

CALIFORNIA PROPOSITION 65

# Prop 65 Compliance *for Produce*

*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

*Virtually every vegetable exceeds Prop 65 lead thresholds by default.*

## WARNING

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

— [P65Warnings.ca.gov](http://P65Warnings.ca.gov)

### **Actively Enforced**

*Dec 2025: NOVs against  
Taylor Farms, Tanimura & Antle,  
Walmart Great Value Spinach.*



### Every Vegetable Fails by Default

CA 2009 soil-uptake study: 70 common vegetables averaged 4x the Prop 65 lead MADL per serving.



### Leafy Greens = Highest Risk

Spinach = 10x MADL. Green beans = 50x MADL. Cadmium especially concentrates in leaves.



### The 'Naturally Occurring' Defense

Prop 65 exempts naturally-occurring chemicals — but ONLY if you can document it. That's the whole game.



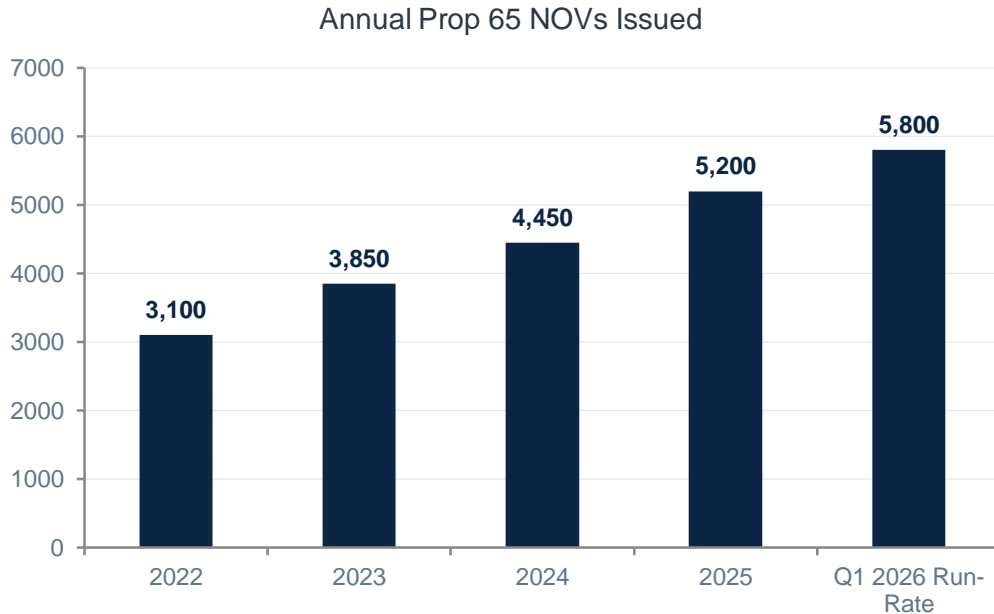
### Documentation Is Your Defense

Without proof, companies settle. A defensible naturally-occurring record avoids warnings entirely.

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.

Produce

Named NOVs

Taylor Farms, Tanimura & Antle, Walmart Spinach — all cited Dec 2025.

## WHY

# Your Portfolio by Risk Tier

*Not every SKU carries the same exposure. A system ranks them — and focuses effort where it matters.*



### TIER 1 — HIGHEST RISK

#### Leafy Greens

Spinach, kale, Swiss chard, lettuce, arugula. Spinach alone = ~10x MADL lead + cadmium accumulator.



### TIER 2 — HIGH RISK

#### Root Vegetables & Dried Fruits

Carrots, sweet potatoes, beets, turnips + dried mangoes, apricots, raisins. Soil lead direct uptake.



### TIER 3 — MODERATE RISK

#### Cut Produce Kits & Chopped Salads

Bagged salads, chopped kits — concentration risk through ingredient stacking (Taylor Farms Dec 2025 NOV).



### TIER 4 — LOWER RISK

#### Citrus, Tree Fruits, Firm Vegetables

Oranges, apples, cucumbers, bell peppers. Still subject to Prop 65 but exposure typically below MADL.

**Goal: establish naturally-occurring defense on Tier 1–2; monitor & document Tier 3–4. Not every SKU needs a warning label.**

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

Typical food-category settlements \$20K–\$150K+ per SKU cited, plus attorney fees.



## The Naturally-Occurring Defense

Prop 65 exempts naturally-occurring chemicals — documented portfolios can avoid warnings entirely.



## Retail & Distributor Pressure

Whole Foods, Kroger, Costco, Walmart require compliance evidence on every SKU.

*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 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

Oversight of Lead (MADL 0.5 µg/day) and Cadmium (MADL 4.1 µg/day) at ISO 17025 labs — SKU-level screening.



### Naturally-Occurring Documentation

Soil analysis, growing practice records, and 'known human activity' exclusion evidence — the core defense for produce.



### Exposure vs MADL Evaluation

Serving-size math (ppm × grams) per SKU — determines which products need further review vs. clear-to-market.



### Grower & Supplier COA Verification

Every origin farm, grower co-op, and import lot COA tracked and cross-checked against screening thresholds.



### Portfolio Warning Strategy

SKU-by-SKU warn/no-warn determination based on exposure math + naturally-occurring defense strength.

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 produce testing, naturally-occurring documentation, and SKU determinations are made.

↓ Generates unlimited ↓

RECORDS (no added cost)

## Unlimited Batch Test Results

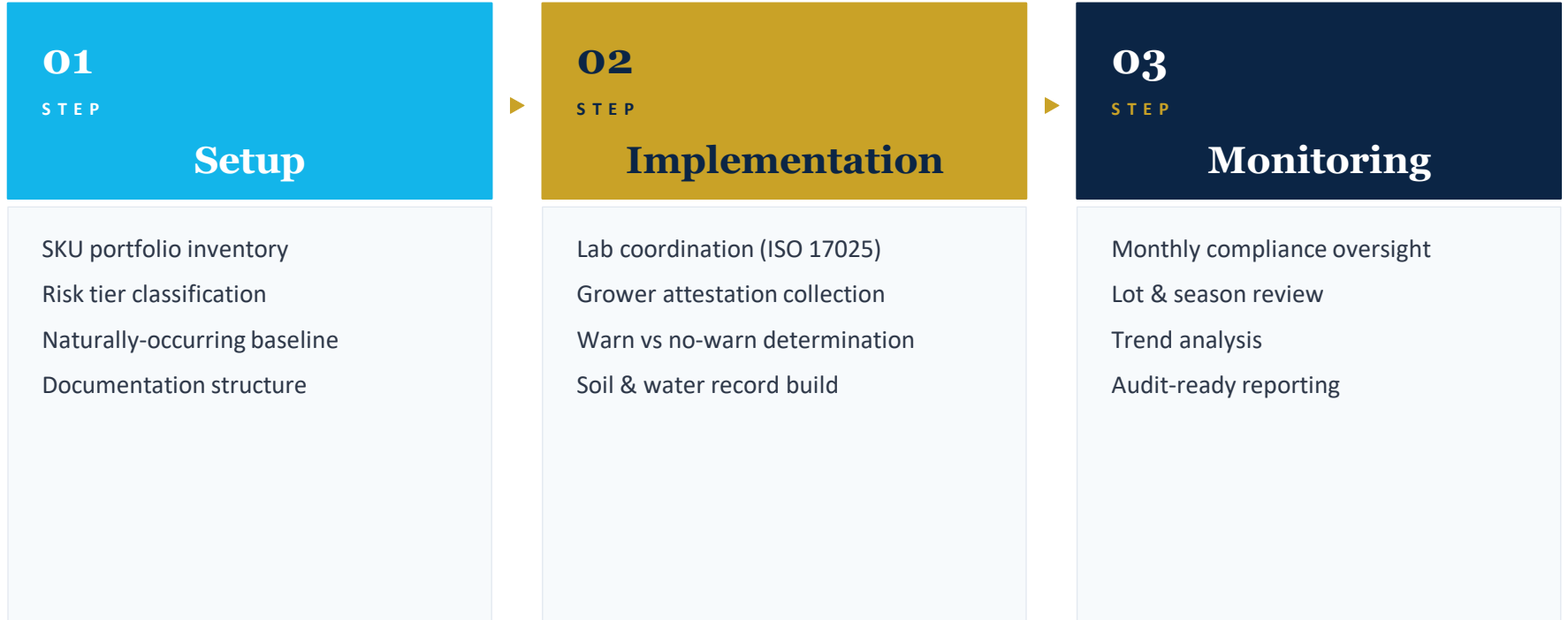
Every lot tested fills out the same framework — no new artifact needed.

→ *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 portfolio risk assessment
- ✓ Naturally-occurring defense framework
- ✓ Testing program design (Pb, Cd)
- ✓ 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

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## + \$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*

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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.*



**#1 ENFORCEMENT TARGET**

## Food Category

Food & supplements = largest Prop 65 enforcement category in Q1 2026 (~64%, record high).



**DOCUMENTED 2025 NOV s**

## Leafy Greens & Cut Produce

Walmart Great Value Spinach, Tanimura & Antle Lettuce, Taylor Farms Chopped Kit — all Dec 2025.



**STRATEGIC OPPORTUNITY**

## Naturally-Occurring Defense

Every vegetable exceeds MADL by default — but documented evidence can eliminate the warning.



**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](https://Prop65Compliance.com) • [SystemsBuilder.pro](https://SystemsBuilder.pro)