

CALIFORNIA PROPOSITION 65

Prop 65 Compliance for Setting Powder

System-Based Compliance. Not Just Testing.

Presented by: Prop65Compliance.com

Compliance Management by Consultare Inc. Group

Powered by SystemsBuilder.pro



9 of 52
FDA Asbestos Hits

\$52M
Avon Verdict

Why This Matters

Loose setting powder is the highest-risk form of cosmetic talc — airborne during every application, with active mass-tort verdicts climbing into nine figures.



⚠️ 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

Inhalation Risk



Enforcement Is Aggressive

FDA pulled back its asbestos-testing rule for talc cosmetics in Nov 2025 — California’s Prop 65 + AB 2762 stack is now the only enforcement floor.



Penalties Are Real

Civil penalties run up to \$2,500 per violation per day — plus AB 2762 enforcement, mass-tort exposure, and California Safe Cosmetics Program delisting.



Cited by Name

Rita-Ann Chapman won \$52.1M (upheld on appeal 2026) for mesothelioma from Avon face powder; Avon filed bankruptcy in 2024 over its talc-cosmetic litigation.



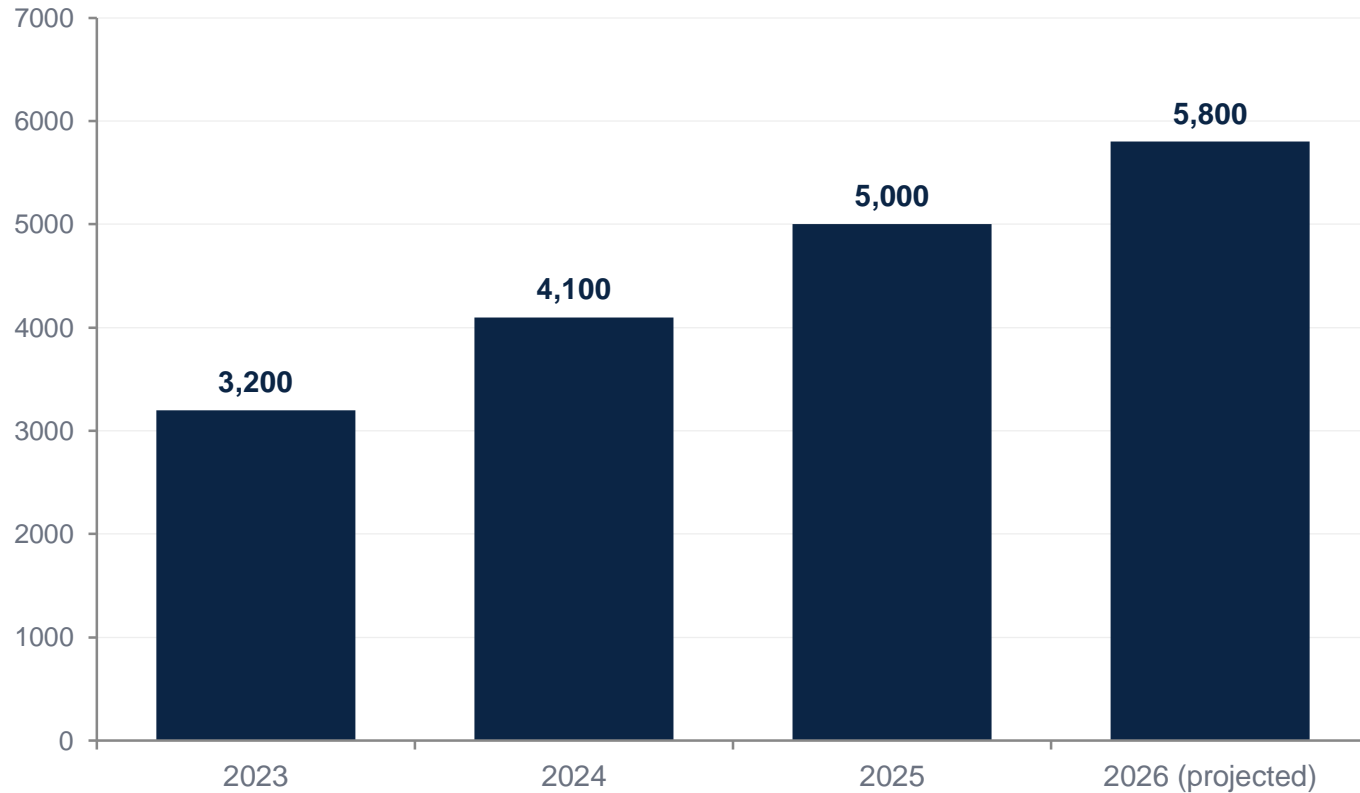
Documentation Is Your Defense

Without a compliance system, brands settle on the plaintiff’s timeline. A defensible record is what ends threats cheaply — or stops them entirely.

Loose Setting Powder Risk

Inhalation pathway. Talc supply chain. Active verdicts. No federal floor.

Annual Prop 65 NOVs Issued



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

9 of 52

FDA Asbestos Positives

FDA's 2019 cosmetics testing found asbestos in 9 of 52 talc-bearing products — Beauty Plus, Coty, and City Color among brands flagged.

\$52.1M

Avon Face Powder

Rita-Ann Chapman's 2022 mesothelioma verdict against Avon face powder — UPHELD on appeal in 2026 — establishes the precedent for face-powder claims.

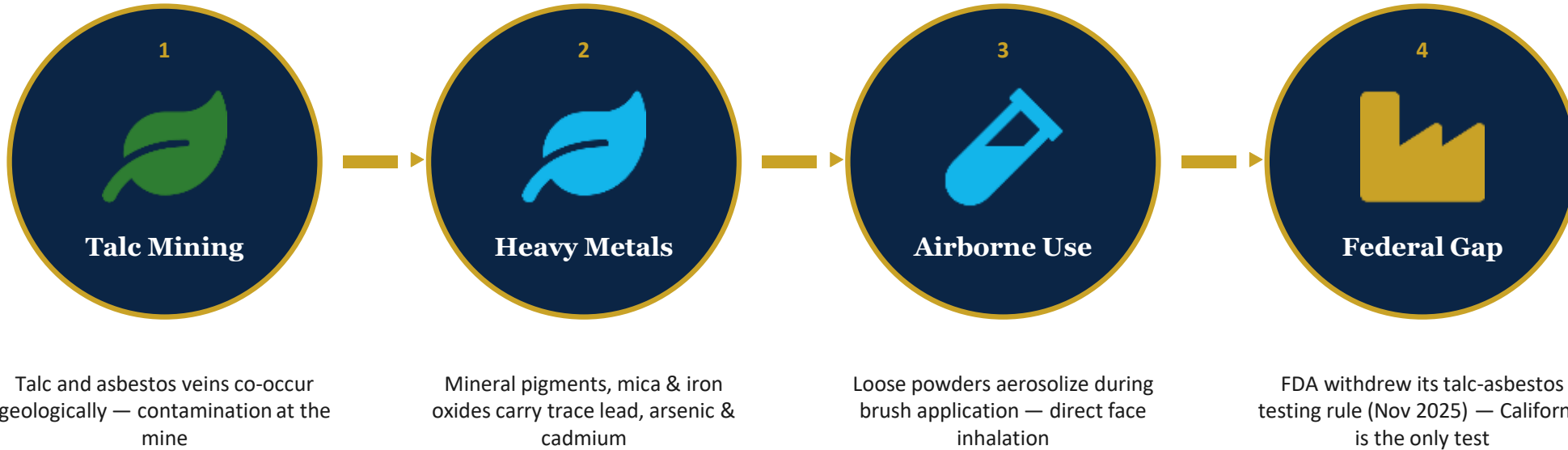
Inhalation Pathway

Loose > Pressed Risk

Loose powders go airborne during application near the face — EWG specifically calls for talc removal from loose-powder formats.

Why Loose Setting Powder Is at Risk

Loose setting powder combines the most-litigated cosmetic ingredient (talc) with the most-exposed application route (inhalation near the face).



‘Asbestos-free’ supplier claims do NOT shift Prop 65 liability.

Asbestos has NO safe-harbor level under Prop 65. Daily face application creates inhalation exposure on every use — and every batch must be defensible to its supplier.

Business Impact of Non-Compliance

Prop 65 + AB 2762 + mass tort — three balance-sheet hits, each with its own clock.



60-Day Notice of Violation

Plaintiff's attorney files with the AG; personal care is a top-three Prop 65 enforcement category.



Mass-Tort Exposure

Recent talc-asbestos verdicts: \$52.1M (Avon face powder), \$29.14M (Mary Kay), \$966M (J&J) — Avon filed bankruptcy.



Reformulation Pressure

AB 2762 + AB 496 force reformulation by 2027 — talc alternatives (rice, silica, cornstarch) require full QC re-validation.



Retail Delisting

Sephora, Ulta, and prestige retailers require AB 2762 attestation; California Safe Cosmetics Program flagged 173 products in 2025.

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

Why Prop65Compliance.com

Compliance-focused. Built for the multi-statute cosmetics stack — not one-time COAs.



Compliance-Focused

We don't litigate — we build the Prop 65 + AB 2762 system that prevents litigation.



System-Based Approach

Testing alone doesn't protect you when a federal rule gets withdrawn. 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 + AB 2762 cosmetics 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.



Asbestos & Metals Testing

PLM + TEM analysis for asbestos in every talc lot (TEM detects what PLM misses); ICP-MS for Lead (MADL 0.5 µg/day), Cadmium, Arsenic & Mercury in mineral pigments.



Inhalation Exposure Modeling

Application-frequency, surface-area, and inhalable-fraction modeling specific to brush-applied face powders — daily-use exposure profile.



Banned-Ingredient Screening

AB 2762 (13 ingredients, 2025) + AB 496 (26 more by 2027) screening, talc supplier attestations, and reformulation tracking for talc-alternative R&D.



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 for talc, asbestos, lead & TiO2 — documented and defensible against private enforcement.

Supply-Chain Compliance Control

Prevent the issue at the mine — before it reaches your face.



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)
- Inhalation exposure modeling
- Banned-ingredient screening
- Warning & reformulation decisions

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 OAG inquiries, retailer audits, mass-tort discovery, and legal counsel on 24-hour notice.

Built for Defensibility

Documentation is the difference between a quick close-out and a nine-figure verdict.



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



Cosmetics 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.

INHALATION CATEGORY



Loose Powders

Loose powders are the highest-risk cosmetic format — airborne particles during every brush application, with chronic daily-use exposure.

FACE POWDER PRECEDENT



Talc + Asbestos

Rita-Ann Chapman's \$52.1M verdict for Avon face powder mesothelioma was UPHELD on appeal in 2026 — the precedent is set.

MULTI-STATUTE RISK



Loose Setting Powder

Prop 65 + AB 2762 + AB 496 + mass tort + withdrawn FDA rule — five vectors stacked on cosmetic talc's highest-exposure application format.

STRICT ENVIRONMENT



California

Most aggressive consumer-protection regime in the U.S. — and the only meaningful test framework after the FDA pulled back.



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 + AB 2762 compliance system today.



MANAGED COMPLIANCE

Let us manage it for you.

- End-to-end Prop 65 + AB 2762 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](#)