

Prop 65 Compliance

for French Fries & Fried Potato Products



System-Based Compliance. Not Just Testing.

Presented by: [Prop65Compliance.com](https://prop65compliance.com)
Compliance Management by Consultare Inc. Group
Powered by SystemsBuilder.pro



Why This Matters

California Prop 65 applies to acrylamide formed during frying — and fried potato products have been the most-targeted food category in Prop 65 history.

⚠️ WARNING

Consuming this product can expose you to acrylamide, a probable human carcinogen formed in some foods during cooking or processing at high temperatures.

— P65Warnings.ca.gov/chemicals/acrylamide (Safe Harbor, eff. Jan 1, 2025)

Frying = exposure

Acrylamide forms naturally when potatoes are cooked above 248°F. Section 25506 protects you only if you've reduced levels to the lowest currently feasible — and documented it.

Landmark Settlements Built the Playbook

McDonald's, Burger King, Wendy's, KFC, Heinz Ore-Ida (\$600K), Frito-Lay, Kettle, Cape Cod, P&G Pringles — all settled. Plaintiffs have a tested template.

The NSRL Is Microscopic

0.2 µg/day. One-eighth of a fry can hit it. Without a feasibility defense or a 25506(d)(4) safe-harbor showing, exposure is presumed.

Section 25506 Is a Defense, Not Automatic

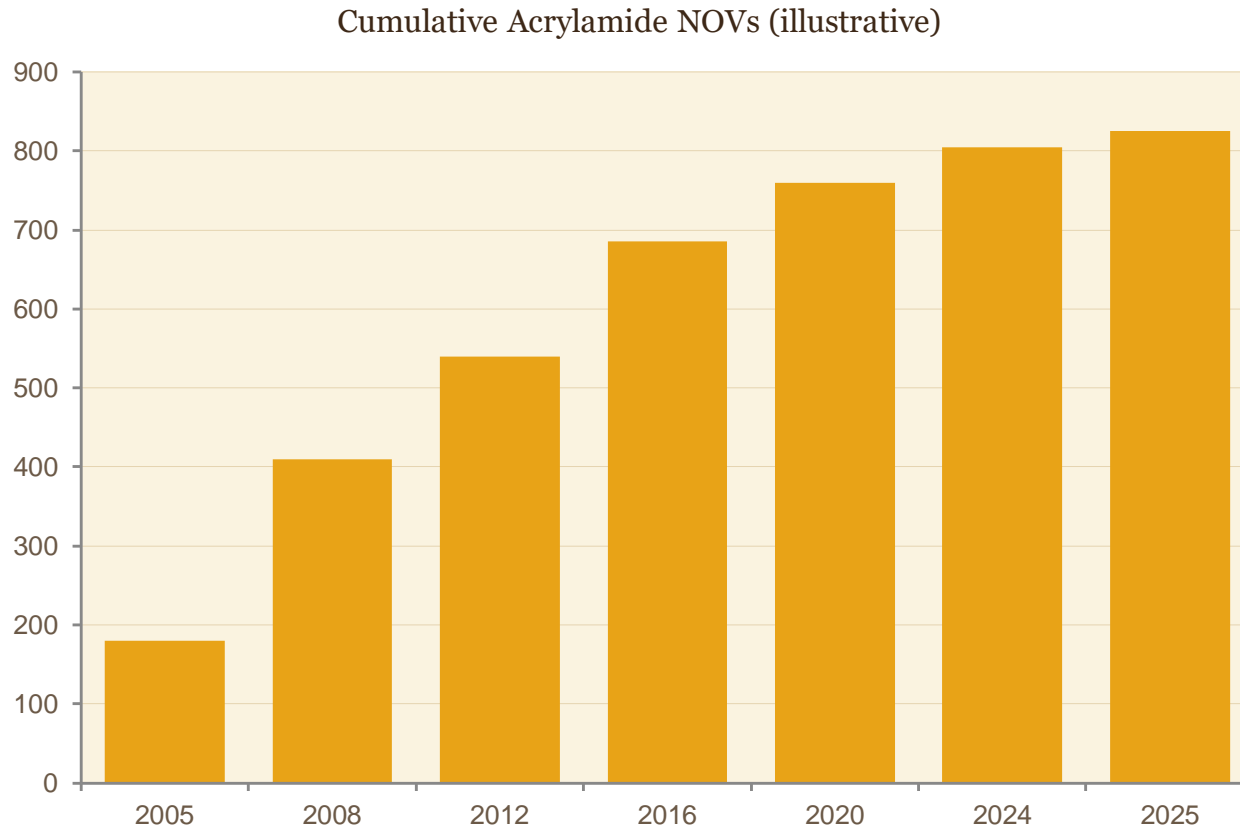
The Codex Code of Practice and OEHHA safe-harbor levels protect compliant operators. Non-compliance with the practice means the defense doesn't apply.

Documentation Is Your Defense

Without a documented program, most operators settle. A defensible record is what closes a 60-Day Notice cheaply.

Acrylamide Enforcement — Past & Present

Two waves of litigation. The third is operators without a 25506 feasibility record.



Source: California OAG 60-Day Notice database; Covington 2020 (~825 acrylamide notice letters historical); industry tallies.

\$600K

Heinz Ore-Ida (2008)

Wave 1 — Big Operators

McDonald's, Burger King, Wendy's, KFC, Heinz Ore-Ida, Frito-Lay, Kettle, Cape Cod, Pringles — all reformulated or warned.

275

ppb chip benchmark

Wave 2 — Smaller Brands

~2015 onward: smaller chip and fry makers. Many lacked the budget to reformulate and added warnings instead.

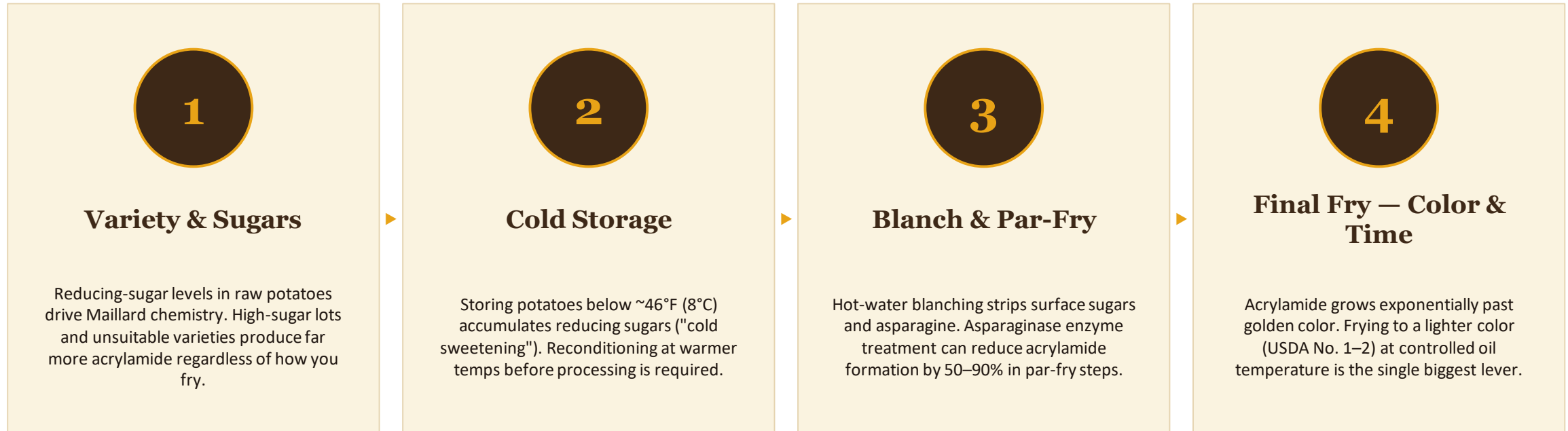
Wave 3: \$25506 Era

Effective April 1, 2023 · Codex CAC/RCP 67-2009

OEHHA's regulation rewards operators who follow the Codex Code of Practice and stay below the safe-harbor concentrations. The defense exists — but only if it's documented.

Why Fried Potato Products Are at Risk

Acrylamide forms at every stage where potato meets heat — and one missed step undoes the rest.

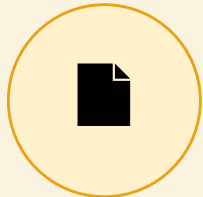


Acrylamide isn't a contaminant you receive — it's chemistry you create. Every step in the line either prevents it or builds it.

⚠ The acrylamide NSRL is 0.2 µg/day. Section 25506(d)(4) sets food-specific safe-harbor concentrations for French-fried potatoes, sliced chips, hash browns, and other potato products.

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; the response clock starts immediately. Acrylamide notices are templated and repeat against operators.



Settlement Exposure

Historical settlements range from \$20K to over \$1.5M. Big operators (McDonald's, Heinz, P&G) settled for hundreds of thousands plus reformulation.



Reputational Damage

"Cancer warning" headlines are durable. Once posted, warning labels follow your brand into every California outlet, retailer, and review.



Retailer Delisting

Chain QSR procurement and grocery buyers now require acrylamide attestations and 25506 documentation as a condition of placement.

Most operators settle — not because their fries are unsafe, but because their documentation is.

W H A T

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.*

W H A T

What We Deliver

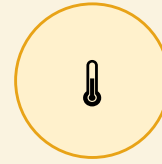
An end-to-end Prop 65 compliance program for fry processors, QSR operators, and retail brands — not a one-time report.



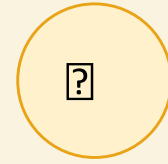
**SKU & Product Risk
Assessment**



**Raw Potato
Sugar Profiling**



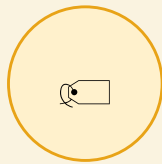
**Fry Color, Time &
Temp Controls**



**Acrylamide
Testing Oversight**



**Exposure & NSRL
Evaluation**



**Warning Label
Strategy**



**§25506 Codex
Feasibility File**



**Documentation
System**

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

Core Technical Components

The compliance stack underneath every determination we issue for a fried potato product.



Finished-Product Acrylamide Testing

ISO 17025 testing of every SKU against §25506(d)(4) safe-harbor concentrations for French-fried potatoes, sliced chips, hash browns & other potato products.



Raw Potato Sugar & Variety Screening

Reducing-sugar and asparagine profiling at receiving — the upstream lever that separates a compliant fry from a non-compliant one.



Process Control Verification

Oil temperature, fry time, and finished color (USDA Munsell scale) verified against documented setpoints — the operational core of the §25506 defense.



Codex CAC/RCP 67-2009 Feasibility File

Documented adoption of applicable Codex practices — the regulation's standard for "lowest level currently feasible."

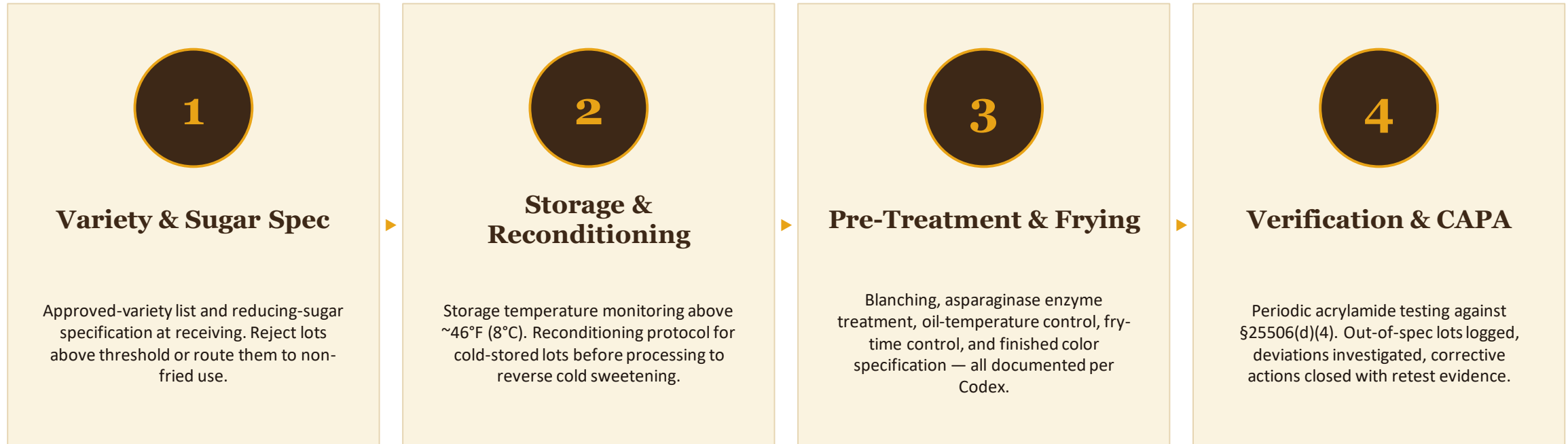


Exposure vs NSRL Evaluation

Serving-size and daily-consumption calculations against the 0.2 µg/day acrylamide NSRL — by SKU and by realistic consumer scenario.

Supply-Chain & Process Control

Acrylamide is a process risk — control it where it forms, not where it's served.



Prevent acrylamide formation upstream — before it ends up on the plate, the label, or in court.

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)

Acrylamide Control Program (\$25506)

One document that defines variety control, storage, blanching, enzyme use, fry color/time/temp, and acrylamide testing across every fried-potato SKU — fully aligned to the Codex Code of Practice.

↓ Generates unlimited ↓

RECORDS (no added cost)

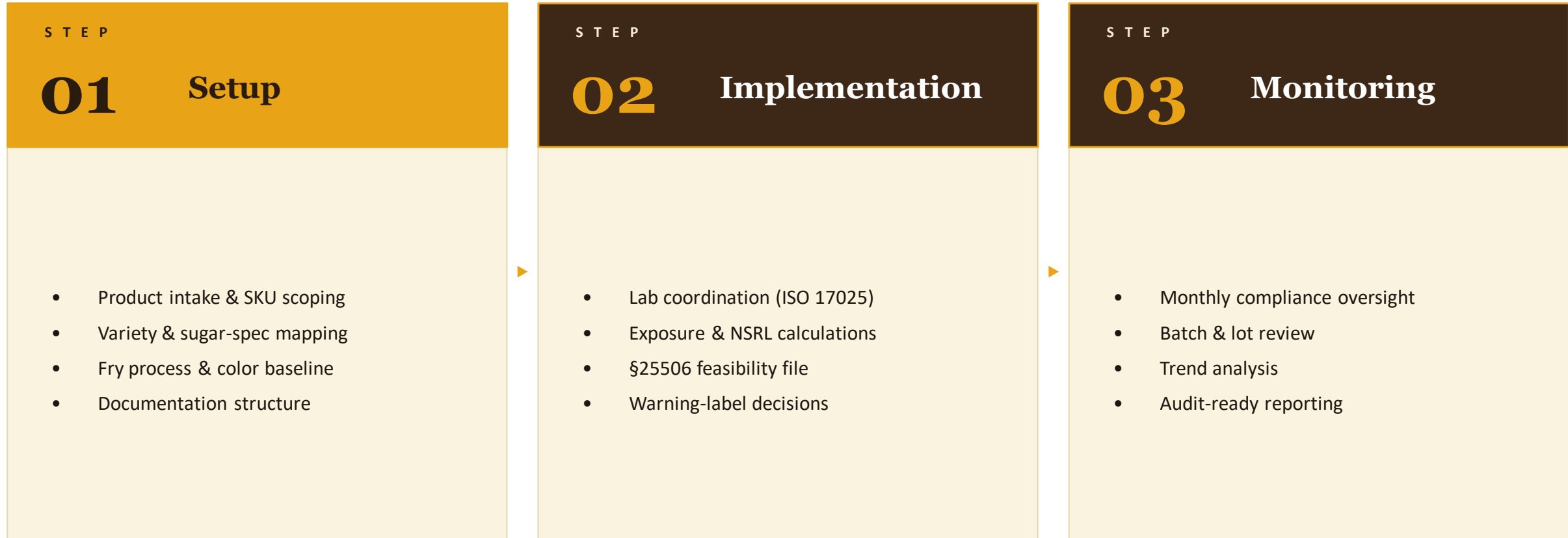
Daily Fry-Line & Test Records

Every shift, every batch, every test fills out the same framework — no new artifact needed.

→ Scalable, predictable, cost-efficient.

How It Works

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



P R I C I N G

Setup Pricing — One-Time Investment

Build your defensible Prop 65 compliance system for fried potato products.

COMPLIANCE SYSTEM SETUP

\$1,500

up to 3 finished products

+ \$150

each additional finished product

One-time investment to build your system.

S E T U P I N C L U D E S

- ✓ Risk assessment by SKU (fries, chips, hash browns, puffs)
- ✓ Codex CAC/RCP 67-2009 feasibility file structure
- ✓ Process control & color/temp baseline
- ✓ Documentation system setup
- ✓ §25506 compliance determination structure

P R I C I N G

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.

M O N I T O R I N G I N C L U D E S

- ✓ 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 vs §25506(d)(4), compliance determination & documentation update.

WHAT THE \$35 COVERS

- Lab report review
- Threshold comparison vs NSRL & §25506(d)(4)
- 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.



§25506 Codex Feasibility File

The living record of which Codex practices apply, how they are implemented, and the evidence behind each one.



Audit-Ready Documentation

Packaged for OAG inquiries, retailer audits, and legal counsel on 24-hour notice.

H O W

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.



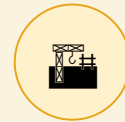
Verified Lab Testing

ISO 17025 independent results — no conflicts of interest.



Traceable Decisions

Variety → storage → fryer → finished SKU → determination.



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



Prop 65 Programs



Policies



Procedures (SOPs)



Forms (Artifacts)



Logs & Templates

Managed Service vs. DIY

Same system. Different execution — you choose who drives.

M A N A G E D S E R V I C E

by Consultare Inc. Group

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

D I Y (S y s t e m s B u i l d e r)

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.

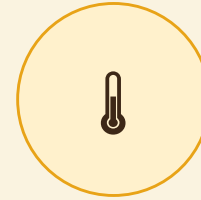
LANDMARK PRECEDENT



1990s–2008 Settlement Wave

McDonald's, Burger King, Wendy's, KFC (\$341K), Heinz Ore-Ida (\$600K), Frito-Lay (490 ppb cap), Kettle (275 ppb), Cape Cod, P&G Pringles. The acrylamide playbook is fully tested.

TOP LITIGATION DRIVER



Acrylamide

NSRL = 0.2 µg/day. One-eighth of a fry can hit it. §25506 provides a feasibility defense — but only with a documented Codex-aligned program.

AMPLIFYING FACTOR



Fryer-Heavy Operations

QSR chains, frozen-fry plants, chip lines, and convenience-food makers all rely on high-temp frying. Volume × frequency = exposure.

STRICT ENVIRONMENT



California

Most aggressive private-enforcement regime in the U.S. — fried potato products have generated more Prop 65 acrylamide notices than any other category.

⚠ If you fry potatoes for the California market, you are already in the highest-litigated food category — even if your fries are great.

CALL TO ACTION

Don't wait for a 60-Day Notice.

Start your Prop 65 acrylamide compliance system today.



MANAGED COMPLIANCE

Let us manage it for you.

- End-to-end \$25506 system setup
- Ongoing monitoring & oversight
- Audit-ready Codex feasibility file
- 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."