

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 Children's Vinyl Products

System-Based Compliance. Not Just Testing.

Presented by: **Prop65Compliance.com**
Compliance Management by **Consultare Inc. Group**
Powered by **SystemsBuilder.pro**



P R O P 6 5
D E F E N S I B L E

5,000+

NOVs in 2025

~34%

Phthalate Settlements

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Why This Matters

California Prop 65 applies to every vinyl toy — and layers on top of federal CPSIA bans, not underneath them.

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

CPSIA ≠ Prop 65

Federal CPSIA compliance does not satisfy California Prop 65.



Enforcement Is Aggressive

Private plaintiffs ('bounty hunters') file the majority of 60-Day Notices — the AG doesn't need to lead.



Penalties Are Real

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



Federal + State Regulatory Stack

CPSIA bans 8 phthalates at ≥0.1%; Prop 65 requires warnings at far lower exposure levels. You must satisfy both — plus ASTM F963 toy safety — simultaneously.



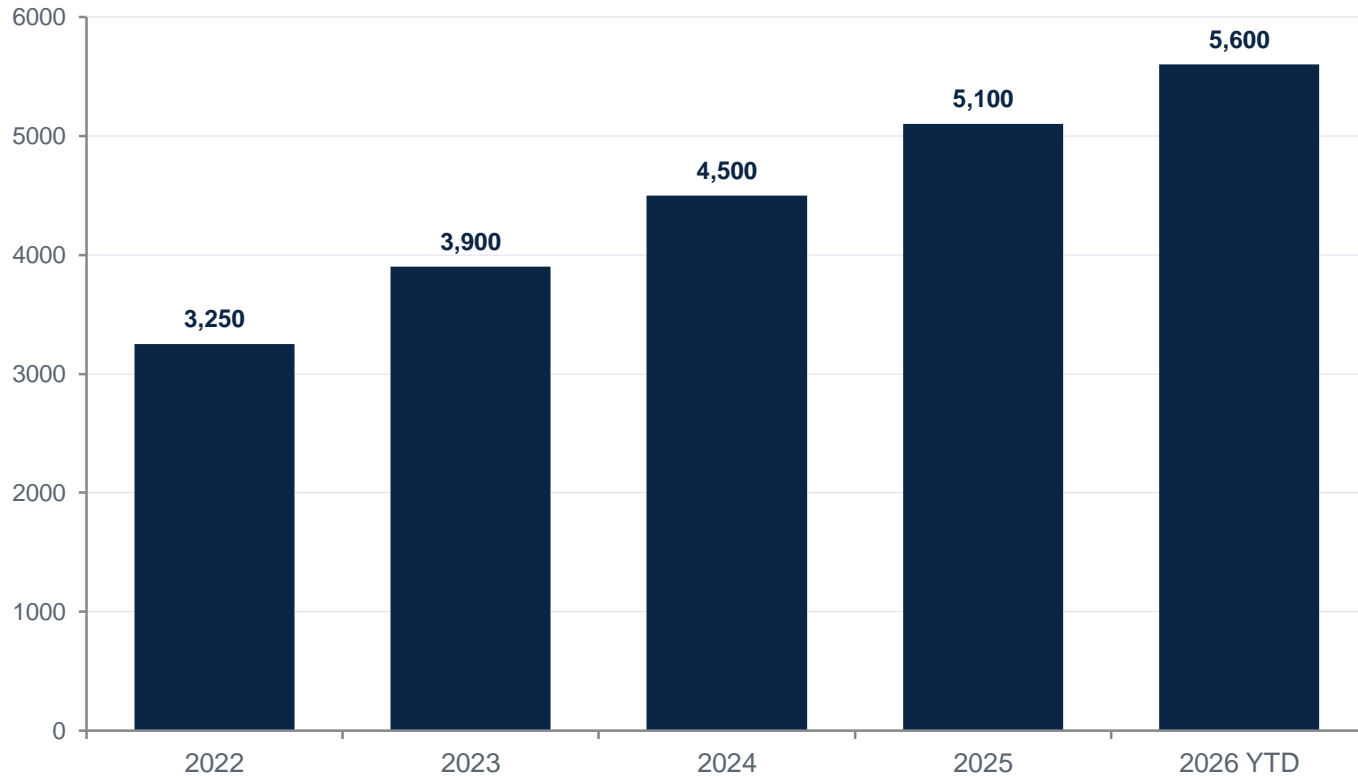
Documentation Is Your Defense

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.

~34%

Phthalate Share

34% of Q1 2024 Prop 65 settlements were phthalate cases — DEHP, DINP, DBP, DIDP in vinyl.

~\$86M

2026 Settlements

Record enforcement activity — majority paid to attorneys.

\$120K

CPSC Per-Violation Cap

CPSIA civil penalties up to \$120,000 per violation, \$17M aggregate — separate from Prop 65.

Why Children's Vinyl Is at Risk

Flexible PVC demands plasticizers — the same phthalates Prop 65 exists to warn about.



PVC Resin Sourcing

Polyvinyl chloride is rigid — without plasticizers, it cannot form soft toys, teethers, or bath products



Plasticizer Selection

DEHP, DINP, DIDP, DBP, BBP — eight CPSIA-banned, six Prop 65-listed; every phthalate is a dual vector



Decoration & Printing

Lead-chromate pigments, inks, and coatings add a separate Pb vector — CPSIA 90 ppm paint limit is hard ceiling



Mouthing & Daily Contact

Children 12 and under handle, chew, suck — exposure is dermal, oral, and prolonged; MADLs are the true test

A soft vinyl teether without plasticizers doesn't exist. A compliant one requires both federal bans AND California warnings verified.

Phthalates (DEHP, DINP, DIDP, DBP, BBP, DnHP), Pb and Cd in substrates and coatings, and vinyl chloride monomer residue are all on-category — every supply-chain change triggers re-certification.

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, ingredient 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.

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.

O U R P R O M I S E

*We build and manage
your defensible
compliance system.*

*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 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.



Phthalate Testing (8 CPSIA + 6 Prop 65)

DEHP, DBP, BBP, DINP, DIDP, DIBP, DPENP, DHEXP, DCHP, DnHP — quantified at $\leq 0.1\%$ (CPSIA) and per-exposure (Prop 65) in accessible plasticized components via GC-MS (16 CFR 1307).



Lead Testing (Substrate + Paint)

CPSIA: ≤ 100 ppm substrate (15 U.S.C. §1278a), ≤ 90 ppm paint (16 CFR 1303). Prop 65: MADL 0.5 $\mu\text{g}/\text{day}$. Both thresholds tested per component.



Children's Product Certificate (CPC)

Legal declaration by importer; CPSC-accepted third-party lab testing required (16 CFR 1107); issued per SKU and per production run.



Material Change Discipline (16 CFR §1107.23)

Any zipper, ink, pigment, or component substitution triggers new testing and CPC re-issuance — continuous supplier surveillance.



ASTM F963 Toy Safety Alignment

Eight soluble elements (Sb, As, Ba, Cd, Cr, Pb, Hg, Se) in surface coatings and mouthable substrates; small-parts, sharp-edge, and flammability screens.



Warning Label Determination

Prop 65 warning logic distinct from CPSIA ban analysis — a CPSIA-compliant product may still require a Prop 65 warning.

Supply-Chain Compliance Control

Prevent the issue upstream — before it reaches your label.



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)

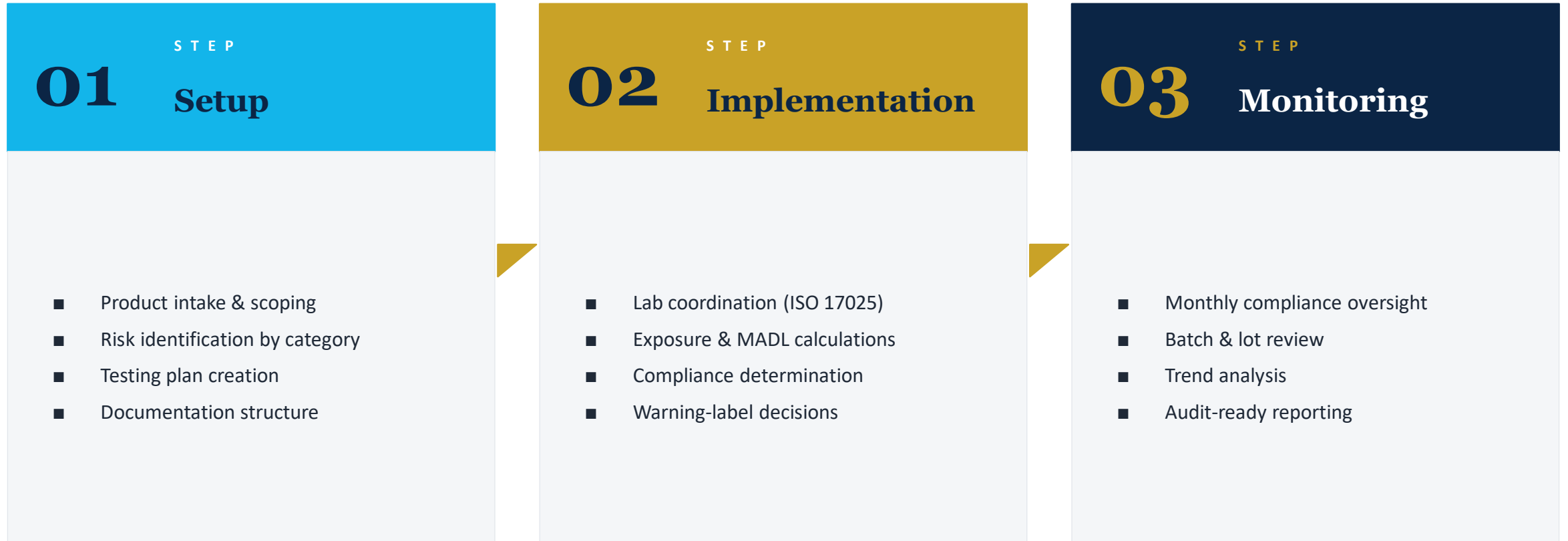
Unlimited Batch Test Results

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.



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 (SKU)

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

Resin supplier → component → CPC → SKU → determination.



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 ENFORCEMENT TARGET

Children's Products

Children's goods face dual federal (CPSC) + state (Prop 65) enforcement — the highest combined regulatory intensity in commerce.



TOP LITIGATION DRIVER

Phthalates + Lead

34% of Q1 2024 Prop 65 settlements targeted phthalates; vinyl is the single most-enforced material class.



MOST - VULNERABLE CONSUMER

Children's Vinyl

Developing reproductive and neurological systems; oral, dermal, and prolonged contact — MADLs were written to protect this population.



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.”

Prop65Compliance.com • SystemsBuilder.pro