

CALIFORNIA PROPOSITION 65

Prop 65 Compliance

for Protein Powders

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

Nearly half of protein powders on the market already exceed Prop 65. This is a documented category baseline, not a possibility.

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

Documented Settlements

*Vital Proteins NOV (2017).
Vega paid ~\$336K across
2013 & 2018 Prop 65 settlements.*



47% Exceed Prop 65 (2024)

Clean Label Project tested 160 products = 83% market share. 21% exceed 2x the Pb threshold.



Plant & Organic = Highest Risk

77% of plant-based and 79% of organic protein powders exceed Prop 65 for lead.



Chocolate Flavor Multiplies Risk

65% of chocolate powders exceed Pb threshold — 4x more lead and 110x more cadmium vs vanilla.



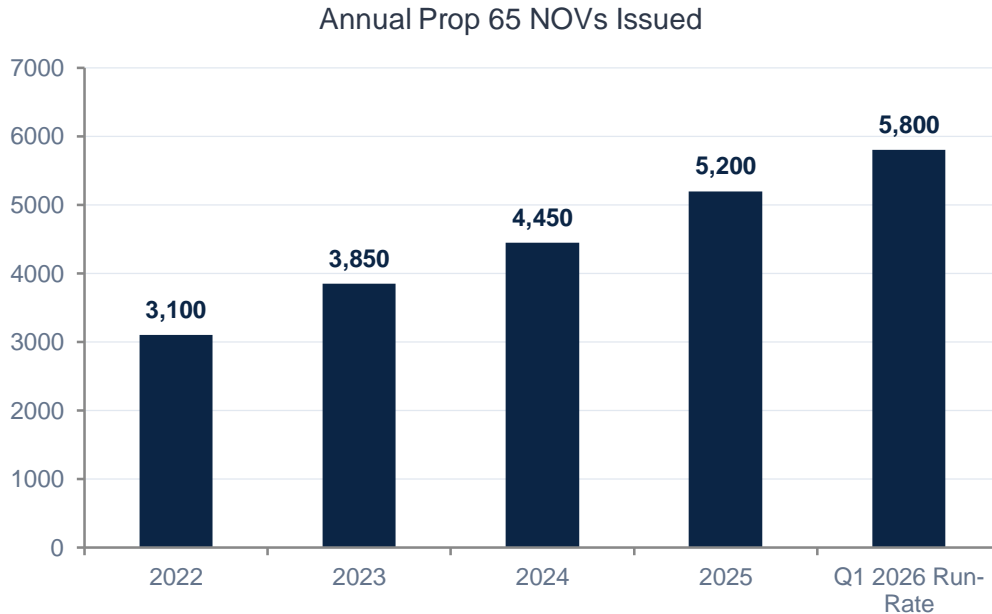
Documentation Is Your Defense

ICP-MS data, supplier chain records, and exposure math — the only evidence that holds up.

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.

47%

Exceed Prop 65

Clean Label Project 2024: 160 products tested, 83% of the market. 21% exceed 2× the Pb limit.

WHY

Your Protein Source Is the Risk

Clean Label Project 2024: protein powder failure rates by source type and formulation.



TIER 1 — HIGHEST RISK

Plant-Based (Pea, Rice, Hemp, Soy)

77% exceed Prop 65 lead threshold. Plants bioaccumulate soil metals — the protein concentration magnifies the load.



TIER 2 — HIGH RISK

Organic + Chocolate-Flavored

Organic: 79% exceed Pb (3x lead vs non-organic). Chocolate: 65% exceed Pb (+ 110x cadmium vs vanilla).



TIER 3 — MODERATE RISK

Collagen (Bovine, Marine)

26% exceed Pb threshold. Marine collagen adds cadmium variance; Vital Proteins NOV (2017) = category precedent.



TIER 4 — LOWER RISK

Whey, Casein, Egg

28% exceed Pb threshold. Dairy/egg base doesn't bioaccumulate; remaining risk is added ingredients + packaging.

Added ingredients stack risk: cocoa (cadmium), greens blends (Pb/Cd), turmeric (adulteration), adaptogens (herbal Cd).

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

Vega paid ~\$336K across 2013 & 2018 settlements. Class actions can reach millions.



Amazon & Retail Delisting

Amazon, Whole Foods, Sprouts, Vitamin Shoppe, GNC, Costco all require documented compliance.



Brand & Reputation Damage

Consumer Reports & Clean Label Project reports go viral — sales impact outlasts any settlement.

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.



ICP-MS Heavy Metal Testing

Pb (MADL 0.5 µg/day), Cd (MADL 4.1 µg/day), As, Hg at ISO 17025 labs — per lot, finished dosage form.



Protein Source Risk Scoring

Every SKU ranked by source type (plant/organic/collagen/whey) against CLP category failure baseline.



Exposure vs MADL Evaluation

Per-serving math on recommended daily dose (often 25-50g) — heavy users drive the warning trigger.



Added Ingredient Screening

Cocoa, greens blends, turmeric, adaptogens tested independently — risk stacks across ingredients.



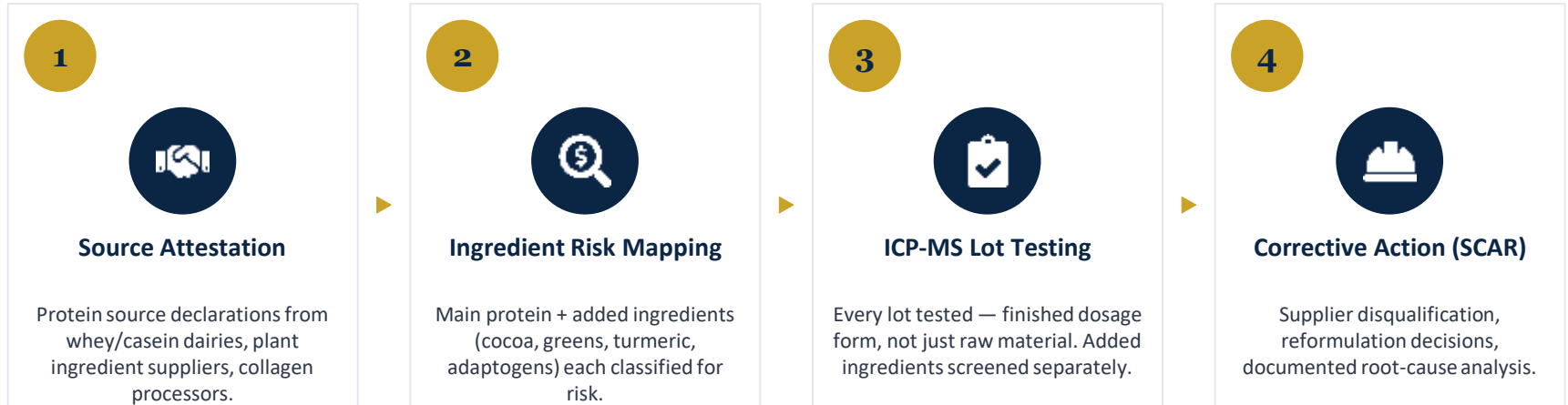
Nitrogen Spiking & Authentication

Amino acid profile validation — detects protein-content fraud (FTC/class-action risk separate from Pb/Cd).

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 protein source screening, ICP-MS testing, and added-ingredient evaluations are recorded.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Batch Test Results

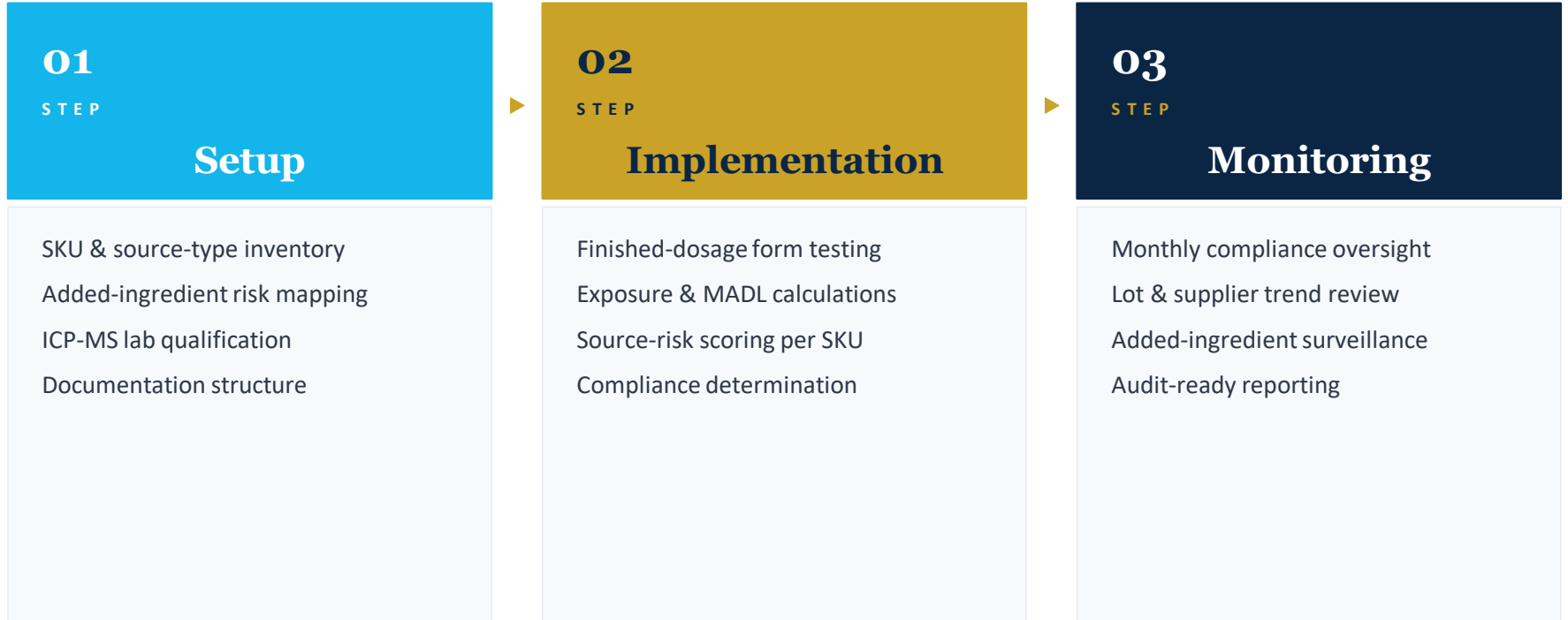
Every lot tested fills out the same framework — no new artifact needed.

→ **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 & source-type risk assessment
- ✓ Added-ingredient screening plan
- ✓ Testing program design (ICP-MS)
- ✓ Exposure evaluation framework
- ✓ Supplier documentation protocols

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.



DOCUMENTED BASELINE

47% Category Failure Rate

Clean Label Project 2024: 47% of 160 tested protein powders exceed Prop 65 lead; 21% exceed 2x threshold.



DOCUMENTED PRECEDENT

Vega Consent Decrees

Vega paid ~\$336K across 2013 & 2018 Prop 65 settlements. Vital Proteins hit with NOV in 2017.



SOURCE MULTIPLIERS

Plant, Organic, Chocolate

Plant-based 77% fail. Organic 79% fail. Chocolate flavor adds 4x lead and 110x cadmium vs vanilla.



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