

C A L I F O R N I A P R O P O S I T I O N 6 5

Prop 65 Compliance

for Lipstick

System-Based Compliance. Not Just Testing.

Presented by: Prop65Compliance.com

Compliance Management by [Consultare Inc. Group](#)

Powered by [SystemsBuilder.pro](#)



Aug 2025

TiO₂ Enjoined

Mar 2026

DEA Challenged

W H Y

Why This Matters

Two cosmetic-ingredient warnings have been struck down — but heavy metals, PFAS, and packaging chemicals still drive enforcement.



INGREDIENT-WARNING STATUS

Titanium dioxide warnings permanently enjoined for cosmetics (PCPC v. Bonta, Aug 12, 2025). DEA challenge filed March 2, 2026 — pending.

Two ingredient wins for industry — but heavy metals and packaging risk are unaffected and rising.

Active Risk for Lip Products

Heavy Metals in Mineral Pigments

Pb, Cd, Cr, As, Sb from iron oxides, mica, and FD&C lakes. FDA recommends ≤ 10 ppm Pb in lip products; Washington State 1 ppm.

Incidental Ingestion Pathway

Lipstick is in a unique exposure class — lips swallow trace product. OEHHA treats ingestion exposure more strictly than dermal.

DEA & Cocamide DEA

Despite pending PCPC challenge, current law still requires warnings — risk continues until court rules. 1,400+ NOV's since listing.

PFAS in Long-Wear Formulas

PFOA/PFOS and other PFAS in transfer-resistant matte and waterproof lip products — no Prop 65 safe-harbor level.

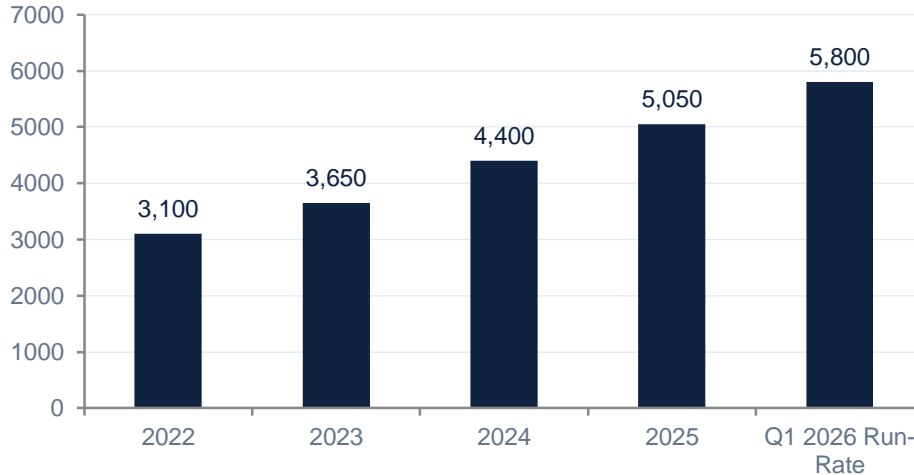
Phthalates & BPA from Packaging

DEHP from flexible tubes; BPA from caps and inserts. Migration into oily lipstick base is a recurring plaintiff theory.

Prop 65 Enforcement Trends (2024–2026)

Cosmetics is one of the most-noticed Prop 65 categories — and lip products lead it.

Annual Prop 65 NOVs Issued



Source: OAG 60-Day Notice database; PCPC v. Bonta filings; Intertek monthly analyses.

550+

TiO₂ Cosmetic NOVs (Pre-Injunction)

From July 2021 through 2024 — almost exclusively cosmetics — before PCPC's permanent injunction in August 2025.

1,400+

DEA Cosmetic NOVs

Since 2012 listing. PCPC filed First Amendment challenge March 2, 2026 — until ruling, full enforcement continues.

46%

April 2025 Notices Cite Pb

Lead remained the single most-cited chemical. Beauty products were among the top affected categories.

W H Y

Five Regulatory Fronts Converge

Even with TiO₂ enjoined, every lipstick SKU faces multiple chemical-warning rules in parallel.



TiO₂ (Enjoined for Cosmetics)

Permanently enjoined Aug 12, 2025 in PCPC v. Bonta. State has not appealed — but this only resolves one ingredient.



Heavy Metals — Pigment-Borne

Pb, Cd, Cr, As, Sb from iron oxides, mica, FD&C lakes. Pb MADL 0.5 µg/day. Lip products: incidental ingestion route.



DEA / Cocamide DEA — Pending Challenge

PCPC filed First Amendment suit March 2, 2026. Until ruled, warnings still required — over \$7M settled since listing.



PFAS in Long-Wear Formulas

PFOA/PFOS and other PFAS in transfer-resistant and waterproof lipsticks — no Prop 65 safe-harbor level.



MoCRA + State Patchwork

MoCRA safety substantiation; CA AB 2762, MD HB 643, WA 1 ppm Pb, MN, CO — multi-state matrix increasing yearly.

Two ingredient wins don't immunize the category — heavy metals, PFAS, and packaging chemicals are still actively enforced.

▶ YOUR PRODUCT PORTFOLIO

Every Lip Product SKU

Lipstick, lip gloss, lip liner, lip balm, lip stain, lip plumper, tinted treatment — every form, every shade is in scope.

*Five regulatory fronts.
One system to manage them all.*

Business Impact of Non-Compliance

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



60-Day Notice of Violation

Brand owner, contract manufacturer, fillers, and retailer all exposed. Indie and prestige brands face identical liability under the same statute.



Pigment Reformulation Costs

Switching to lower-metal iron oxides, certified-grade FD&C lakes, and tested mica sources — bench match, stability retest, color sign-off per shade.



Packaging Switching Costs

PFAS-free finishes, BPA-free caps, phthalate-free fragrance carriers — every component requires re-validation and shelf-life retesting.



Category Already Reformulating

L'Oréal, Estée Lauder, Sephora-owned brands operate to internal heavy-metal caps tighter than FDA — competitors already have the records.

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

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.

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 — not a one-time test report.



SKU & Shade Risk Assessment



Heavy Metals Testing (ICP-MS)



PFAS & Migration Testing



Exposure Evaluation



Warning Label Strategy



Pigment & Raw-Material Qualification



Naturally-Occurring File (Pigments)



PCPC Litigation & Multi-State Tracking

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

W H A T

Core Technical Components

The compliance stack underneath every determination we issue.



Heavy Metals — ICP-MS

Pb, Cd, Cr, As, Sb, Hg, Ni, Co per finished SKU. FDA 10 ppm Pb cap; OEHHA Pb MADL 0.5 µg/day; WA 1 ppm.



Pigment & Mica Qualification

Iron oxides, ultramarines, FD&C lakes, mica, carmine — supplier audit, lot-level COAs, ICP-MS verification.



PFAS & Migration Screen

Total fluorine + targeted PFOA/PFOS by LC-MS/MS. DEHP, BPA, parabens migration from packaging into oily base.



DEA / Cocamide DEA / DEA-Acid

Surfactant audit; ingredient tracing; OEHHA proposed NSRL 6.4 µg/day dermal — track until PCPC challenge resolves.



MoCRA + Multi-State Compliance

Facility registration, product listing, safety substantiation, fragrance allergen labeling — plus CA, MD, MN, CO, WA tracking.

WHAT

Pigment & Packaging Supply-Chain Control

Prevent the issue upstream — at the pigment, the formula, and the package.



Pigment Spec & Supplier Audit

Iron oxide, mica, carmine, FD&C lake suppliers qualified to ≤ 1 ppm Pb, ≤ 1 ppm Cd internal cap. Lot COAs required.

Formula & Filler Validation

Wax-oil base testing, fragrance/flavor system review, DEA-free surfactant confirmation, paraben alternatives where required.

Lot Testing

ICP-MS for Pb/Cd/Cr/As/Sb/Hg per finished-good lot; PFAS screening on long-wear/transfer-resistant SKUs; documented before retail release.

Component Qualification

PFAS-free coating attestation, BPA-free caps, phthalate-free fragrance carrier, printing ink certification — supplier signed-off.

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

H O W

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)

Lipstick Heavy Metals, PFAS & Pigment Qualification Program

One document defining how all heavy metal, PFAS, and migration testing flows through pigment qualification, finished-goods testing, and shade extension.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Shade & Lot Test Results, Pigment COAs

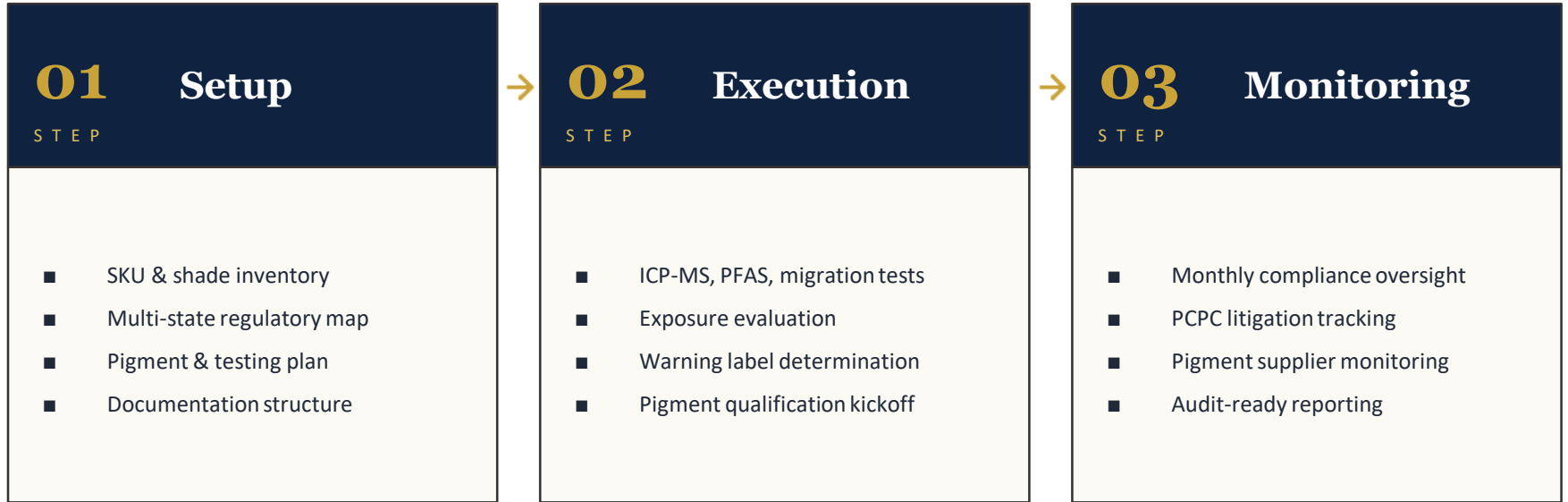
Every new shade and lot fills out the same framework — no new artifact needed.

→ Scalable, predictable, cost-efficient.

H O W

How It Works

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



PRICING

Setup Pricing — One-Time Investment

Build your defensible Prop 65 compliance system.

COMPLIANCE SYSTEM SETUP

\$1,500

up to 3 finished products (SKUs)

+ \$150

each additional SKU or shade

One-time investment to build your system.

SETUP INCLUDES

- ✓ SKU & shade risk assessment
- ✓ Heavy metals & PFAS test plan
- ✓ Pigment qualification design
- ✓ PCPC & multi-state deadline map
- ✓ Reformulation roadmap

PRICING

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 SKU or shade

Keeps you continuously compliant.

MONITORING INCLUDES

- ✓ Lot test review (Pb/Cd/Cr/As/Sb)
- ✓ PCPC litigation & DEA updates
- ✓ Pigment supplier monitoring
- ✓ Monthly compliance reporting

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 — covers lab-report review, NSRL/MADL threshold comparison, compliance determination & documentation update.

WHAT THE \$35 COVERS

- ✓ Lab report review (ICP-MS, PFAS, migration)
- ✓ Threshold comparison (NSRL / MADL / FDA cap)
- ✓ Compliance determination
- ✓ Documentation update

IMPORTANT — LAB FEE EXCLUSION

Laboratory testing fees are NOT included. Testing is conducted by independent ISO 17025 accredited labs. All lab costs are billed directly to the client by the laboratory.

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

W H A T

What You Receive

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



Lot 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.



Pigment Supplier & Component Tracking

Pigment supplier qualifications, packaging material COAs, fragrance carrier specs, and corrective actions.



Audit-Ready Documentation

Packaged for OAG inquiries, retailer (Sephora, Ulta, Target) 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

Pigment → formula → component → 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

-  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: indie & growth-stage beauty brands

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: brands with in-house QA / regulatory

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

Your Risk Profile

Every one of these factors increases your exposure — independently.

RECENT WIN



TiO₂ Enjoined for Cosmetics

Aug 12, 2025 permanent injunction ends warning requirement — but only resolves one ingredient out of dozens still listed.

ACTIVE NOW



Heavy Metals (Pb, Cd, Cr, As, Sb)

From iron oxides, mica, and lakes. Pb MADL 0.5 µg/day. Lipstick's incidental ingestion route raises exposure scrutiny.

NO SAFE HARBOR



PFAS in Long-Wear Lipstick

PFOA/PFOS in transfer-resistant and waterproof formulas — no Prop 65 safe-harbor level means trace detection drives NOVs.

PENDING SUIT



DEA Warning Still Required

PCPC's March 2026 First Amendment challenge is pending — until ruled, current warning obligations remain in full force.

Lip products are uniquely exposed: incidental ingestion, mineral pigments, and packaging migration converge in one SKU.

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."

Prop65Compliance.com • SystemsBuilder.pro