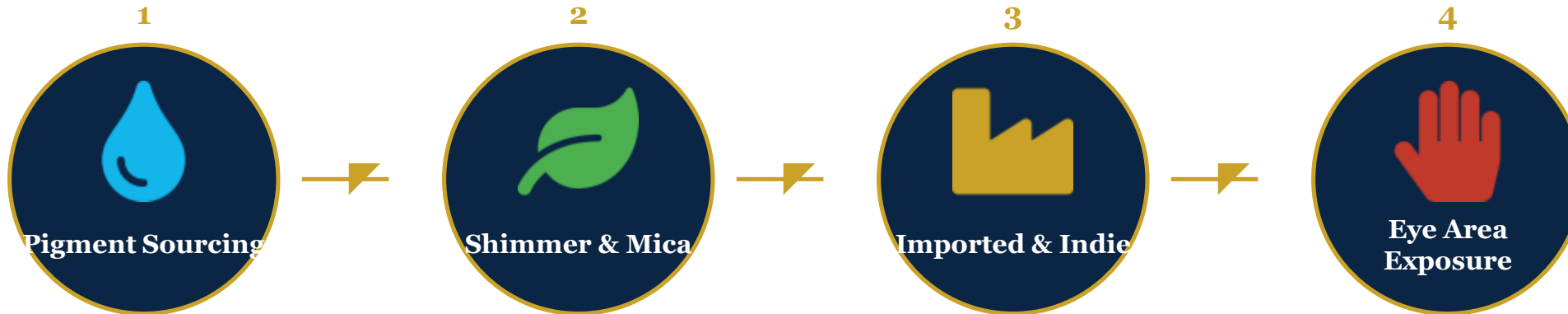
**Eyeshadow
Especially Hit**

Pigments, Mica & Shimmer

High pigment load + mica + talc means eyeshadow runs higher in lead, cadmium & chromium than other cosmetics — and the eye area absorbs more.

Why Eyeshadow Is at Risk

Mineral pigments & mica carry trace heavy metals from mining. Eyeshadow concentrates them — and the eye area absorbs more than other skin.



Iron oxides, ultramarines & chrome pigments carry trace lead, cadmium & chromium from the ore — purification is partial, not total.

Natural mica frequently carries lead, chromium & nickel from the host rock — shimmer & metallic shades sit at the top of the risk curve.

Imported palettes, white-label & indie brands sit at the highest enforcement risk — testing and supplier oversight are typically thinnest here.

Eyelid skin is thin & vascular — daily wear, removal residue, ocular contact & powder inhalation stack absorption pathways no other cosmetic has.



'Clean beauty', 'natural mineral' & 'cruelty-free' claims do not eliminate exposure risk.

Lead, cadmium, chromium (hexavalent), nickel & titanium dioxide (airborne, unbound) are listed Prop 65 chemicals — 'trace impurity in mineral pigment' does not equal exempt.

Business Impact of Non-Compliance

A Prop 65 action hits the balance sheet long before a verdict.



60-Day Notice of Violation

Plaintiff's attorney files with the AG; clock starts immediately on response.



Settlement Exposure

Typical settlements \$20K–\$100K+ per action — plus attorney fees.



Relabeling & Reformulation

Product pulled, warning labels added, shade & pigment-supplier sourcing reviewed.



Retail & Distributor Pressure

Buyers demand evidence of compliance before reinstatement or renewal.

Most companies settle — not because they're guilty, but because their documentation is weak.

Why Prop65Compliance.com

Compliance-focused. Not a law firm. System-based — not one-time testing.



Compliance-Focused

We don't litigate — we build the system that prevents litigation.



System-Based Approach

Testing alone doesn't protect you. A documented program does.



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 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 & Pigment Testing

Oversight of lead (Pb), cadmium (Cd), chromium VI, nickel, cobalt & titanium dioxide at ISO 17025 labs — with dermal & inhalation exposure modeling.



Exposure vs MADL/NSRL Evaluation

Per-application, daily-use, and frequent-user exposure calculations across dermal, ocular & inhalation routes to determine whether a warning is required.



Supplier COA Verification

Incoming pigment, mica, talc & binder Certificates of Analysis cross-checked against screening thresholds by lot & supplier.



Batch-Level Compliance Review

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

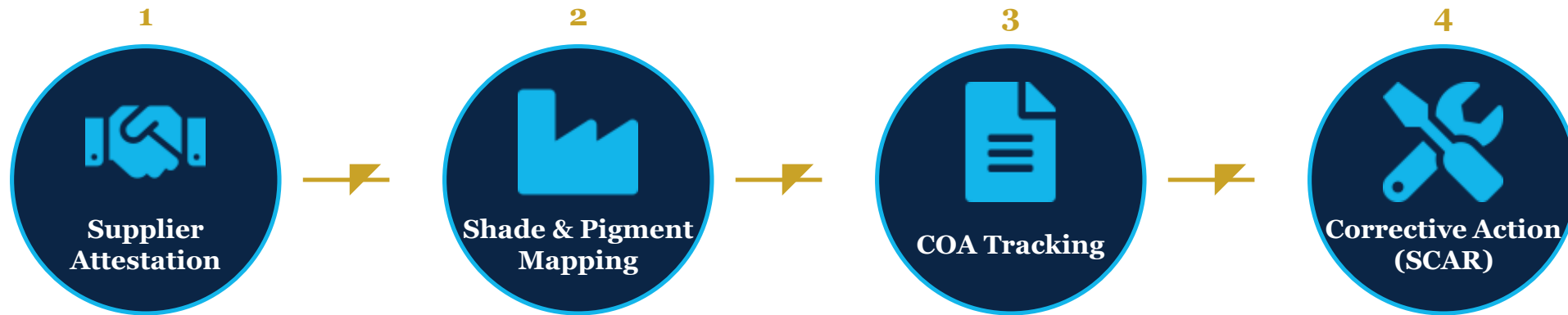


Warning Label Determination

Clear 'warn vs no-warn' logic documented and defensible against private enforcement.

Supply-Chain Compliance Control

Prevent the issue upstream — before it reaches your label.



Certification & declarations collected from every pigment supplier, mica vendor & contract manufacturer.

Lots classified by shade, pigment family, mica grade & ethical-mica certification — shimmer SKUs flagged at higher-tier review.

Every batch COA verified against screening thresholds.

Supplier corrective actions logged, verified, and closed out.

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)

Heavy Metal & Pigment Testing Program

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

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Lot & Shade 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 shade & pigment family
- Testing plan creation
- Documentation structure

02

STEP

Implementation

- Lab coordination (ISO 17025)
- Exposure & MADL calculations
- Compliance determination
- Warning-label decisions

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 OAG inquiries, retailer audits, 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

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

-  Prop 65 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.



1 E N F O R C E M E N T T A R G E T

Color Cosmetics

Color cosmetics with mineral pigments draw the heaviest enforcement — eyeshadow, blush & compact powder lead the lab data.



T O P L I T I G A T I O N D R I V E R

Lead, Cd & Cr

Lead, cadmium & chromium VI lawsuits target eyeshadow palettes, shimmer shades & private-label cosmetics — even when chemicals are unintentional impurities.



N A T U R A L E X P O S U R E R I S K

Eyeshadow

Pigments & mica concentrate metals — eyelid skin is thin, vascular & close to mucous membranes, multiplying absorption.



S T R I C T E N V I R O N M E N T

California

Most aggressive private-enforcement regime in the United States.



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

CALL TO ACTION

Don't wait for a 60-Day Notice.

Start your Prop 65 compliance system today.



MANAGED COMPLIANCE

Let us manage it for you.

- End-to-end 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.”