

CALIFORNIA PROPOSITION 65

Prop 65 Compliance

for Plastic Food Containers

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

Each resin family carries its own chemical risk — and all of them contact your food.

WARNING

This product can expose you to chemicals including Bisphenol A, Styrene, DEHP, and Antimony trioxide — migrants from plastic food-contact surfaces — known to the State of California to cause cancer or reproductive harm.

— P65Warnings.ca.gov

Named Risk Chemicals

*BPA (2015), BPS (2024),
Styrene (2016), DEHP, Antimony,
Formaldehyde, PFOA/PFOS.*



The Resin IS the Risk

Polycarbonate is made FROM BPA. Polystyrene releases styrene. Every resin family carries its own chemical signature.



'BPA-Free' Isn't Safe Harbor

Most 'BPA-free' plastics use BPS or BPAF instead — Prop 65-listed or under class review.



Direct Food Contact

Chemical migration into food amplifies exposure. Heat, fat, acid all accelerate leaching from resin.



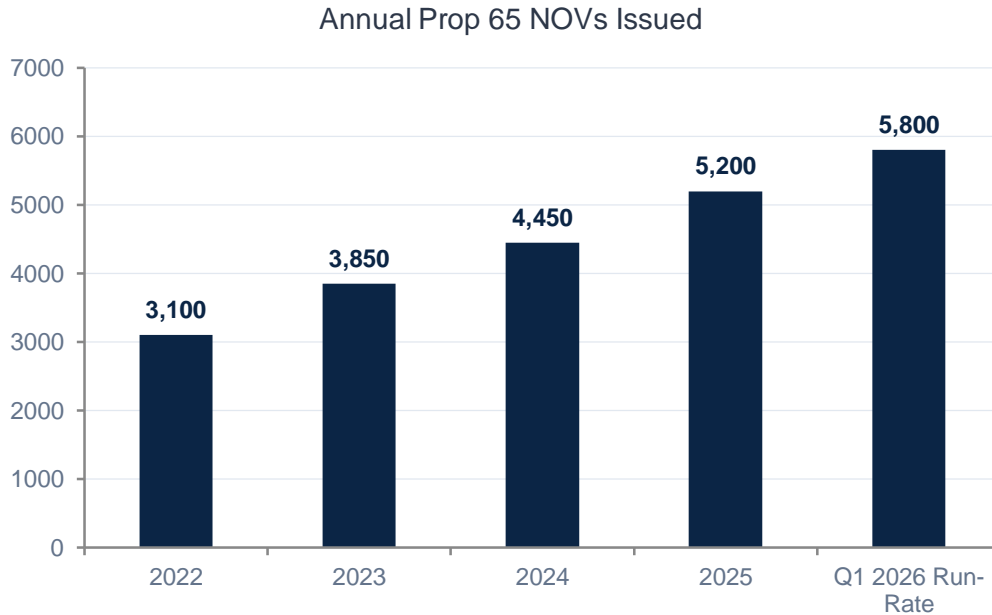
Documentation Is Your Defense

Migration test data, resin certifications, supplier attestations — 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.

7+

Chemicals Per Resin Family

Each plastic type — PC, PS, PET, PVC, melamine — carries its own Prop 65 risk profile.

~\$98M

2026 Settlements

Record enforcement activity — majority paid to attorneys.

900+

BPS NOVs in 2025

Over 20% of all 2025 Prop 65 enforcement. 'BPA-free' containers often contain BPS instead.

W H Y

Your Resin Is the Risk

Each plastic family has its own chemical signature — and its own Prop 65 exposure story.



Polycarbonate (PC) & PVC Films

BPA / Phthalates

Hard clear bottles, baby bottles, food film wraps, lid gaskets. BPA in PC; DEHP/DINP in PVC.



Polystyrene (PS) & Foam

Styrene

Deli cups, clamshells, foam take-out, cold cups, disposable plates. Styrene Prop 65-listed as carcinogen (2016).



'BPA-Free' Substitutes

BPS / BPAF / Class

Tritan, copolyester, Eastman plastics. BPS Prop 65-listed Dec 2024. Class listing under review Oct 2025.



PET & Molded Fiber

Antimony / PFAS

Water bottles (PET = antimony catalyst residuals). Compostable fiber take-out (PFAS grease barriers).



HDPE, PP, LDPE (Virgin)

Lower baseline

Milk jugs, yogurt containers, food storage. Generally lower risk — watch for pigment residuals, recycled content.

Multi-resin portfolios (bottle, lid, film, gasket, print) inherit every resin's risk — and each component needs its own documentation.

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.



Settlement Exposure

Food-contact plastic settlements typically \$20K–\$150K per SKU. Multi-SKU portfolios compound fast.



Amazon & Retail Enforcement

Amazon, Target, Walmart, Costco require documented food-contact material compliance. Delisting risk.



Baby & Kids Product Scrutiny

Sippy cups, baby bottles, kids' food containers face heightened enforcement and dual CPSIA exposure.

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.



**SKU & Resin
Risk Assessment**



**Migration
Testing Oversight**



**Exposure
Evaluation**



**Compliance
Determination**



**Warning Label
Strategy**



**Resin Supplier
Compliance Program**



**Resin Substitution
Roadmap**



**Class-Listing
Forward Monitoring**

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

Core Technical Components

The compliance stack underneath every determination we issue.



Migration Testing (LC-MS + GC-MS)

Bisphenols & phthalates (LC-MS/MS), styrene & VOCs (headspace GC-MS), antimony & metals (ICP-MS) — per resin, per SKU.



Resin Chemistry Audit

PC, PS, PET, PVC, PP, HDPE, melamine, molded fiber — each resin mapped to its expected impurity profile and monomer residual.



Use-Scenario Exposure Evaluation

Hot fill, microwave use, fatty foods, acidic foods — food simulants matched to the actual intended use of each SKU.



Resin & Converter Attestation

Every resin grade: supplier, additives, recycled content, pigment system. Chemical compliance warranties and indemnification required.



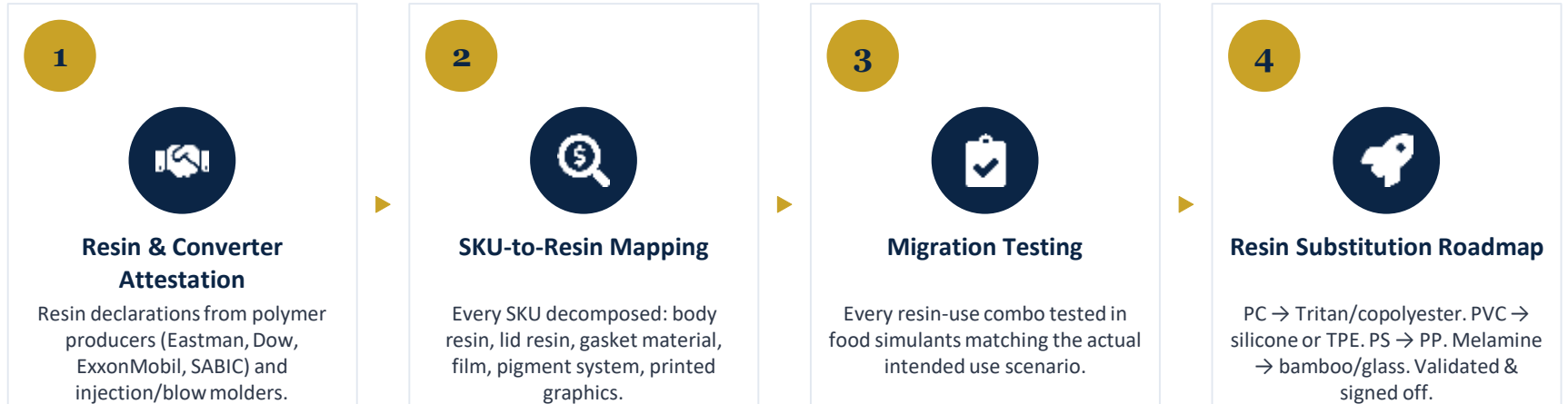
Class-Listing Forward Strategy

p,p'-bisphenol class listing imminent. 'BPA-free' polymers must be audited for BPS, BPAF, and other class substitutes.

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 plastic container resin mapping, migration testing, and substitution decisions are recorded.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Batch Test Results

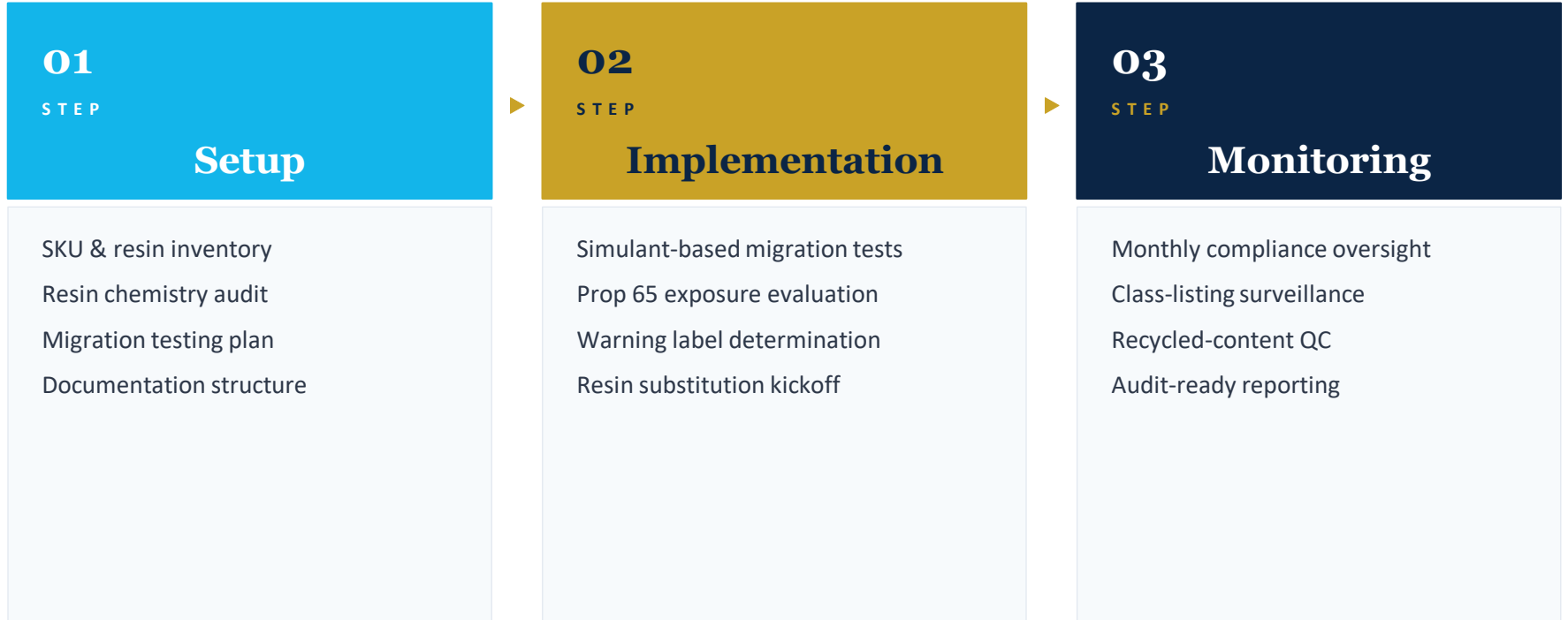
Every lot tested fills out the same framework — no new artifact needed.

→ *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 & resin-family risk assessment
- ✓ Resin chemistry audit program
- ✓ Migration testing protocols
- ✓ Use-scenario simulant framework
- ✓ Resin substitution roadmap

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

-  Resin lot test review
-  Class-listing & Prop 65 update 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

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.



STRUCTURAL RISK

The Resin IS the Risk

Polycarbonate is made FROM BPA. Polystyrene carries styrene. PVC carries phthalates. You can't remove the chemistry from the polymer.



REGRETTABLE SUBSTITUTION

'BPA-Free' Isn't Safe

Most substitutes contain BPS or BPAF. OEHHA's Oct 2025 class listing review catches every current alternative.



DIRECT FOOD CONTACT

Heat, Fat, Acid = Migration

Plastic-to-food chemical transfer is amplified by temperature, fat content, and acidity. Microwave and hot-fill scenarios especially.



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