

CALIFORNIA PROPOSITION 65

# Prop 65 Compliance

## *for Canned Food Linings*

*System-Based Compliance. Not Just Testing.*

Presented by: **Prop65Compliance.com**

Compliance Management by **Consultare Inc. Group**

Powered by **SystemsBuilder.pro**



**5,000+**

NOVs in 2025

**~64%**

Food & Supp. Share

W H Y

# Why This Matters

*Can linings have no oral MADL for bisphenols — any detectable trace can trigger a 60-day notice.*

## WARNING

*This product can expose you to chemicals including Bisphenol A (BPA) and Bisphenol S (BPS) — migrants from can-lining coatings — known to the State of California to cause birth defects or other reproductive harm.*

— Prop 65 (BPA 2015, BPS 2024)

### **Surge in 2025**

900+ BPS NOV's filed in 2025  
— 20%+ of all Prop 65 enforcement.



### No Oral MADL Exists

BPA and BPS have no oral safe harbor level. Any detectable trace above zero can justify a 60-day notice.



### Regrettable Substitution Trap

BPA → BPS → BPAF → ? Every 'safer' substitute gets listed next. Single-chemical strategy is obsolete.



### Class Listing Under Review

OEHHA proposed listing the entire p,p'-bisphenol CLASS in Oct 2025. Comment closed Dec 2025 — listing imminent.



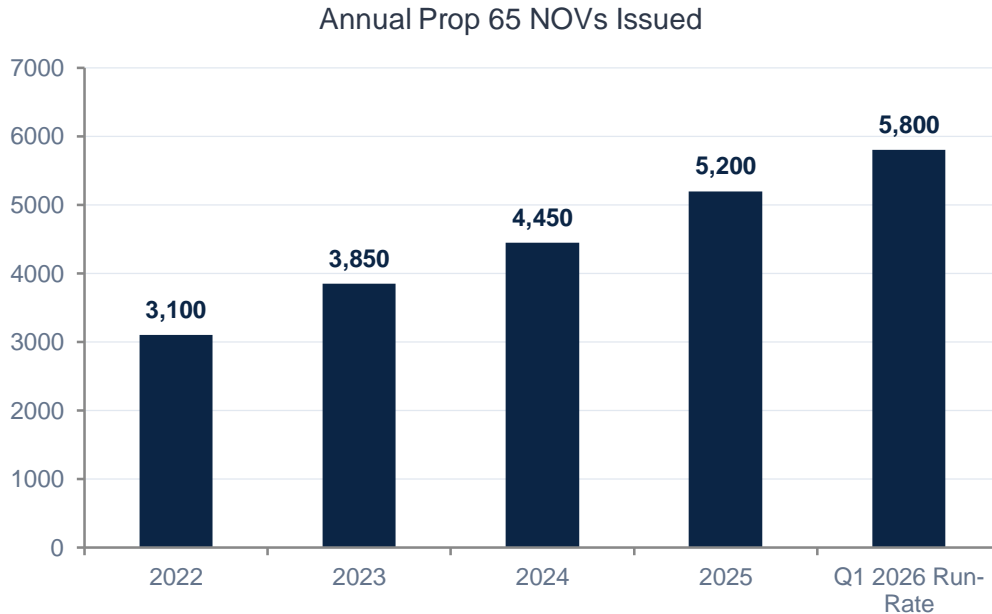
### Documentation Is Your Defense

Migration test data, coating certifications, supplier attestations — the only evidence that holds up in court.

W H Y

# Prop 65 Enforcement Trends (2024–2026)

*Enforcement is accelerating — not slowing down.*



Source: OAG 60-Day Notice database; Bureau Veritas CPS quarterly summaries.

~64%

Food & Supplements

Largest single category of Prop 65 enforcement in Q1 2026 — record share.

~\$98M

2026 Settlements

Record enforcement activity — majority paid to attorneys.

900+

BPS NOVs in 2025

Over 20% of all Prop 65 enforcement in 2025. Enforcement began Jan 1, 2025 — surge is ongoing.

W H Y

# Why Can Linings Are at Risk

*Every 'safer' substitute gets listed next. Single-chemical compliance strategy is obsolete.*



*The only durable strategy: track the regulatory arc, audit upstream coating chemistry, maintain migration test data.*

**BPA reproductive MADL is 3 µg/day dermal — NO oral MADL. BPS, PFAS, and most class substitutes have no safe harbor either.**

W H Y

# Business Impact of Non-Compliance

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



## 60-Day Notice of Violation

Brand owner, private-label operator, importer, AND retailer can all be named on a single NOV.



## Class Action Exposure

Walmart, McDonald's, ULTA, Wells Fargo +260 others named in recent bisphenol actions.



## Supplier Substitution Cycle

Each coating change (BPA → BPS → next) restarts testing, revalidation, and stability timelines.



## Retail Delisting Risk

Whole Foods, Costco, Target, Walmart require documented food-contact material compliance.

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

WHAT

# 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.*

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

WHAT

# What We Deliver

*An end-to-end Prop 65 compliance program — not a one-time report.*



**Product & Can  
Risk Assessment**



**Migration  
Testing Oversight**



**Exposure  
Evaluation**



**Compliance  
Determination**



**Warning Label  
Strategy**



**Coating Supplier  
Compliance Program**



**Substitution  
Roadmap**



**Class-Listing  
Forward Monitoring**

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

## WHAT

# Core Technical Components

*The compliance stack underneath every determination we issue.*



### Migration Testing (LC-MS/MS)

BPA, BPS, BPAF, BPAP, BPB, BPZ, PFOA, PFOS, phthalates (DEHP, DINP, DBP) via EU food-contact simulant protocols.



### Coating Chemistry Audit

Epoxy, acrylic, polyester, olefin resins classified by bisphenol content and substitute chemistry — every formulation documented.



### Exposure Evaluation

Serving-size math with no safe harbor: bisphenols/PFAS require exposure documentation below detection, not below MADL.



### Coating Supplier Attestation

Every can lot: coating supplier, resin chemistry, migration COA. Indemnification and chemical compliance warranties required.



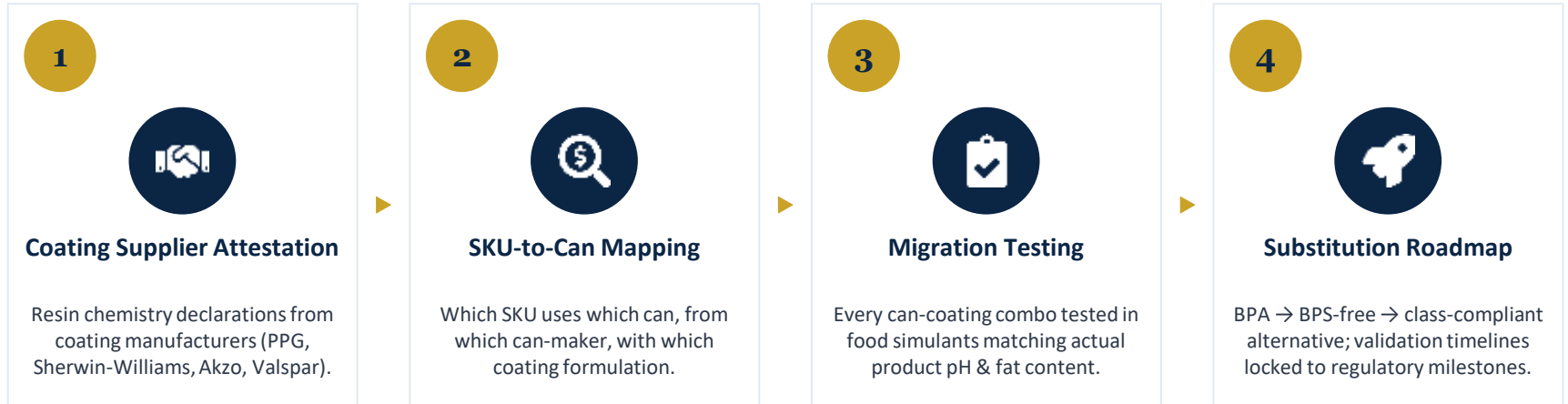
### Class-Listing Forward Strategy

p,p'-bisphenol class listing is imminent. Supply chain review for all class members — not just BPA/BPS.

WHAT

# Supply-Chain Compliance Control

*Prevent the issue upstream — before it reaches your label.*



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

HOW

# The SystemsBuilder Approach

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

ARTIFACTS vs RECORDS



***You pay for the structure — not the records.***

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*Build once. Use forever.*

Example:

ARTIFACT (you pay)

## Testing Program

One document defining how all can-lining migration testing, coating chemistry audits, and substitution decisions are recorded.

↓ Generates unlimited ↓

RECORDS (no added cost)

## Unlimited Batch Test Results

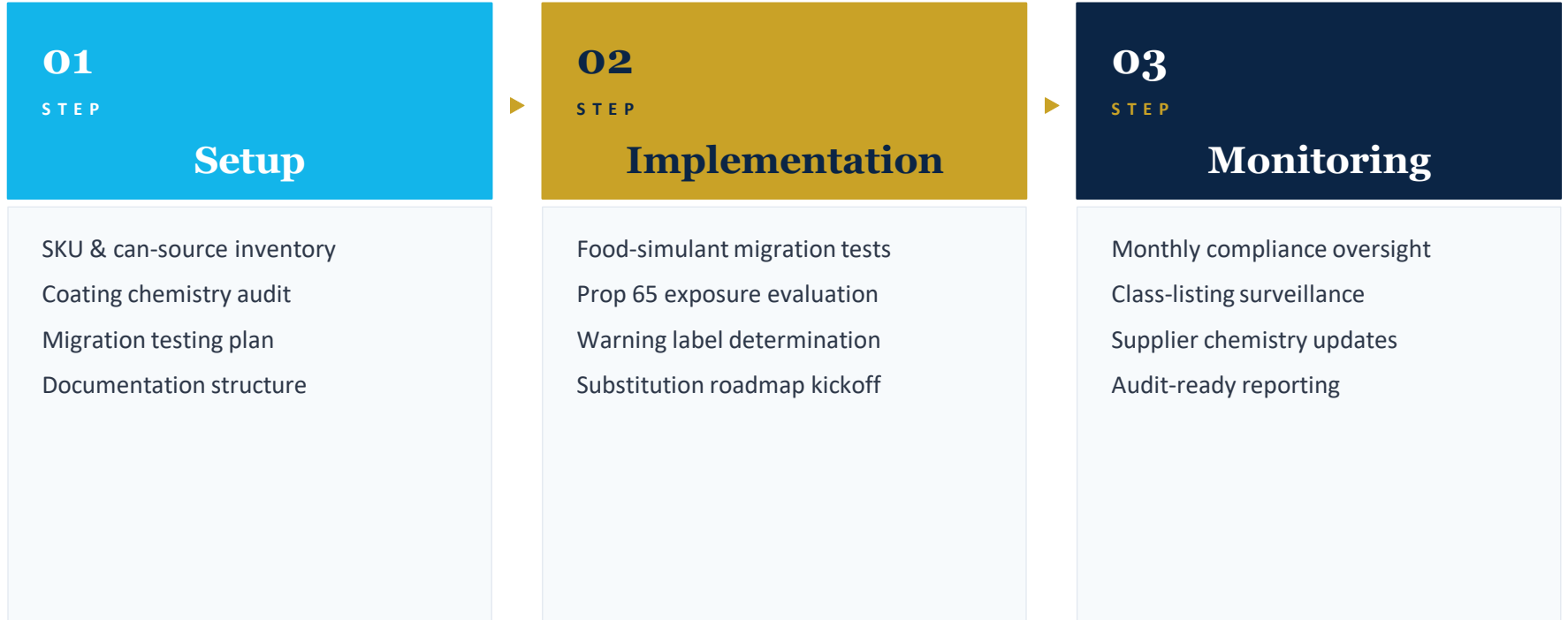
Every lot tested fills out the same framework — no new artifact needed.

→ *Scalable, predictable, cost-efficient.*

HOW

# How It Works

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



# 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

*One-time investment to build your system.*

## SETUP INCLUDES

- ✓ SKU & can-source risk assessment
- ✓ Coating chemistry audit program
- ✓ Migration testing protocols
- ✓ Documentation system setup
- ✓ Substitution roadmap framework

# Monthly Monitoring — Ongoing Oversight

*Continuous compliance. Keep your system alive.*

## ONGOING COMPLIANCE OVERSIGHT

# \$500

per month — up to 7 finished products

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## + \$50 / month

per additional SKU

*Keeps you continuously compliant.*

## MONITORING INCLUDES

-  Lot / can source test review
-  Class-listing monitoring
-  Substitution progress tracking
-  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 / batch — covers lab-report review, threshold comparison, compliance determination & documentation update.*

## WHAT THE \$35 COVERS

- Lab report review
- Threshold comparison (NSRL / 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

# 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.

HOW

# 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*

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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.*

## BOTTOM LINE

# Your Risk Profile

Every one of these factors increases your exposure — independently.



### NO ORAL MADL

#### Zero-Detection Posture

BPA and BPS have no oral safe harbor. ANY detectable migration is potential enforcement.



### REGRETTABLE SUBSTITUTION

#### BPA → BPS → ?

Each substitute gets listed next. Class listing under review catches every current alternative.



### 2025 ENFORCEMENT SURGE

#### 900+ BPS NOVs

Over 20% of all Prop 65 notices in 2025. Walmart, McDonald's, 260+ major brands named.



### STRICT ENVIRONMENT

#### 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."*

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