

CALIFORNIA PROPOSITION 65

Prop 65 Compliance

for Mushroom Coffee

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

Mushrooms are the most efficient heavy-metal accumulators in the plant-fungal kingdom.

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

Documented Warnings

Shiloh Farms Shiitake Mushrooms currently carry a Prop 65 cadmium warning label.



Fungi Are Super-Accumulators

Mushrooms absorb lead, cadmium, mercury from substrate at levels far above most plants (peer-reviewed).



Cadmium Is the Dominant Risk

MADL 4.1 µg/day. Cadmium bioaccumulates in mushroom fruiting bodies — even cultivated ones.



Food or Supplement?

Your regulatory posture depends on positioning. Supplements lose the 'naturally-occurring' defense.



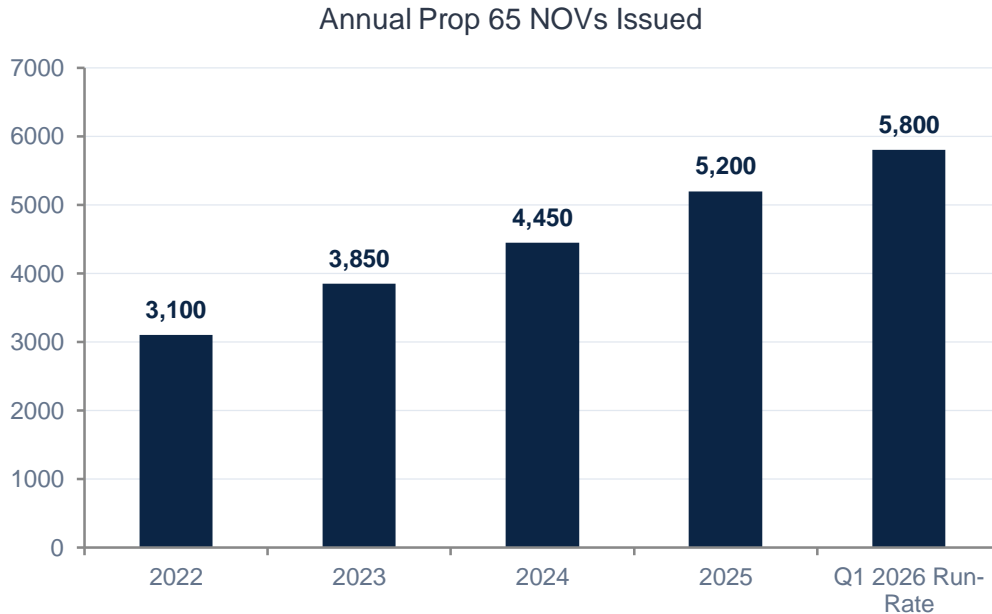
Documentation Is Your Defense

Substrate sourcing, cultivation method, batch testing — the only evidence that holds up in court.

WHY

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.

Herbal

Supplements Targeted

Functional & herbal supplements are the fastest-growing NOV sub-category.

WHY

Two Ingredients. Two Risk Profiles.

Coffee carries moderate metal load. Mushrooms are in their own risk category entirely.

COFFEE

Moderate risk

Acrylamide: NO longer requires warning (May 2025 federal ruling)
Heavy metals: trace lead, cadmium from soil uptake
Single-origin volcanic-soil coffees may carry higher loads
Packaging: BPA in canned cold-brew; generally low risk for dry coffee

FUNCTIONAL MUSHROOMS

High risk

Super-accumulators: absorb Cd, Pb, Hg at levels far above plants
Cadmium dominant — even cultivated species routinely exceed limits
Chaga, wild-harvested: highest exposure variance
Extract concentration multiplies the risk per gram

THE STRATEGIC QUESTION

Are you a food or a supplement? Food positioning preserves the 'naturally-occurring' defense. Supplement positioning loses it — but gains different claim protections. This choice drives your entire compliance posture.

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

Plaintiff's attorney files with the AG; clock starts on response.



Settlement Exposure

Supplement-category settlements \$25K–\$150K+ per action; class actions can reach millions.



Claim-Based Litigation

'Energy,' 'focus,' 'immune support' claims draw FTC & false-advertising suits separately from Prop 65.



Retail & Distributor Pressure

Whole Foods, Sprouts, Thrive Market, Amazon, Erewhon all require 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.

Core Technical Components

The compliance stack underneath every determination we issue.



Heavy Metal Testing

Oversight of Lead (MADL 0.5 µg/day), Cadmium (MADL 4.1 µg/day), Mercury (0.3 µg/day), Arsenic at ISO 17025 labs — per lot.



Substrate & Source Review

Mushrooms reflect their substrate. Wild-harvested (chaga) carries higher variance than controlled cultivation — review and document every source.



Exposure vs MADL Evaluation

Per-serving math factoring typical daily consumption (1–2 cups/day). Heavy users drive the warning trigger.



Supplier COA Verification

Every mushroom extract and coffee lot COA cross-checked against screening thresholds before blending.



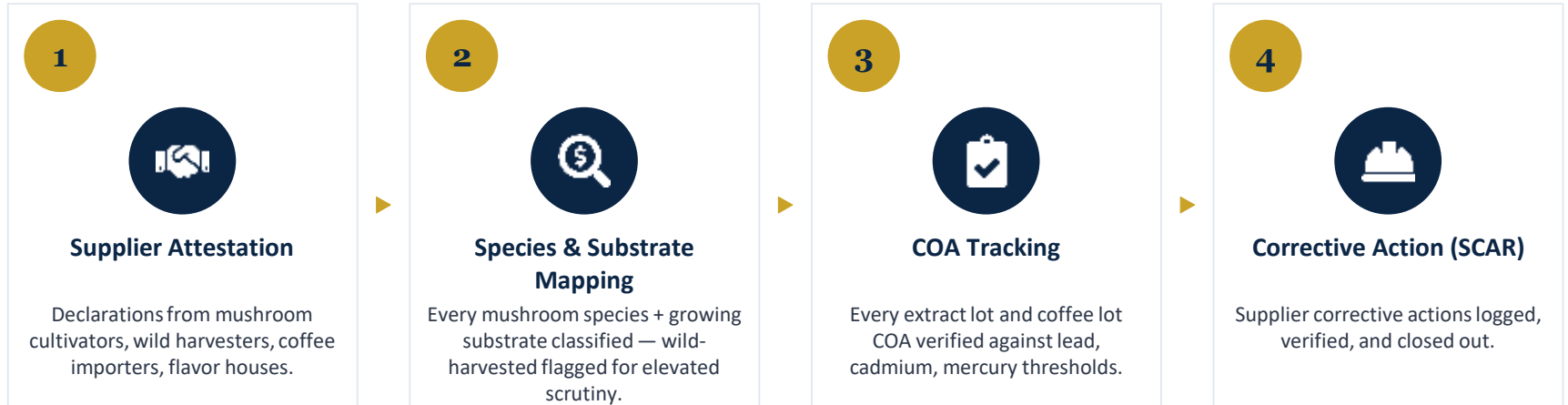
Food vs Supplement Determination

Label positioning, claims review, and regulatory posture — determines whether the naturally-occurring defense applies.

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 mushroom extract & coffee testing, claim review, and determinations are recorded.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Batch Test Results

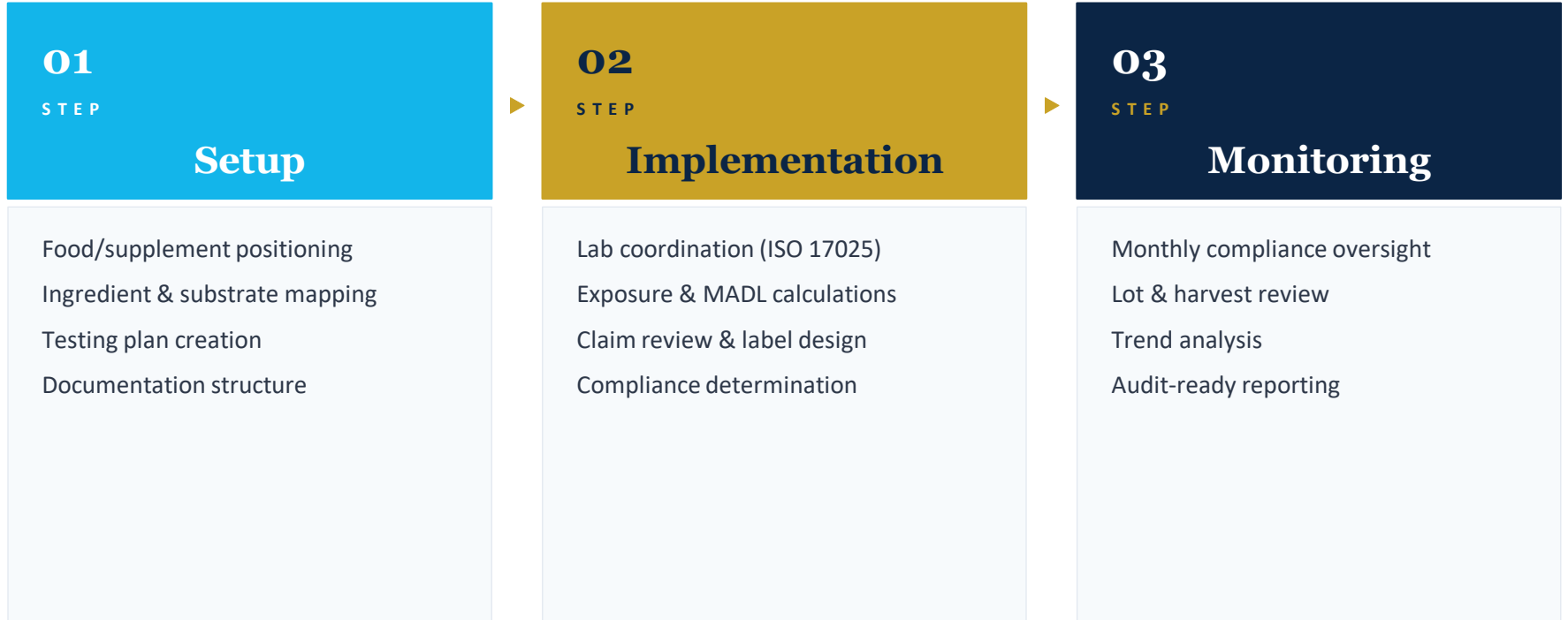
Every lot tested fills out the same framework — no new artifact needed.

→ *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

- ✓ Food vs supplement positioning analysis
- ✓ Testing program design (Pb, Cd, Hg, As)
- ✓ Substrate & source documentation
- ✓ Claim & label compliance framework
- ✓ Compliance determination structure

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

Fungi Super-Accumulate

Peer-reviewed: mushrooms absorb Cd, Pb, Hg at levels far above vascular plants. This is biology, not negligence.



DOCUMENTED PRECEDENT

Shiitake Carries Cd Warning

Shiloh Farms commercially sells shiitake with a Prop 65 cadmium warning today — the precedent exists.



STRATEGIC CHOICE

Food or Supplement?

Positioning determines whether naturally-occurring defense applies. Get this wrong and you lose your best argument.



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