

CALIFORNIA PROPOSITION 65

Prop 65 Compliance *for Cocoa Powder*

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

Cocoa has its own Prop 65 Consent Judgment — and ~1/3 of chocolate products currently exceed MADL.

WARNING

This product can expose you to chemicals including cadmium and lead, known to the State of California to cause cancer and birth defects or other reproductive harm.

— P65Warnings.ca.gov

2018 Consent Judgment

*Hershey, Mars, Nestle, Cargill
+ 27 others. Concentration limits
supersede OEHHA MADLs.*



Cadmium Is the #1 Risk

Cacao trees bioaccumulate cadmium from tropical soils — especially Ecuador, Peru, Dominican Republic.



Lead Is Post-Harvest

Roadside drying, dust, handling. Quicker to fix than cadmium — process improvements work.



Consent Judgment Standards

Concentration (ppm) thresholds, not serving-size MADLs. Different math, different documentation.



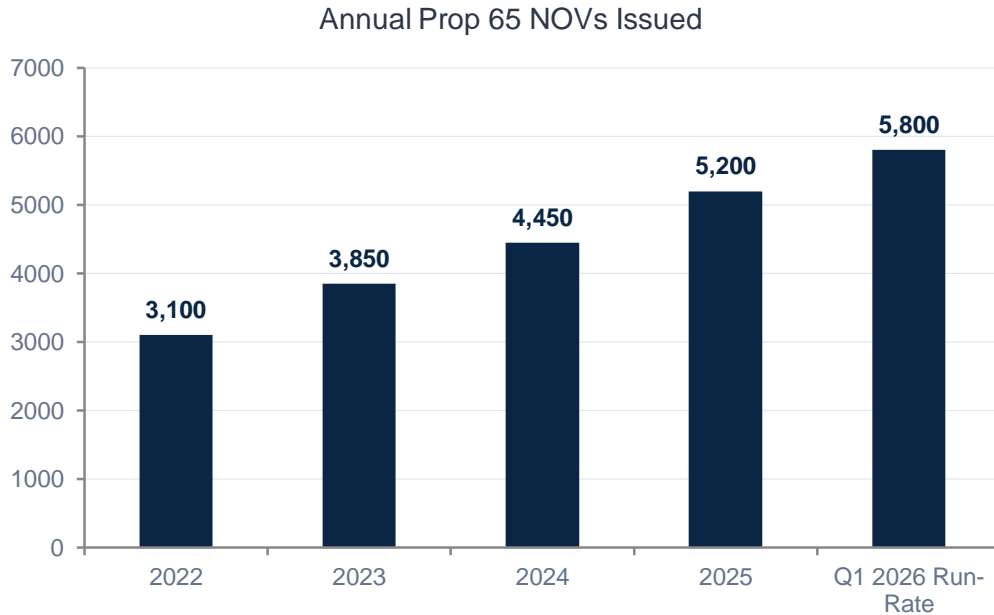
Documentation Is Your Defense

Opt-in to the Consent Judgment + testing records = the strongest defensible posture in the industry.

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.

~1 in 3

Chocolate Exceeds
MADL

Consumer Reports 2023: one-third of sampled chocolate products exceeded Prop 65 limits.

WHY

Cadmium vs Lead in Cocoa

Two chemicals. Two sources. Two mitigation timelines. Both in every bean.

CADMIUM (#1 RISK)

Long-term fix

Source: tropical soil → cacao tree roots → beans
Highest in Ecuador, Peru, Dominican Republic, Colombia
MADL 4.1 µg/day; EU cap 0.8 ppm for high-cocoa chocolate
Mitigation: origin blending, long-term soil & variety work

LEAD (POST-HARVEST)

Quicker fix

Source: roadside drying, dust, handling, processing
Not naturally occurring in the bean — it's environmental
MADL 0.5 µg/day (strictest in the world)
Mitigation: bean cleaning, drying method, process audits

WHY POWDER IS THE HIGHEST-RISK FORM

Heavy metals concentrate in cocoa solids. Milk chocolate is ~10-12% solids; dark chocolate 50-85%; cocoa powder is ~100%. On a per-gram basis, cocoa powder carries the highest Cd & Pb load in the category.

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

As You Sow drove the category's landmark litigation — private enforcement remains active.



Settlement Exposure

2018 Consent Judgment payments reached \$210K+ for large grinders; non-signatories remain fully exposed.



Relabeling & Reformulation

Warning labels, origin re-sourcing, bean cleaning process changes — all on the table.



Retail & Distributor Pressure

Whole Foods, Trader Joe's, Sprouts, Costco require documented compliance evidence.

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.*

*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**



**Heavy Metal
Test Oversight**



**Exposure
Evaluation**



**Compliance
Determination**



**Warning Label
Strategy**



**Supplier
Compliance Program**



**Documentation
System**



**Ongoing
Monitoring**

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

WHAT

Core Technical Components

The compliance stack underneath every determination we issue.



Heavy Metal Testing (ICP-MS)

Cadmium (MADL 4.1 µg/day) and Lead (MADL 0.5 µg/day) at ISO 17025 labs — per lot, on every batch.



Consent Judgment Framework

Alignment with the 2018 chocolate-industry Consent Judgment concentration limits — documented opt-in where beneficial.



Exposure vs Threshold Evaluation

Dual math: serving-size MADL for finished products + concentration (ppm) for bulk cocoa powder.



Supplier COA & Origin Tracking

Every bean lot by origin country + processor — cadmium varies dramatically by source region.



Bean Cleaning & Process Audit

Lead mitigation via drying method, handling, processing audits — the quickest path to lower Pb.

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.

Build once. Use forever.

Example:

ARTIFACT (you pay)

Testing Program

One document defining how all cocoa-powder bean origin, ICP-MS testing, and Consent Judgment alignment are recorded.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Batch Test Results

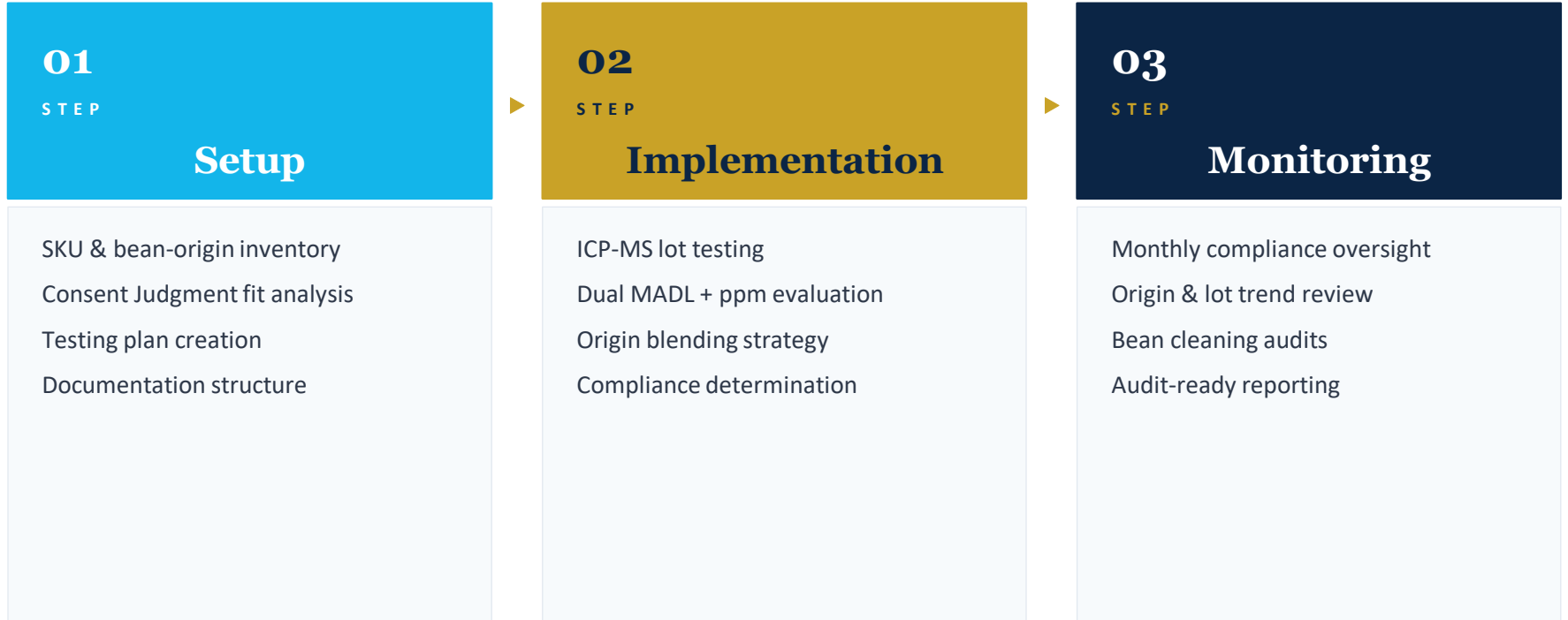
Every lot tested fills out the same framework — no new artifact needed.

→ *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 & bean origin risk assessment
- ✓ Consent Judgment alignment analysis
- ✓ Testing program design (ICP-MS)
- ✓ Dual MADL + ppm framework
- ✓ Origin blending documentation

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

Keeps you continuously compliant.

MONITORING INCLUDES

-  Batch / lot test review
-  Compliance verification
-  Monthly reporting
-  Trend analysis

Cancel anytime. No long-term contracts.

PRICING

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 (0.5 µg/day lead)
- 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

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.



BIOLOGICAL REALITY

Cacao Accumulates Cadmium

Cacao trees bioaccumulate soil cadmium in roots and beans — tropical Latin American origins carry highest loads.



CATEGORY-SPECIFIC LAW

2018 Consent Judgment

31 chocolate companies (Hershey, Mars, Nestle, Cargill, Mondelez, Callebaut) set ppm thresholds superseding OEHHA MADLs.



DOCUMENTED BASELINE

~1/3 Exceed MADL

Consumer Reports 2023: one-third of chocolate products tested exceeded Prop 65 lead or cadmium limits.



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